

## REQUEST FOR PROPOSAL

|  |  |
|--|--|
| <b>RFQ NO</b>  | MKIQ60/2023  |
| <b>Description</b>   | Appointment of a service provider for project management unit (PMU)                |
| <b>Delivery address</b>  | Ground Floor 29° South 7 Umsinsi Junction LA Mercy KwaZulu Natal 4399              |
| <b>Closing date and time to submit proposals</b>   | 14 December 2023 at 16H30  |
| <b>Proposals and SCM enquires must be emailed to:</b><br>Hand delivered submissions will not be accepted | <a href="mailto:quotations@moseskotane.com">quotations@moseskotane.com</a>         |
| <b>Technical enquiries must be emailed to</b>  | <a href="mailto:Nompilo.mngoma@moseskotane.com">Nompilo.mngoma@moseskotane.com</a> |

## SUPPLIER INFORMATION

|                         |  |
|-------------------------|--|
| <b>Name of bidder</b>   |  |
| <b>Contact person</b>   |  |
| <b>Physical address</b> |  |
| <b>Telephone number</b> |  |
| <b>Cellphone number</b> |  |
| <b>Email address</b>    |  |

## 1. Disclaimer

- MKI reserves the right not to appoint.
- MKI reserves its right to negotiate the price with the successful bidder, should it be necessary.
- MKI reserves the right to terminate the mandate should a pre-existing conflict of interest be found at any stage of the project.

## 2. Terms and Conditions

- Proposals received after the closing time and date will not be considered.
- All prices must be all-inclusive. Only firm prices will be accepted. Non-firm prices (including prices subject to rates of exchange variations will not be considered)
- Bid validity period: 60 days.
- Proposals will be evaluated on the 80/20 preference points system.

## 3. The following documents to be submitted with the quotation.

- a) Proof of company registration (CIPC), where applicable i.e unless a sole proprietor.
- b) Valid BBBEE certificate by SANAS accredited agency/company or an affidavit.
- c) Valid tax clearance pin
- d) Bank account confirmation letter
- e) Proof of registration on the Treasury Central Supplier Database (CSD)
- f) Supplier declaration of interest form (attached here into page 10)
- g) Preference points claim form (attached here into page 13)

*NB: Failure to submit the above documents will lead to disqualification.*

**TERMS OF REFERENCE  
FOR THE APPOINTMENT OF THE PROJECT MANAGEMENT UNIT (PMU)**

**1) Introduction**

The Moses Kotane Institute (MKI) is an entity of the KwaZulu-Natal Provincial Government through the Department of Economic Development, Tourism and Environmental Affairs (EDTEA) with a mandate to conduct world-class research that responds to the needs of the provincial economy.

The terms of reference shall serve as a guideline to the activities of the Project Management Committee in the appointment of the Project Management Unit have been established to give effect to the provisions of the:

- Skill Development Act (Act no 97 1998)
- Skill Development Levies Act (Act no 9 Of 1999)

The objectives of the Skills Development Programme in KwaZulu-Natal include:

- Skilling, upskilling, and reskilling
- Promotion of entrepreneurship
- Enterprise Development
- Work-readiness
- Work-based learning

**2) Purpose**

The purpose of the PMU is to ensure that:

- The implementation of the skills development training is within the broad policy framework of both stakeholders and the community at large.
- There is implementation of all strategic programmes within the Project.
- it renders advise to the development and implementation of the programme training & processes.
- It supports the implementation of the project and renders advice to the achievement of key transformation goals.
- The skills development training needs are identified, and programmes implemented are in line with the Economic Reconstruction Recovery Plan (ERRP) and other Government Policies.
- It gives advice on training issues, training plans, training implementation, training evaluation and reports including impact analysis.
- The development, implementation, and evaluation of training plans at all levels are approved.

