

**TERMS OF REFERENCE**  
**FOR THE APPOINTMENT OF EXTERNAL CHAIRPERSON OF THE COLLECTIVE**  
**BARGAINING COMMITTEE**

**QUOTATION NUMBER: RFP/2021/000603**

**CLOSING DATE: 5 June 2021**

**Board members:** Mr Thulani Tshefuta (Chairperson) | Ms Christelene Brink | Mr Lewis Nzimande | Ms Gaolape Anastacia Seokolo  
Mr Nkojane Nelson Maesela | Mr Patrick Babsy Makhafane | Ms Nolukhanyo Amanda Kelengeshe | Ms Violet Matshidza  
Ms Tampane Molefe-Sefanyetso | Mr Patrick Boitumelo Moopelwa | Ms Linda Dlodla | Ms Nelisiwe Nzimande  
Ms Nomabandla Silinyana | Mr Marcus Ramakgale

**CEO:** Ms Bontle Lerumo

## **1. INTRODUCTION AND BACKGROUND**

- 1.1. Prospective Service Providers are invited to submit a quotation with detailed proposal to act as an external chairperson at the Collective Bargaining Committee (CBC) meetings to be held on an on-going basis for the PSETA for **60 hours** from the date of signing the contract.

## **2. OBJECTIVES OF THE ASSIGNMENT**

- 2.1 The PSETA has signed a Recognition Agreement with NEHAWU. The relationship between the involved parties is managed through, amongst other mechanisms, Collective Bargaining Committee (CBC). The Collective Bargaining Committee is made up of an equal number of Management representatives and Union's shopstewards.
- 2.2 To facilitate and mediate engagements in the CBC, parties opted to have a neutral, independent and knowledgeable Chairperson, who will be mutually agreed upon. PSETA seeks to appoint a suitable service provider to act as an external chairperson at the Collective Bargaining Committee (CBC) meetings to be held on an on-going basis for a **60 hours**.
- 2.3 The delivery of work shall be as per set standards and terms of agreement between the PSETA and a chosen service provider. The service provider must provide work that meets all regulations that are applicable and any relevant professional standards that are implied through legislation. The Human Resource Department is responsible for the engagements with the recognised union at a Collective Bargaining Committee (CBC).

## **3. SCOPE OF WORK**

The scope of work covers the following:

- 3.1 Capacitate the parties about the mediation process, other conflict resolution alternatives and issues that are typically addressed;
- 3.2 Ensure that each party is fully heard in the mediation process;
- 3.3 To suggest procedure for making progress in the mediation discussions, which may include caucus meetings, consultation with external legal for advise;

- 3.4 Able to express a contentious opinion in order to provoke debate or test the strength of opposing arguments by offering options for considerations, stimulating new perspectives and offering reference points for consideration; and
- 3.5 Manage and keep track of all necessary information, writing up the parties' agreement, and manage the implementation of the agreement.
- 3.6 Render secretariat service to the CBC

#### **4. COMPETENCIES AND SKILLS SET REQUIRED**

The service provider should have the following attributes:

- 4.1 An excellent and proven track record as a neutral / independent third party facilitator;
- 4.2 To facilitate and mediate engagements between management and the Union;
- 4.3 To ensure that there is a signed Collective Agreements between employer and employee representatives;
- 4.4 Ability to enforce the Collective Agreements;
- 4.5 To prevent and resolve all labour disputes;
- 4.6 To facilitate workplace transformation initiatives and processes; and
- 4.7 Faciliate and mediate in wage negotiations.

#### **4 TIME FRAME**

- 5.1 The services of the appointed service provider will be required for **60 hours**.

#### **6 PROPOSAL EVALUATION AND APPOINTMENT OF SERVICE PROVIDER**

- 6.1 The proposals will be evaluated on the 80/20 principle with 80 points being allocated for price and 20 points allocated for specific goals once the minimum functionality criteria are met. The evaluation will be based on:

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<b>Phase 1: Functionality Evaluation</b>		
<b>Phase 2: Preferential Point System</b>		<b>Points</b>
<b>Price</b>		<b>80</b>
<b>Special goals</b>		<b>20</b>
Black owned company	8	
Women	4	
Youth	5	
Disability	3	
<b>Total</b>		<b>100</b>

## PHASE 1 – FUNCTIONALITY EVALUATION

Bids must meet the minimum eligibility criteria in respect of functionality of 75 points out of 100 points that will be awarded for functionality before they are considered further. Any bid that does not meet the minimum eligibility threshold will be automatically disqualified. The functionality criteria together with the maximum points to be awarded are set out below.

The bids will be evaluated on the 80/20 principle with 80 points being allocated for price and 20 points allocated for Specific goals, once the minimum functionality criteria are met. The evaluation will be based on:

Domain	Evaluation Method	Criteria	Weight	Score
<b>1. Knowledge and experience of CBC Chairperson</b>	The CBC Chairperson must have: <ul style="list-style-type: none"> <li>Relevant experience of the chairperson: The resource to be deployed to PSETA should have a minimum of eight (8) years' experience in dispute prevention and resolution, Commission of Conciliation, Mediation and Arbitration (CCMA) /Bargaining Council Procedures, mediation process, RBO and Labor Law as well as chairing of meetings.</li> <li>Please provide a comprehensive curriculum vitae (CV) indicating the required experience.</li> <li>Qualifications: BPROC or LLB.</li> </ul>	<ul style="list-style-type: none"> <li>1= No submission of CV and/ or certified copies of qualifications</li> <li>2= CV, Certified copies of qualifications and less than 8 years' experience</li> <li>3 = CV, Certified copies of qualifications and a minimum of 8 years' experience.</li> <li>4 = CV, Certified copies of qualifications and a minimum of 9 to 10 years' experience.</li> </ul>	<b>40</b>	<b>1</b>
				<b>2</b>
				<b>3</b>
				<b>4</b>
				<b>5</b>

Domain	Evaluation Method	Criteria	Weight	Score
		<ul style="list-style-type: none"> <li>5 = CV, Certified copies of qualifications and 11 years and above experience.</li> </ul>		
<b>2. Knowledge and experience of team members</b>	<p>The team members must have:</p> <ul style="list-style-type: none"> <li>Relevant experience of team member: The resource to be deployed to PSETA should have a minimum of five (5) years' experience in dispute prevention and resolution, Commission of Conciliation, Mediation and Arbitration (CCMA) /Bargaining Council Procedures, mediation process, RBO and Labor Law as well as chairing of meetings.</li> <li>Please provide a comprehensive curriculum vitae (CV) indicating the required experience.</li> <li>Qualifications: BPROC or LLB.</li> </ul>	<ul style="list-style-type: none"> <li>1= No submission of CV and/ or certified copies of qualifications</li> <li>2= CV, Certified copies of qualifications and less than 5 years' experience</li> <li>3 = CV, Certified copies of qualifications and a minimum of 5 years' experience.</li> <li>4 = CV, Certified copies of qualifications and a minimum of 6 to 9 years' experience.</li> <li>5 = CV, Certified copies of qualifications and 10 years and above experience.</li> </ul>	<b>35</b>	<b>1</b>
				<b>2</b>
				<b>3</b>
				<b>4</b>
				<b>5</b>

Domain	Evaluation Method	Criteria	Weight	Score
<b>3. References</b>  Traceable references of clients where projects of similar nature were conducted.	Reference letters as evidence of previous work done conducted.  (NB: <i>The Reference Letter(s) must be in the letterhead of the previously serviced organisation and should reflect at least name of the organisation, title of the study, year conducted, year completed, contactable reference name and contact details</i> )  <b>Reference letters must be on a letterhead, signed by the CEO/Head and dated.</b>	<ul style="list-style-type: none"> <li>• 1 = No reference letter provided of work previously done.</li> <li>• 2 = 1 to 2 reference letters of work previously done</li> <li>• 3 = 3 reference letters of work previously done</li> <li>• 4 = 4 reference letters of work previously done.</li> <li>• 5 = 5 or more reference letters work previously done.</li> </ul>	25	1
				2
				3
				4
				5
<b>Total</b>			<b>100</b>	

## 8. FORMAT OF THE BID SUBMISSION

8.1. Company profile indicating all the requirements as per the evaluation criteria

8.2. Team member names and roles

8.3. CV and certified copies of qualifications

8.4. Track record and experience

8.5. Submission of all applicable documents as indicated below:

- Certified copy of doctor's certification with medical practice number.
- Certified copies of the director's ID's document.
- Valid Tax compliance status (TCS) PIN or proof of exemption from SARS;
- Copy of the registration document of the organisation (CIPC);
- Copy of the Central Supplier Database registration.

## 9. COSTING

9.1. A cost analysis must be given to cover the full project amount. The proposed project pricing must be all-inclusive (i.e. including professional fees, venue hire, travel expenses, disbursements and VAT). The PSETA may require a breakdown of rates on any of the items priced and service providers are required to provide same. Incidental costs shall be in line with the National Treasury Instruction Note 1 of 2013/14. Expenditure incurred without the prior approval of the organisation will not be reimbursed. PSETA reserves the right to negotiate the selection/prioritisation of deliverables in line with the contract price.

9.2. The rate per hour to be considered will be that of the chairperson of the CBC. All prices should be quoted in South African Rands (ZAR).



## 10. IMPORTANT MANDATORY INFORMATION FOR BIDDERS

- 10.1 Proposals must be submitted electronic, the requestion (RFQ) number must be indicated on the line subject.
- 10.2. A valid Tax compliance status (TCS) PIN or proof of exemption from SARS.
- 10.3. All Standard Bidding documents (SBD) documents must be completed and signed.
- SBD 1
  - SBD 4
  - SBD 6.1
  - Proof of registration on Central Supplier Database.

NB: Please note that failure to submit documents requested on section 10(10.3) will render the proposal disqualified.

**Bid applications must be submitted to:**

**Ms Lungile Mokoena**

email on [lungilem@pseta.org.za](mailto:lungilem@pseta.org.za) or [SCM@pseta.org.za](mailto:SCM@pseta.org.za)

Please direct all queries to **Ms Lungile Mokoena** via email on [lungilem@pseta.org.za](mailto:lungilem@pseta.org.za)

24.05.2023

