



REQUEST FOR PROPOSALS
ON THE PROVISION OF TRAINING FOR THE NATIONAL CONSUMER TRIBUNAL ON

Auditing and reviewing the NCT's policies

Closing date for the submission of proposals:

03 May 2023 at 12:00

Related policy: Supply Chain Management Policy and Operating Procedure (SCM)

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1. INTRODUCTION

The National Consumer Tribunal (“NCT”) was established in terms of the National Credit Act, No. 34 of 2005 (the Act). In September 2006, sixteen members of the Tribunal and a Chairperson were appointed by the President, thus formally establishing the National Consumer Tribunal.

1.1 Mandate and functional purpose

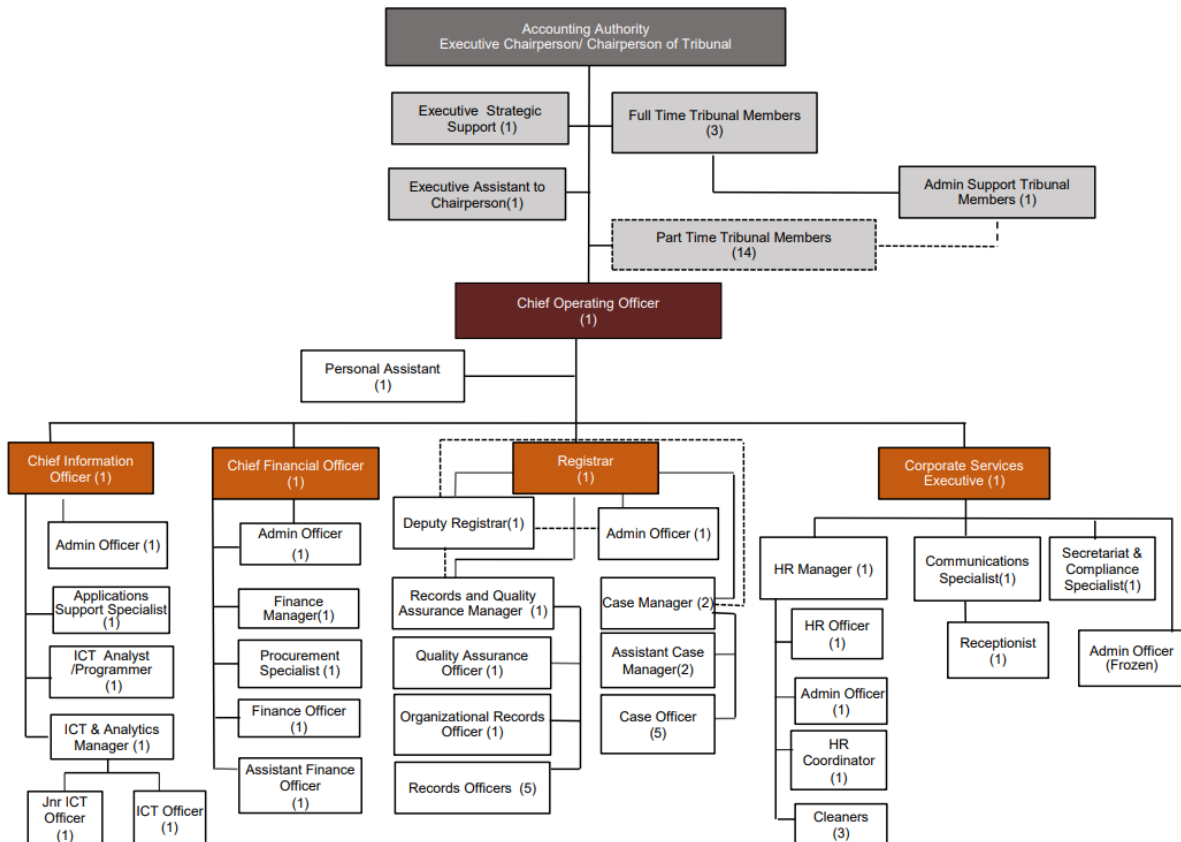
As an independent adjudicative entity, the Tribunal’s mandate is to hear and decide on cases involving consumers, service providers, credit providers, debt counsellors and credit bureaux. It is also responsible for reviewing decisions made by the National Credit Regulator and the National Consumer Commission.

In pursuing this mandate, the functions of the Tribunal is to –

- Adjudicate on any application or referral that may be made to it in terms of the National Credit Act and Consumer Protection Act;
- Make any order provided for in these Acts regarding such an application or referral of prohibited conduct and if finding that a contravention exists, by imposing a remedy provided for in these Acts;
- Grant an order for costs in terms of these Acts;
- Exercise any other power conferred on it by these Acts.