### 3) Evaluation Criteria

The following criteria must be met by the PMU:

- Over 10 years' experience in Project Management of Skills Development Activities
- Able to Conduct Skills Audit and learner's induction per programme – Proof of Evidence.
- Community consultation and facilitation plan is in place.
- Recordkeeping systems for the administration of the training providers and delivery of programmes.
- Have system for learner/s uploads on the QCTO / SETAs Databases and NLRD.
- Have systems to maintain Learner Records, in line with the Quality Management System in respect to document management.
- Have secured lockable cabinets for learner records storage.
- Ability and proof to manage stipend over 1000 learners.
- Must have the stipend payment and management system that manages to process over 1000 learner payments in one transaction.
- Track record of achieving above 85% of learner certification per programme.
- Proven record of managing high dropout rate.
- SETA Reference letter regarding successful delivery of any SETA training programme.
- Proof of experience in implementing Learnership and Skills programmes in rural areas.
- Proven experience in procuring and managing service providers.
- Preference to be given to Historically Disadvantaged groups.
- Ability to provide approved Workplaces.
- Experience of working with Government Entities and SETAS.
- Experience in Sourcing Funds / Grants for Skills Development Training Projects.
- Experience managing major training programmes of R40 Million and above.
- Experience in working in different Provinces and execution at a Provincial level.
- Ensure printing of Certificates and learner achievements on time (If learnerships within 12 months)

**4) Roles and Responsibilities of the PMU is:**

- Report progress to the Project Management Committee (PMC) on various stages of the implementation.
- Present a project implementation plan to fit in the training period of January 2024 to December 2024, ensuring that a complete and accurate report is submitted to MKI by no later than 15 March 2025.
- Assist MKI in the procurement of competent training service providers (TVET) aligned to the targeted courses and related suppliers (goods and services) required for the successful implementation of the project.
- Assist MKI to secure conducive training venues and work placement for learners.
- Assist MKI in the procurement of the equipment related to the merSeta-MKI project.
- Ensure that the objectives of the project are implemented within an allocated budget.
- Conduct Service Providers orientation.
- Process the learner contracts for MKI as the Lead Employer and verify that the beneficiary institutions have also contracted the learners as the Host Employers.
- Prior to responding to the RFQ, must have a learner management system in place to process all the learner registration, progress reports and stipend payment preparation and related matters.
- Process the payment of learner stipends.
- Oversee the quality of training provided by training providers.
- Ensure that an appropriate stakeholders communication strategy is in place.
- Provide oversight on the recruitment process of participants (learners) ensuring that it is fair and complaint.
- Ensure Community consultation and facilitation processes are in place.
- Report to the PMC on report cycle basis on progress and learner statistics on the project and any other matter that may need stakeholders' attention.
- Identify areas of risk, propose, and implement risk management procedures as may be required.
- Verify the validity of service provider claims and ensure that the tranches are disbursed according to the tranche requirements of the project plan and memoranda of agreement.
- Ensure overall execution of projects deliverables are met on time as per training plans.
- Take full responsibility and accountability on overall execution of projects deliverables.
- Monitor and Evaluate all Project activities.

## 5) Resources

In executing the project, the PMU must ensure that they are adequately resourced in terms of

- ✓ Full time management and technical support staff
- ✓ Office base with secretarial services
- ✓ Telephone and photocopy machine
- ✓ Computer and e-mail facilities
- ✓ Relevant program management software
- ✓ Relevant software learner management system to process all the learner registration, progress reports, stipend payment preparation and related matters.

### 5.1. Secretary / Administrator

Responsible for taking and distributing minutes of all meetings.

### 5.2. PMU Number and Frequency of Meetings

- Meetings shall be held monthly.
- Provisions shall be made for adhoc meetings as the need arises.
- A schedule of dates for future meetings is proposed for planning meetings.

## 6) Code of Conduct

Members of the PMU shall be committed to the following code of conduct:

- Focused on their purpose.
- Contribute in meetings.
- Be honest in feedback and be respectful of one another.
- Adhere to and be guided by organisations policies, procedures, legislation, and these terms of reference.

## 7) Communication

- The PMU Secretary will ensure action minutes are recorded and circulated to the Project Management Committee members.
- Training updates and announcements will be provided:
  - Internally to Committee members and by the Chair.
  - Externally to stakeholders through the Secretary of the Committee

## 8) Warranties

PMU warrant to conduct the programme in accordance with the following requirements:

- All legislation relevant to the implementation of the programme in terms of all legislation governing the activities of MERSETA and MKI.
- Any further guidelines and standards determined by MERSETA and MKI and advised to all stakeholders.
- The implementation and conduct of the programme shall be carried out and rendered by PMU appropriately experienced, qualified and trained personnel with all due skill, care and diligence.

## 9) Confidentiality

All data, reports, records and other information of any kind whatsoever developed or acquired by PMU in connection with this project ("the confidential information") shall be treated by such by PMU as confidential.

PMU shall not reveal or otherwise disclose such confidential information to any third party without prior written consent.

#### **10) Non-Variation**

No amendment, alteration, addition or variation shall be of any force or effect by PMU unless reduced into writing and signed by the Project Management Committee.

#### **11) Breach**

- The responsibilities and obligations imposed to and undertakings made by the PMU in terms hereof are meant to be performed and if they are not performed at all, performed late or performed in the wrong manner that would constitute in breach.
- In the event of PMU not meeting the performance standard or not meeting its obligations in terms of this agreement, the Project Management Committee shall be entitled to call upon the PMU by written notice to remedy the situation within thirty (30) working days.
- Should the PMU fail to remedy the situation within fourteen (30) days of receipt of the written notice from the Project Management Committee, the Steering Committee shall exercise the right provided for by terminating their services and by giving notice to the PMU.
- The Project Management Committee shall claim immediate performance from the PMU of all of its obligations that are due for performance, and which are the subject of the breach.
- The Project Management Committee shall claim damages, if there are any damages sustained due to the default; and
- PMU shall not be liable for breach in terms hereof, if it establishes to the satisfaction of the Project Management Committee that such breach was due to force majeure.

#### **12) Dispute Resolution**

- Any dispute arising with regard to implementation, application, interpretation or breach of this shall be settled by way of negotiation between the parties or their appointed representatives.
- The Parties further shall take all reasonable efforts to settle any such difference or dispute through negotiation.
- Should the process of negotiation not bear any fruitful results, the parties are further encouraged to engage in mediation proceedings where in an official from parties would be appointed to settle the impending dispute.

#### **13) Jurisdiction**

- These Terms of Reference shall be governed and construed in accordance with the laws of the Republic of South Africa which were in force and effect at the time of signature.

#### 14) General

- The Parties undertake to do all such things, perform all such acts and take all steps to procure the doing of all such things and the performance of all such acts, as may be necessary or incidental to give or be conducive to the giving of effect to the terms, conditions of these TOR.
- The Parties shall always during the continuance observe the principles of good faith towards one another in the performance of their obligations.
- No Party shall cede or assign any of its rights or obligations under without the prior written consent of the other Party, which consent may not be unreasonably withheld.
- The relationship between the Parties shall be that of independent entities and nothing in this agreement shall be interpreted as constituting any other relationship except that promulgated by the agreement between the Parties and neither Party shall have any authority to bind the other in any way whatsoever in other transactions other than that set out.
- These TOR may be amended, supplemented, modified or discharged only upon an Agreement in writing executed by all of the parties hereto.

### Technical evaluation

Bidders are expected to score a minimum of 75 points to proceed to the next evaluation stage.

| No | CRITERIA  | Maximum score | Evaluator's score | Comments |
|----|---|---------------|-------------------|----------|
| 1  | Experience in Project Management of Skills Development Activities<br><br><i>10 years and above = 20</i><br><i>Less than 10 years = 0</i>  | 20            |                   |          |
| 2  | Evidence for conducting Skills Audit and learner's induction programme e.g induction programme  | 15            |                   |          |
| 3  | Does the bidder have a system for learner/s uploads on the QCTO / SETAs Databases and NLRD?<br><br><i>Yes = 20</i><br><i>No= 0</i>  | 20            |                   |          |
| 4  | Does the bidder have a system to maintain Learner Records, in line with the Quality Management System in respect to document management?<br><br><i>Yes = 20</i><br><i>No= 0</i> | 20            |                   |          |
| 8  | Experience to have worked with Government Entities and SETAS  | 15            |                   |          |
| 10 | Experience in managing major training programmes of R40 Million and above.  | 10            |                   |          |
|    | <b>Total</b>  | <b>100</b>    |                   |          |

Shortlisted bidders will be invited for the presentation. Shortlisted bidders will be expected to submit three reference letters where the bidder has conducted a similar project.

## SUPPLIER DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1 Full Name of bidder or his or her representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.7  
2.7.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means -

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person connected to the bidder is employed : .....

Position occupied in the state institution: .....

Any other particulars:  
.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....  
.....  
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....  
.....  
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....  
.....  
.....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

.....  
.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:

.....

.....

.....

**3 Full details of directors / trustees / members / shareholders.**

| Full Name | Identity Number | Personal Tax Reference Number | State Employee Number / Persal Number |
|-----------|-----------------|-------------------------------|---------------------------------------|
|           |                 |                               |                                       |
|           |                 |                               |                                       |
|           |                 |                               |                                       |
|           |                 |                               |                                       |
|           |                 |                               |                                       |
|           |                 |                               |                                       |
|           |                 |                               |                                       |
|           |                 |                               |                                       |

**4 DECLARATION**

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

## SBD 6.1. PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLES IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

### **GENERAL CONDITIONS**

The following preference point systems are applicable to invitations to tender:

the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and  
the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

**To be completed by the organ of state (delete whichever is not applicable for this tender)**

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.1. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals

**To be completed by the organ of state**

The maximum points for this tender are allocated as follows:

|  | POINTS     |
|--|------------|
| PRICE  | 80         |
| SPECIFIC GOALS                                   | 20         |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b> |
|  |            |

- 1.1 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender will be interpreted to mean that preference points for specific goals are not claimed.
- 1.2 The organ of state reserves the right to request a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim regarding preferences, in any manner required by the organ of state.

## **2. DEFINITIONS**

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation.
- (b) **“price”** means an amount of money tendered for goods or services and includes all applicable taxes less all unconditional discounts.
- (c) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“The Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULATE FOR PROCUREMENT OF GOODS AND SERVICES

### **3.1. POINTS AWARDED FOR PRICE**

### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

|   |    |   |
|---|----|---|
| 80/20   | or | 90/10   |
| $Ps_{min} = 80 \left(1 - \frac{Pt - P}{P_{min}}\right)$ | or | $Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right)$ |

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

### 3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$80/20 \quad \text{or} \quad 90/10$$

$$\frac{Ps}{max} = 80 \left( 1 + \frac{Pt - P}{Pmax} \right) \quad \text{or} \quad \frac{Ps}{max} = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

P<sub>max</sub> = Price of highest acceptable tender (a) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

**80/20 preference point system is applicable, corresponding points must also be indicated as such. Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)**

| The specific goals allocated points in terms of this tender | Number of points allocated.<br>(80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|---|--|--|
| 51% Black owned enterprise                                  | 8  |  |
| 51% Black female owned enterprise                           | 6  |  |
| 51% Youth owned enterprise                                  | 6  |  |

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. **TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole property
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorized to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct.
- ii) The preference points claimed are in accordance with the General Conditions
- iii) as indicated in paragraph 1 of this form.
- iv) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct.
- v) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have

- (a) disqualify the person from the tendering process.
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct.
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favorable arrangements due to such cancellation.
- (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....