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| <b>TERMS OF REFERENCE</b>                                                                            |
| <b>APPOINTMENT OF A STRUCTURAL EXPERT TO ADVISE THE TECHNICAL COMMITTEE OF AGRÉMENT SOUTH AFRICA</b> |

|                      |                                                                             |
|----------------------|-----------------------------------------------------------------------------|
| <b>RFQ Number</b>    | <b>ASA 03/06/2023</b>                                                       |
| <b>Date of issue</b> | <b>06 June 2023</b>                                                         |
| <b>Closing date</b>  | <b>15 June 2023@12:00 PM</b><br><b>NO LATE SUBMISSIONS WILL BE ACCEPTED</b> |
| <b>Submissions</b>   | <a href="mailto:procurement@agrement.co.za">procurement@agrement.co.za</a>  |

**1. TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**

Lennox Makwedini

[lmakwedini@agrement.co.za](mailto:lmakwedini@agrement.co.za)

**2. SUPPLY CHAIN MANAGEMENT ENQUIRIES MAY BE DIRECTED TO:**

Tiyiselani Makondo

[tmakondo@agrement.co.za](mailto:tmakondo@agrement.co.za)

## 1. BACKGROUND

Agrément South Africa was established by a Ministerial delegation of Authority in 1969. Since its inception, it has been administered by and housed at the Council for Scientific and Industrial Research (CSIR). The National Department of Public Works and Infrastructure (NDPW&I) has effectively managed the process of creating Agrément South Africa as a juristic person. The Agrément South Africa Bill was tabled before the National Council of Provinces and the National Assembly in Parliament and passed. The Agrément South Africa Act was accented to by the Honourable President of the Republic of South Africa as Act No. 11 of 2015. Agrément South Africa is an independent public entity for the technical assessment and certification of fitness-for-purpose of innovative building and construction products or systems.

Agrément South Africa consults industry experts in discharging its mandate, to advise the Technical Committee of the Board of Agrément South Africa (TECO), on fitness-for-purpose for products and systems for which certification is sought.

Experts invited to TECO are expected to review test reports against minimum performance standards/criteria, as well as the draft certificates and recommend or disapprove certification of the product or system. Approval by TECO shall be by consensus, and subject to ratification by the Board.

All experts will, by participating in TECO, have access to privileged information and therefore are all expected to respect confidentiality of such information and to restrict sharing of internal discussions and working documents, to members of TECO. Experts will be expected to declare any conflict of interest, should there be any, as well as sign non-disclosure agreements.

## 2. EXPERTISE INVITATION

Agrément South Africa extends a call to service providers with Structural Engineering expertise, with experience/understanding of performance in relation to fire, to provide expert advice to TECO, on pending certification of construction products and building systems. The expert will be expected to advise whether the draft certificates comply with Agrément South Africa assessment criteria and minimum South African National Standards.

Agrément South Africa remunerates experts, advising TECO, as per National Treasury 2019 Remuneration Levels: Service Benefit Packages for Office Bearers of Certain Statutory and other Institutions (Category A2).

### 3. SCOPE OF WORK & COST IMPLICATIONS

The appointed experts will be expected to review test reports and draft certificates (prior to the meeting), provide written as well as oral opinion to the meeting, engage in discussions with other experts and members of TECO, and either recommend or reject the draft certificate(s) for approval. The draft certificates are for innovative construction systems.

Procurement of a Structural Engineering services, at a flat rate of R555 per hour for preparations (6 hours preparation payable) and a Meeting sitting fee of R3669, to provide expert advice to TECO.

### 4. DELIVERABLES/EXPECTED OUTPUTS

The expert will be expected to deliver as follows:

- Attend TECO induction meeting. The meeting is compulsory and should be attended by the person who will sit at TECO.
- Attend TECO meeting (approximately 3-hour meeting) and discussion.
- Submit written comments (on attached annexure A), on or before date of meeting, to the Board Secretary
- Recommend approval or non-approval of certification.