2. SERVICES REQUIRED

The levels and numbers of the full-time staff are reflected in the organogram below:



The official address of the Tribunal is as follows:

Lakefield Office Park – Ground floor Building B

272 West Avenue

Corner of West Avenue and Lenchen Avenue North

Centurion

Pretoria

2.1 Services required

The Tribunal wishes to procure a suitable qualified, appropriately registered and experienced service provider to audit and review and amend the NCT's policies to ensure that the NCT's policies are on par with industry standards.

The outputs of the required system should include the following:

- 2.1.1 To audit and review the NCT's 30 policies currently in place and prepare a report on the short comings;
- 2.1.2 To audit and review the NCT's current procedures as well as the NCT's existing charters and terms of reference and prepare a report on the short comings;
- 2.1.3 To propose appropriate changes or a complete overhaul, where applicable, to align it with best practice and standards;
- 2.1.4 To make recommendations on how to ensure that the policies remain relevant and compliant with legislative requirements;
- 2.1.5 To draft and develop any other policies and procedures that are currently not in place.

As an entity registered on the Central Supplier Database (CSD) OF Treasury, you are requested to submit a costed proposal for delivering the specified services on behalf of the Tribunal.

3. PROPOSAL REQUIREMENTS

The Tribunal requires the Proposal to be in the following format:

3.1 Executive summary

- 3.1.1 Prospective Service Providers must provide an executive summary of their proposals. The executive summary must not exceed 10 pages in length, and no appendices or specific references to additional information to the Tribunal will be considered. The Service Provider should summarize its service offering, its approach and the value to be provided. Except for the price quoted, the

Service Provider must not include any financial information in the executive summary.

3.2 Detailed proposal

3.2.1 Detailed approach

Information containing the specific steps, resources and timing associated with the approach for the delivery of the services should be detailed in this section.

Detail regarding the migration process should be explained.

3.2.2 Deliverables and turnaround times

This section should include a list of deliverables and the associated turnaround times that are aligned to the services required as set out in paragraph 2.1 above.

3.3 Track record

3.3.1 Quality

The proposal should provide details of the approach on how to ensure and measure a quality service delivery. It should provide details of any industry- recognized quality standard (if applicable) to which it is, or will become, compliant (including a timeframe for compliance, if not already achieved), as well as awards received over the last two years.

3.3.2 References (It should be noted that proposals will be disqualified if contactable references are not provided)

The proposal should include at least three (3) contactable references from clients who received similar services over the immediate past 12 months. This should preferably include clients having similar scope of services, industry, and scale as the Tribunal.

The Proposal should include a brief description of the services provided for each client. The Service Provider must ensure that the Tribunal has the appropriate access to the clients listed.

The referees must be contactable, and the contact details provided must include:

- Contact Person

- Organisation / Company name
- Phone Number
- E-mail address
- Cell number (if possible)

3.3.3 Project participants' experience

The Service Provider should submit details describing the relevant experience of its proposed project participants. The information should include a description of the education, knowledge, and relevant experience as well as certifications or other professional credentials that clearly show that the Service Provider is and/or its representatives are qualified to perform the required work. The résumés of the proposed project participants should be submitted. The documentation should thoroughly describe how the proposed program manager has provided expertise for similar contracts and projects. The Service Provider may include any supporting documentation that would support its descriptive narrative.

3.4 Price

- 3.4.1 The Service Provider should provide a pricing schedule which clearly sets out the cost of providing the required services, together with any other charges as per the services required set out in paragraph 2.1 above. All other charges should be explained.
- 3.4.2 The terms provided and the fees quoted for the proposed services should include a proposed escalation in fees over the period of the contract.
- 3.4.3 All assumptions made in drafting the proposal, must be detailed.
- 3.4.4 The prices quoted should indicate whether they include or exclude value added tax (VAT).
- 3.4.5 Prices quoted must be valid for at least 60 (sixty) days from the closing date of this bid.

4. 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 the Tribunal. 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 the Tribunal.

5. EVALUATION

The bids shall first be evaluated for functionality. The functionality component consists of two areas on which the proposals shall be evaluated, namely a technical component and a track record and experience component. A minimum score of 80% 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:

The Bidder's information will be scored according to the following points system:

Functionality	Points
Technical – Services offered and technical approach	40
No technical approach	0
The service offerings and turnaround times will be sufficient but does not address the entire scope of work/deliverables in detail although the bidder aligned the approach with the requirements of section 2.1 of this Terms of reference. (20)	30
The service offerings and turnaround times are discussed in detail and properly address the entire scope of work/deliverables required. The bidder has fully aligned the approach with the requirements of section 2.1 of this Terms of reference. (30)	
Clearly defined and detailed methodology for performing the policy review	10
Project team experience	20
No experience in completing similar work	0
2 or more years' experience with similar project completed and performed project within acceptable quality.	5
5 or more years' experience with similar project completed and performed project within acceptable quality.	10
10 or more years' experience with similar project completed and performed project within acceptable quality.	20
Track Record and experience – The prospective should submit documentary proof of similar projects undertaken with contactable references	20
No similar projects submitted	0

Functionality	Points
3 or more similar projects conducted with contactable references	10
5 or more similar projects conducted with contactable references	20
Presentation	20
The presentation is sufficient but lacking in detail	10
The presentation is detailed and properly address the deliverables required.	20
Total for Functionality	100

The Tribunal shall apply the **80:20 Preference Point System** in the evaluation of the proposals that obtained a score of at least 80% for functionality. The points shall be allocated as follows:

CRITERIA	WEIGHT
Price	80
Specific Goals	20
Total Score	100

The points allocated for the Specific goals are outlined in the Table below:

Specific Goals	Number of points	Evidence/proof of claim
Race – 100% Black owned	10	Certified ID copies of owners; CIPC Certificate. B-BBEE Certificate/certified affidavit.
Gender – 100% Women owned	5	Certified ID copies of owners; CIPC Certificate.

Specific Goals	Number of points	Evidence/proof of claim
		B-BBEE Certificate/certified affidavit.
100% Owned by Persons with Disabilities	3	Certificate/certified letter from health professional/practitioner on disability. (Proof of disability)
SMME's	2	B-BBEE Certificate/certified affidavit
Total 20 points		

6. CONDITIONS

6.1 Special conditions

There are no special conditions.

6.2 General conditions

All bidders responding to this Request for Proposals must meet the following conditions to be considered:

- The proposal must include a **cover letter** clearly stating the name of the firm as well as the name, address, and telephone number of the bidder's representative;
- A **CSD Registration Report** downloaded from the Central Supplier Database (CSD) of National Treasury as proof of registration on the CSD. No bids will be considered if the bidder is not registered on the CSD;
- A certified copy of a **valid B-BBEE Contributor status level verification certificate** indicating the bidder's B-BBEE rating;

- d) The bidder must address each of the requirements as stated in sections 3 and 4 above; **please note that non-submission of contactable references will result in the bidder being disqualified.**
- e) An incomplete proposal shall result in the bidder being disqualified;
- f) The bidder shall furnish such additional information that the Tribunal may require;
- g) The Tribunal shall not be liable for any cost incurred in the preparation of the proposal;
- h) The Tribunal may invite bidders for an oral interview prior to the approval of a bid.
- i) The Tribunal shall not be liable for the costs incurred by the bidder in connection with such interview;
- j) Any false declaration of information shall result in the exclusion of the proposal from consideration;
- k) The bidder must complete the attached **SBD4, SBD6.1 forms**

7. PROCEDURES FOR SUBMITTING BID PROPOSALS

The **closing date** for this request is 03 May 2023 at 12:00pm. Proposals must reach the Tribunal before or on the closing date and time. Late submissions will not be considered. Proposals must be hand-delivered (in person or by courier) to the Tribunal or e-mailed to procurement@thenct.org.za.

All bids that are delivered must be clearly marked: "For attention: Mrs. M. Groenewald included and delivered to:

The Finance Department

The National Consumer Tribunal Ground Floor, Building B Lakefield Office Park
272 West Avenue

Corner of West Avenue and Lenchen Avenue North

Centurion

0046

8. FINAL APPROVAL

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

9. ENQUIRIES

Enquiries may be directed to Mrs. M Groenewald by email mgroenewald@thenct.org.za ;
Ms. T Mozanane tmozanane@thenct.org.za and procurement@thenct.org.za

10. Annexure A – PRICING SCHEDULE

The price needs to be provided for each category below:

Description	(R) Once-off	(R) Recurring
Cost of : (Please provide separate costing for the below)		
Other (specify)		

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 APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 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).

1.2 To be completed by the organ of state

a) The applicable preference point system for this tender is the **80/20** preference point system.

1.3 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.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

1.5 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.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to

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. FORMULAE 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:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

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:

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)}
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration
 Pt = Price of tender under consideration
 Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) 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.

(Note to organs of state: Where either the 90/10 or 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 (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)
Race – 100% Black owned	N/A	10		
Gender – 100% Women owned	N/A	5		
100% Owned by Persons with Disabilities	N/A	3		
SMME's	N/A	2		

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 propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company
 - ☐ (Pty) Limited
 - ☐ Non-Profit Company
 - ☐ State Owned Company
- [TICK APPLICABLE BOX]

- 4.6. I, the undersigned, who is duly authorised 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 as indicated in paragraph 1 of this form;
 - iii) 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;
 - iv) 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 favourable 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:	
	
	
	

with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

I, _____ the _____ undersigned,
 (name)..... in
 submitting the accompanying bid, do hereby make the following
 statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

- 2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

- 2.2 Do you, or any person connected with the bidder, have a relationship

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....	
Signature	Date
.....	
Position	Name of bidder