

From: The National Radioactive Waste Disposal Institute

Request for Quotation No:	NRWDI/LEGAL/2024-02
RFQ Closing Date:	2024-12-04
RFQ Closing Time:	12:00
Appointment of a service provider to represent NRWDI at CCMA and Labour Court on employee / labour relations matters	

NAME OF BUSINESS: _____

CONTACT NAME: _____

CONTACT NUMBER: _____

CSD NO: _____

Email Address _____

ISO CERTIFICATION ☐ YES ☐ NO

QUOTATION VALIDITY PERIOD: 60 Days from closing date.

DELIVERY INCLUDED: ☐ YES ☐ NO

Dear Sir/Madam

Please provide a quotation for the following items as per the specification below.

Prices must be firm and indicate all amounts excluding VAT.

VAT must be included as a separate line item.

1. PRICING STRUCTURE

DESCRIPTION	Hourly rate
LABOUR COURT	R
CCMA	R
Sub-total	R
VAT	R
Total	R

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2. SCOPE OF WORK

The National Radioactive Waste Disposal (NRWDI) Institute seeks to appoint a suitable service provider to represent the NRWDI at the Commission for Conciliation, Mediation and Arbitration (CCMA) and Labour Court.

The suitable service provider must be a qualified attorney admitted to practice in the High Court of South Africa, possessing over five years of experience.

A proven track record of successful Labour Court cases on behalf of clients must be submitted with the quotation. A minimum of five references pertaining to previously completed work should be submitted. All cases will be billed at an hourly rate by the service provider.

NB: Please ensure quotation proposal complies as follows:

Mandatory Requirements Description	Please mark under Yes/No to ensure compliance with the RFQ	
	Yes	No
Have you quoted fully or according to the scope of work (refer to the table on page 1)		
Are you a qualified attorney admitted to practice in the High Courts of South Africa (submit evidence) and has experience of more than 5 years, specifically in handling CCMA cases been demonstrated and submitted?		
Is a proven track record of successful Labour Court cases been submitted?		
Has a minimum of 5 contactable references been submitted?		
Are SBD Forms submitted?		
Has the quotation been sent before the closing time and date of the RFQ?		
Are tax matters in order or compliant?		
Is your business listed on the Register of Restricted Suppliers or on the Tender's Defaulters Register?		

EVALUATION CRITERIA

1. Mandatory Requirement (At RFQ Closing Date)

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- Service providers who fail to quote fully or according to the specification (refer to the table on page 1) will be disqualified.
- Quotations submitted after the RFQ closing date and time will be disqualified.
- The designated service provider for CCMA cases must be a qualified attorney admitted to practice in the High Court of South Africa (submit evidence), possessing over five years of experience specifically in handling CCMA cases.
- Submit a track record of successful Labour Court cases on behalf of clients.
- Submit a minimum of five contactable references pertaining to previously completed work.
- Submit SBD forms

2. Mandatory Requirements (at Award Stage)

- Non tax compliant;
- Listed in the Register of Restricted Suppliers or in the Tender Defaulters Register from National Treasury.

Failure to comply to the above mandatory requirements (1&2) will lead to disqualification of your quotation.

3. Price and Specific Goals Evaluation

- The 80/20 preference point system will be applied to evaluate the received quotations.
- Price will be evaluated on 80 points and 20 points will be allocated to specific goals as illustrated on SBD 6.

For any clarification regarding this matter, please contact Moses Shandukani at 012 305 6160 or email at Moses.Shandukani@nrwdi.org.za

Email the quotation to: procurement@nrwdi.org.za

IMPORTANT:

1. Please take note of the different email addresses for clarifications and for submission of your quote. Only quotes submitted to procurement@nrwdi.org.za will be considered for further evaluation.
2. Quotes must be emailed to: procurement@nrwdi.org.za before the closing deadline. Any quotation received after the deadline will not be considered.
3. Orders above R 30 000 will be evaluated according to the 80/20-point system and a functionality scorecard, where functionality is applicable.
4. Please indicate if you are ISO 9001:2015 certified Quality Management System.

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5. Attach a valid BBBEE certificate or affidavit.
6. Complete all SBD forms and send back together with your quotation (SBD 4&6.1)
7. The mailbox capacity per email is 10MB. A bidder may send as many emails as necessary to accommodate all files. All emails must be received before the deadline.
8. The RFQ is subject to the General Conditions of Contract from National Treasury.

Required by:

The National Radioactive Waste
Disposal Institute

Delivery address

3rd Floor, Building X, Necsa Offices
Elias Motsoaledi Street Ext
R104 Pelindaba, North West 0240

Expected Delivery Date, (to be completed by the Supplier)
(Only a firm delivery date will be accepted):

SBD 4

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 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

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.

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 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)
- 3.7 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

SBD 6.1

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.



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 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 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) **“black people”** is a generic term which means Africans, Coloureds and Indians—

- a) who are citizens of the Republic of South Africa by birth or descent; or
- b) who became citizens of the Republic of South Africa by naturalisation—
 - i) before 27 April 1994; or
 - ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date;

- (b) **“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;
- (c) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (d) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (e) **“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
- (f) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000); and
- (g) **“women”** means a person of female gender who is a citizen of the Republic of South Africa.

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = 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 points is allocated for price on the following basis:

80/20

$$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

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.

The specific goals allocated points in terms of this tender	Maximum number of points allocated (80/20 system)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprises owned by Black People: a) 12 points: 91% - 100% ownership by black people. b) 10 points: 75% - 90% ownership by black people. c) 8 points: 51% to 74% ownership by black people. d) 4 points for 50% and lower ownership by black people. e) 0 points for no ownership by black people.	12	

Enterprises owned by Women:

8

- a) **8 points:** 91% - 100% ownership by women.
- b) **6 points:** 75% - 90% ownership by women.
- c) **4 points:** 51% to 74% ownership by women.
- d) **2 points** for 50% and lower ownership by women.
- e) **0 points** for no ownership by women.

- 4.3 Tenderers must submit documents as valid proof to substantiate points claimed for specific goals, that should include amongst others the Shareholder Certificate/CIPC Company Registration Documents, certified copies of ID for directors, certified copy of B-BBEE certificate/sworn affidavit, CSD report and/or any other documentation.

DECLARATION WITH REGARD TO COMPANY/FIRM

4.4 Name of company/firm.....

4.5 Company registration number:

4.6 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]

4.7 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: