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SOUTH AFRICAN SOCIAL SECURITY AGENCY

TERMS OF REFERENCE

FOR

ESTABLISHMENT OF A PANEL OF ACCREDITED LABOUR RELATIONS EXPERTS TO PROVIDE LABOUR RELATIONS RELATED SERVICES FOR A PERIOD OF THIRTY-SIX (36) MONTHS

South African Social Security Agency
Head Office

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www.sassa.gov.za

1. PURPOSE

1.1 The purpose of this document is to invite bids from labour relations experts for consideration and accreditation to provide labour relations services for the South African Social Security Agency (SASSA) for a period of thirty-six (36) months.

2. BACKGROUND AND PROBLEM STATEMENT

2.1. The Agency has more than seven thousand employees in its payroll and all these employees enjoy the labour law rights in terms of the Labour Relations Act, 1995; as amended; the latter being founded in terms of section 23 of the RSA Constitution and other international labour law conventions.

2.2 Further to the above, both the Senior Management Services (SMS) Handbook (Chapters 07 and 10) and the adopted PSCBC Resolution 01 of 2003 require the employer to deal and/or resolve disciplinary and grievances in a swift and expeditious manner.

2.3 To compound the matter, there are cases, which (for different reasons including objectivity; provision of legal opinions/advices and potential conflicts of interest) would require to be outsourced to independent experts, subject to compliance with certain labour law provisions. Further, the Labour Relations Act, do provide for Labour Relations experts in the areas of Arbitrations (section 188A) interpretation of Collective Agreements and when the decisions of the Agency/Employer are challenged in terms of sections 158; 186; 191 of the Labour Relations Act where some of the matters would end in the CCMA and/or Labour Courts.

3. OBJECTIVE

3.1 The objective of this Terms of Reference is to assist the Agency in the sourcing of labour relations experts to submit their proposals/bids for consideration and accreditation as the panel of the service providers to render the labour law expert services to the Agency for the period of thirty -six (36) months.

3.2 The accredited labour relations experts will be utilised as and when required. The latter means that, once the need arises, they will be approached (through a quotation process) to submit their price offers (quotations) in line with the scope of work they would be required to do to at that particular period and time.

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3.3 The Panel of accredited Labour Relations experts will be valid for the period of thirty-six (36) months; and

4. SCOPE OF APPLICABILITY

4.1 The accredited Labour Relations experts will be applicable to all SASSA employees, subject to compliance with labour laws and to clause 4.3 below.

4.2 Whilst the accreditation is facilitated from Head Office level, the regions will be allowed to participate in the project; hence the accessibility of services will be extended to regions.

4.3 The access to the services of the Labour Relations experts will be subjected to prior approval by the delegated officials to ensure compliance with applicable labour laws and cost containment measures, which the latter requires the use of consultancy services very sparingly and on exceptional circumstances.

4.4 Even though firms and consultants may bid, the work which will be awarded by SASSA will be only performed by one individual and SASSA will be billed for that individual alone.

5. SCOPE OF WORK:

5.1 The accredited Labour Relations experts will be required to provide the following services to the Agency as and when required:

5.1.1 Render expert advice in relation to labour law, if necessary for informed decision-making processes.
5.1.2 Initiate or preside over the disciplinary cases, if necessary.
5.1.3 Conduct investigations in relation to allegations of either misconduct or grievances, including sexual harassment cases.
5.1.4 Represent the Employer at various forums including CCMA on matters relating to labour relations (i.e. disputes).
5.1.5 Bidders will be considered on rotational basis for price and specific goals and rotation will only be applied to Labour Relations experts that are accredited. Services will be engaged as and when required subject to a competitive request for quotation process. As and when services are required by SASSA, the accredited Labour Relations experts will be requested to submit proposals including quotations on specific cases.

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5.1.6 The process will be to rotate all accredited Labour Relations experts on a work assignment basis. This means once a Labour Relations expert has been awarded a work assignment, they will not be considered at the next RFQ process until the rotation is exhausted and re-started. Labour Relations experts are not guaranteed any specific work assignments during the tenure of this contract, work will be allocated on a competitive basis (RFQ) against the accredited Labour Relations experts.

6. KNOWLEDGE, EXPERIENCE AND QUALIFICATIONS

6.1 The Labour Relations experts required for accreditation for the provision of labour relations matters should have at least a minimum of ten (10) years' experience in labour relations/labour law.

6.2 The Labour Relations experts must possess the following qualifications and credentials:

6.2.1 Must be in possession of LLB or degree/diploma in labour relations/labour law or post-graduate qualification in labour law/labour relations.

6.2.2 Must be accredited as the CCMA Commissioner or relevant Bargaining Council or Practice as a Legal practitioner or Advocate in a labour law environment.

7. COMPULSORY BRIEFING SESSION AND ENQUIRIES

7.1 The interested bidders will be required to attend a compulsory Briefing Session through virtual means (MS Teams)

7.2 Bidders must register their company name and contact details of one representative for the briefing session. Bidders will be expected to identify themselves (company representing) during the briefing session. The session will be recorded for confirmation purposes.

7.3 Details (to register their company name and contact details of one representative for the briefing session) must be send to email address: LRPanel2025@sassa.gov.za

7.4 Enquiries may be directed to Supply Chain Management as directed in the Standard Bidding Document (SBD1), before the compulsory briefing session date and two working days after the briefing session date. SASSA will respond to the enquiries four working days after the briefing session date.

8. EVALUATION OF THE BIDS

8.1 Evaluation Criteria

The bid proposals shall be evaluated in accordance with the **80/20** preference scoring principle.

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8.2 The evaluation shall be conducted in one (01) stage as follows:

8.2.1 Stage one has three (03) phases:

8.2.1.1 Phase 1: Mandatory Requirements
8.2.1.2 Phase 2: Administrative Compliance
8.2.1.3 Phase 3: Functionality Evaluation.

Stage two of evaluation - Price and Specific Goals, will only be applied on the Labour Relations Experts that are accredited to serve on the Panel of Labour Relations as and when the service is required and it shall not, for the purpose of establishing the panel as required in this invitation, be evaluated at this stage.

Stage One

8.2.1.1 Phase 1 – Mandatory Requirements

- The labour relations Expert must be accredited as a Commissioner/Practice as a Legal practitioner or Advocate in a labour law environment (Attach valid proof of accreditation as a Commissioner/letter of good standing from a Legal Practice Council).
- Must be in possession of LLB or degree/diploma in labour relations/labour law or post-graduate qualification in labour law/labour relations (Attach proof of certified qualification).
- Provide comprehensive CV with contactable references.
- Must have five (5) Arbitration awards or judgements which the Labour Expert was involved in (Proof of awards or judgements must be submitted)

NB: Failure to comply with the above requirement will result in your proposal being disqualified.

8.2.1.2 Phase 2 – Administrative Compliance

- **Bidders are required to submit electronic copies of their bid proposals through the e-Tender Portal and deposit the original proposal in the tender box as per the address stated in the bid advert.**

Service providers should submit the following:

- Tax Compliance Status Pin
- Proof of registration with Central Suppliers Database (CSD)
- Fully completed and signed standard bidding documents (SBD)

NB: Failure to comply with the above requirement may result in your proposal being disqualified.

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8.2.1.3 <u>Phase 3 – Functionality Evaluation</u>

8.2.1.3.1 A total of 100 points is allocated for functionality; and

8.2.1.3.2 The threshold for Functionality Evaluation is **70 points**, any bidder who fails to meet this minimum threshold/requirement shall be deemed as non-responsive and thus eliminated.

8.2.1.3.3 Only bidders achieving minimum score of 70 points will be accepted/ accredited to the panel of labour relations/labour law experts for the period of thirty-six (36) months.

8.2.1.3.4 The table below contains details of the evaluation criterion and the weights of each Functional Requirements component.

Criteria below will be evaluated according to the following values.
Values: 1= Poor; 2=Average; 3= Good; 4 = Very good; 5= Excellent

Area	Requirements/criteria	Weight
Experience of the bidder in handling Labour Law/Labour Relations related matters	**<u>Provide a company profile detailing the number of years of experience</u>** The information must be submitted on bidder's letterhead and duly signed by the delegated authority. • 15 plus more years of experience: **5** • 11-14 years of experience: **4** • 10 years of experience: **3** • 9-8 years of experience: **2** • Less than 8 years' experience: **1**	**25**
Qualifications and structured training of bidders (bidders must attach certified qualifications, certificates of admission by Court/CCMA or Relevant Council) NB: Key Personnel must include partners or directors of the company (the highest qualification will be used to evaluate this criteria)	**<u>Qualifications of Legal Professionals</u>** • LLM in Labour Law or equivalent in Labour Law/Labour Relations (NQF level 9) degrees. Admission by the High Court of RSA as an Attorney or Advocate or Practising as a Commissioner: **5** • Bachelor of laws (LLB) NQF level 8 or equivalent law qualification plus a post-graduate qualification in specialised labour relations law. Admission by the High Court of RSA as an Attorney or Advocate or Practising as a Commissioner: **4** • Degree in Labour Law/Labour Relations (NQF level 7) Admission by the High Court of RSA as an Attorney or Advocate or Practising as a Commissioner: **3**	**15**

	• Diploma in Labour Law/Labour Relations (NQF level 6) Admission by the High Court of RSA as an Attorney or Advocate or Practising as a Commissioner: **2** • Non-submission or non-compliance: **1**	
Experience of Key Personnel in handling the project (Bidders must attach Curriculum Vitae or Resume of key personnel listing the experience in the area of Labour Law/Labour Relations specialization, past employers /clients with contactable references	**Experience of key personnel in handling of Labour Law/Labour Relations matters as their area of specialization:** • 15 plus more years of experience: **5** • 11-14 years of experience: **4** • 10 years of experience: **3** • 9-8 years of experience: **2** • Less than 8 years' experience: **1**	**25**
Submission of comprehensive proposal/methodology for labour law/labour relations related services and allocation of resources	**Comprehensive proposal methodology for Labour Law/Labour Relations and related services** Bidders must demonstrate their understanding of the scope of work with clear, measurable, justifiable, relative and realistic timeframes and capacity for quality and reliability. The understanding must be demonstrated by the bidder on how the resources and qualified personnel will be utilized, timelines to response, frequency of reporting and implementation strategy. The points will be allocated as follows: • Excellent, extensive and comprehensive proposal reflecting an in-depth knowledge and understanding of the RSA Labour Law with skills on time management and advanced project management possessing competencies such as analytical ability, writing ability and attention to details: **5** • Very good proposal reflecting an in-depth knowledge and understanding of the RSA Labour Law with skills on time management and advanced project management possessing competencies such as analytical ability, writing ability and attention to details: **4** • Good and sound proposal reflecting broad knowledge and understanding of RSA Labour Law with skills on time management and intermediate project management possessing competencies such as analytical ability,	**25**

	writing ability and attention to details: **3** • Fair proposal reflecting basic knowledge and understanding of RSA Labour Laws but not indicating skills on time management and basic project management possessing competencies on either analytical ability, writing ability and attention to details: **2** • Not submitted or non-compliant proposal methodology: **1** **NB**: Bidders must clearly state and demonstrate how resources will be utilised, details the expected timelines regarding preparing of legal opinion, verdicts, reviewing of case laws, frequency of engagements reporting for any given instruction.	
Reference letters (the contactable references must be within the last five years)	The bidder or leading partner/director/practitioner (s) must provide five (5) contactable refences of successful work done in the Labour Law/Labour Relations within the past five (5) years. Reference letters must be on the client's letterhead that is signed by the client including the client's contact details (contactable telephone number or email address). • 8 plus more contactable references: **5** • 6 – 7 contactable references: **4** • 5 contactable references: **3** • 4-1 contactable references: **2** • No contactable reference: **1**	**10**

9. PRICE AND SPECIFIC GOALS

9.1 The price evaluation will not apply at this stage but will only apply when the accredited service providers are required to quote per project specific.

9.2 The 80/20 price and preference point system will be applied during the sourcing of quotations from the list of approved panel of accredited service providers.

9.3 The applicable DPSA rates will be utilised for these labour relations services. Therefore, service providers will have to quote in line with the DPSA rates. Depending on the complexity of the case, SASSA will determine the responsibility/rank of the service provider in the Terms of Reference that will be issued for particular cases and service providers will have to respond accordingly.

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10. BID CONDITIONS

10.1 The service provider should comply with the following conditions:

10.1.1 SASSA will not consider late bids.

10.1.2 SASSA will not be held liable for any expenses incurred by the service providers in preparing and submitting the bids.

10.1.3 In respect of any incidental costs and or disbursements, the applicable Subsistence and Transport Policy and National Department of Transport Tariffs and or rates would apply. SASSA will arrange travel and accommodation costs in line with the Subsistence and Transport Policy where necessary.

10.1.4 Any short and or long-term contract entered between the Agency and the service provider would be managed in terms of the applicable General Conditions of Contracts (GCC) issued by National Treasury.

10.1.5 SASSA reserves the right to negotiate price with the preferred bidder.

10.1.6 SASSA will enter into a contract and sign a Service Level Agreement with the successful accredited panel of service providers nominated to perform the work for SASSA.

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