### 5. SUBMISSION OF PROPOSALS AND EVALUATION CRITERIA

#### 5.1 Submission of procurement documents.

- National Treasury's Central Supplier Database (CSD) report. It must be noted that no contract with a service provider will be entered if such a service provider is not registered on the CSD,
- Completed and signed standard bidding documents, **SBD 4 and 6.1 forms**.
- Signed General Conditions of Contract
- Curriculum Vitae (CV) reflecting over five (5) years of experience as a Structural Engineer and at least three contactable references.
- Proof of accreditation with a relevant professional body (e.g., SAICE, ECSA).
- Certified copies of qualifications.

## 5.2 Evaluation

### 5.2.1 Phase 1: Technical Specification and Functionality Evaluation

The bids shall first be evaluated for functionality. A **minimum score of 60%** must be obtained on functionality before a proposal is considered for further evaluation. Details of the functionality scoring and how the points shall be allocated are as follows:

| No. | Requirement                                                                                                                    | Criterion and Scoring                                                                                                   | Max Available Points |
|-----|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------|
| 1   | Curriculum Vitae (CV) reflecting years of experience as a Fire Engineer                                                        | 0 - 4 years = 1 point<br>5 years = 2 points<br>Over 5 – 10 years = 3 Points<br>10-15 years = 4<br>15 years + = 5 points | 60%                  |
| 2   | Proof of accreditation with a relevant professional body (e.g. SAICE, ECSA) (accreditation certificate or confirmation letter) | No accreditation = 0<br>Accreditation = 5 points                                                                        | 40%                  |
|     | <b>TOTAL</b>                                                                                                                   |                                                                                                                         | <b>100%</b>          |
|     | <b>MINIMUM QUALIFYING SCORE</b>                                                                                                |                                                                                                                         | <b>60%</b>           |

The following formula will be used to convert the points scored against the weight:

$$Ps = \left( \frac{So}{Ms} \right) \times 100$$

Where:

Ps = Percentage scored for functionality by bid under consideration

So = Total score of bid under consideration

Ms = Maximum possible score

Service providers will be expected to achieve a minimum threshold score of 60% in order to proceed to Phase 2.

#### 5.2.2 Phase 2: Calculation of points

Please note for acquisitions below or equal to R50 Million, ASA evaluates these in terms of the 80/20 preference point system where:

80 points are allocated for price and 20 points will be awarded based on the specific goals.

Points for price will be calculated for all shortlisted service providers in accordance with the following formula:

$$Ps = 80 \left( 1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$$

Where:

Ps = Points scored for the price of the quotation under consideration

Pt = Price of the quotation under consideration

Pmin = Price of lowest acceptable quotation

Preference points for the specific goals will be allocated as follows:

| NO. | SPECIFIC GOALS<br>ALLOCATED POINTS | PREFERENCE POINTS<br>ALLOCATION | SUPPORTING EVIDENCE TO BE SUBMITTED                                                                                                                                                          |
|-----|------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | SMMEs                              | 10 points                       | - CSD report                                                                                                                                                                                 |
| 2.  | >50% Black female ownership        | 5 points                        | - CSD report or,<br>- Company registration certificate, as issued by the CIPC, clearly indicating the percentage shareholding of all owners                                                  |
| 3.  | >50% Black youth ownership         | 5 points                        | - CSD report,<br>- Company registration certificate, as issued by the CIPC, clearly indicating the percentage shareholding of all owners, or<br>- Identification Documentation of all owners |

The final points will be calculated as follows:

| CRITERIA      | WEIGHTING POINTS |
|---------------|------------------|
| Price         | 80               |
| Specific goal | 20               |
| <b>TOTAL</b>  | <b>100</b>       |

ASA also reserves the right to conduct an investigation of the bidder's financial position, previous contracts carried out, availability of skills or knowledge, existing workload, etc.

A recommendation for award will then be formulated for approval by the relevant delegated authority.

## 6. TERMS OF CONTRACT AND SERVICE LEVEL AGREEMENT

Before the bid is awarded, the successful bidder shall be required to enter into a Service Level Agreement (SLA) with Agrément South Africa (ASA). The SLA shall form the contractual basis for

the delivery of the service as well as how performance shall be measured. Contract extensions are at the sole discretion of ASA.

## **7. COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS.**

In consideration of the fees paid, the service provider expressly assigns to ASA any copyright arising from the works the consultant produces while executing this contract. The consultant may not use, reproduce or otherwise disseminate or authorise others to use, reproduce or disseminate such works without prior consent from ASA.

## **8. FINAL APPROVAL**

ASA reserves the right not to accept the lowest bid. ASA also reserves the right to reject any or all of the proposals, and/or not to appoint any service provider.

## **9. PROCEDURE FOR SUBMISSION OF PROPOSALS**

9.1 All proposals must be submitted electronically to [procurement@agrement.co.za](mailto:procurement@agrement.co.za).

9.2 Respondents must use the RFQ number as the subject reference number when submitting their bids.

9.3 All documents submitted electronically via e-mail must be clear and visible.

9.4 All proposals, documents, and late submissions after the due date will not be evaluated.

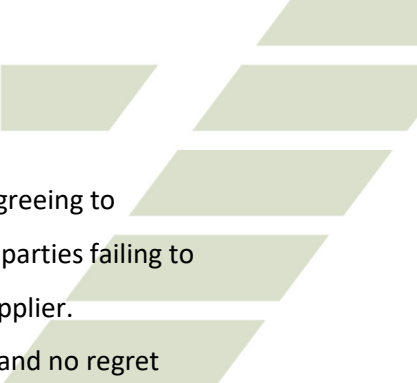
**NB: NO HARD COPIES OR PHYSICAL SUBMISSIONS WILL BE ACCEPTED**

## **10. VALIDITY PERIOD OF PROPOSAL**

Each proposal shall be valid for a minimum period of **three (3) months** calculated from the closing date.

## **11. APPOINTMENT OF SERVICE PROVIDER**

11.1 The contract will be awarded to the bidder who scores the highest total number of points during the evaluation process, except where the law permits otherwise.

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- 11.2 Appointment as a successful service provider shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such agreement, ASA reserves the right to appoint an alternative supplier.
- 11.3. Awarding of contracts will be announced on the National Treasury website, and no regret letters will be sent to unsuccessful bidders.

## **12. ENQUIRIES AND CONTACT WITH ASA**

12.1 Any enquiry regarding this RFQ shall be submitted in writing to ASA at [Imakwedini@agrement.co.za](mailto:Imakwedini@agrement.co.za) with **RFQ No: ASA 03/06/2023** ***"The appointment of a structural expert to advise the technical committee of Agrément South Africa."***

12.2 Any other contact with ASA personnel involved in this Quotation is not permitted during the RFQ process other than as required through existing service arrangements or as requested by ASA as part of the RFQ process.

## **13. MEDIUM OF COMMUNICATION**

All documentation submitted in response to this RFQ must be in English.

## **14. COST OF PROPOSAL**

Tenderers are expected to fully acquaint themselves with the conditions, requirements, and specifications of this RFP before submitting proposals. Each bidder assumes all risks for resource commitment and expenses, direct or indirect, of proposal preparation and participation throughout the RFP process. ASA is not responsible directly or indirectly for any costs incurred by tenderers.

## **15. CORRECTNESS OF RESPONSES**

- 15.1 The bidder must confirm satisfaction regarding the correctness and validity of their proposal and that all prices and rates quoted cover all the work/items specified in the RFP. The prices and rates quoted must cover all obligations under any resulting contract.
- 15.2. The bidder accepts that any mistakes regarding prices and calculations will be at their own risk.

## 16. VERIFICATION OF DOCUMENTS

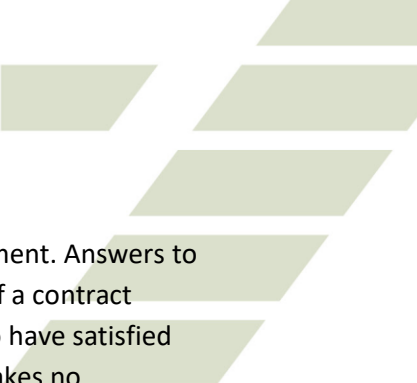
- 16.1 Bidders should check the numbers of the pages to satisfy themselves that none are missing or duplicated. ASA will accept no liability concerning anything arising from the fact that pages are missing or duplicated.
- 16.2 Only one electronic copy of the proposal must be submitted via email to [procurement@agrement.co.za](mailto:procurement@agrement.co.za). If the bidder sends more than one proposal, the first submission shall take precedence should it not have been recalled/withdrawn in writing by the bidder.

## 17. ADDITIONAL TERMS AND CONDITIONS

- 17.1 A tenderer shall not assume that information and/or documents supplied to ASA, at any time prior to this request, are still available to ASA, and shall consequently not make any reference to such information document in its response to this request.
- 17.2 Copies of any affiliations, memberships and/or accreditations that support your submission must be included in the tender.
- 17.3 An omission to disclose material information, a factual inaccuracy, and/or a misrepresentation of fact may result in the disqualification of a tender, or cancellation of any subsequent contract.
- 17.4 Failure to comply with any of the terms and conditions as set out in this document will invalidate the proposal.

## 18. ASA RESERVES THE RIGHT TO

- 18.1 Extend the closing date.
- 18.2 Verify any information contained in a proposal.
- 18.3 Request documentary proof regarding any tendering issue.
- 18.4 Appoint one or more service providers, separately or jointly (whether or not they submitted a joint proposal).
- 18.5 Award this RFQ as a whole or in part.
- 18.6 Cancel or withdraw this RFQ as a whole or in part.



## 19. DISCLAIMER

This document is only a RFQ is a request for proposals only and not an offer document. Answers to this RFQ must not be construed as acceptance of an offer or imply the existence of a contract between the parties. By submission of this proposal, tenderers shall be deemed to have satisfied themselves with and to have accepted all Terms & Conditions of this RFQ. ASA makes no representation, warranty, assurance, guarantee or endorsements to tenderer concerning the RFQ, whether with regard to its accuracy, completeness or otherwise and ASA shall have no liability towards the tenderer or any other party in connection therewith.



## ANNEXURE A



## TECO Expert' Technical Report

### 1 Participant's Details

|                                                                                                                                        |  |
|----------------------------------------------------------------------------------------------------------------------------------------|--|
| TECO Meeting Date:                                                                                                                     |  |
| Email address:                                                                                                                         |  |
| Name and Surname:                                                                                                                      |  |
| Organisation Name:                                                                                                                     |  |
| Organisation Contact Details:                                                                                                          |  |
| Organisation Sector:                                                                                                                   |  |
| Do you wish to participate in the Working Group which develops Assessment Criteria applicable in this sector, and may ASA contact you? |  |

### 2 Comments on Documents

#### Document 1: (Name of Document)

| Pag<br>e<br>No. | Clause/<br>Subclaus<br>e | Paragraph/<br>Figure/ Table | Comment | Proposed Change |
|-----------------|--------------------------|-----------------------------|---------|-----------------|
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#### Document 2: (Name of Document)

| Pag<br>e<br>No. | Clause/<br>Subclaus<br>e | Paragraph/<br>Figure/ Table | Comment | Proposed Change |
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**Document 3: (Name of Document)**

| <b>Pag<br/>e<br/>No.</b> | <b>Clause/<br/>Subclaus<br/>e</b> | <b>Paragraph/<br/>Figure/ Table</b> | <b>Comment</b> | <b>Proposed Change</b> |
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**3 Recommendations/ Suggestions**