



REQUEST FOR QUOTATION (RFQ)

The South African Qualifications Authority (SAQA) invites service providers to submit quotations for requirements stipulated below:

DOCUMENT NUMBER:	SAQA: HR 6/2021
RFQ ISSUE DATE:	19 May 2021
RFQ CLOSING DATE AND TIME:	26 May 2021, @ 12:00
RFQ VALIDITY PERIOD	30 days (from RFQ closing date)
PERIOD	Twenty Four (24) months
DESCRIPTION:	To appoint a suitably qualified service provider with the relevant expertise to provide labour and employment law advice and services to SAQA when required to do so for two (2) years (24 months).
RESPONSES TO THIS RFQ SHOULD BE FORWARDED TO:	KGovender@saqa.co.za
ENQUIRY	Mr Kyle Govender E-mail: KGovender@saqa.co.za

TERMS OF REFERENCE

1. INTRODUCTION

- 1.1 The South African Qualifications Authority (SAQA) is a public entity listed in Schedule 3A of the Public Finance Management Act (PFMA). It is mandated by the National Qualifications Framework (NQF) Act, 67 of 2008, to oversee the further development and implementation of the NQF, advance the objectives of the NQF and coordinate its three Sub-Frameworks.
- 1.2 SAQA always strives for good and healthy relations with its employees thereby ensuring compliance with applicable labour-related legislation. To uphold the good image of SAQA and continue in its quest to be an employer of choice, it is critical that SAQA also comply with all relevant legislation.

2. PURPOSE

- 2.1 The purpose of this Request for Quotation (RFQ) is to identify and appoint a suitably qualified service provider to provide SAQA with labour and employment law advice and services when required to do so.

3. SCOPE OF SERVICES

- 3.1 The successful service provider will be required to render services to SAQA on a wide range of labour and employment law matters.
- 3.2 The services to be delivered in line with service level standards, will include the following:

Area of Work	Scope of Work	Skills required
1. Labour and Employment Law	• Provide legal opinions on labour, employment law and employment benefits • Assist in disciplinary hearings, conciliation, arbitrations and other dispute resolution matters • Represent SAQA at the CCMA / Labour Court when necessary	• Experience in labour and employment law litigation • Understand the regulatory framework governing Labour and Employment Laws in South African • Understand labour and employment law jurisprudence for purposes of providing legal opinions • Knowledge of bargaining Councils and other dispute resolution space

	• Provide advice on Union matters	• Understand Union negotiations, advise and provide training to both Employer and Union leaders
2. Pension Law	Provide legal advice on pension laws, including special and social pensions	• Understand pension fund laws/legislation and administration
3. Adhoc services	Provide ad-hoc legal advice on matters that may be required, on an as and when basis	• Experience in labour and employment matters

4. SERVICES LEVELS AND APPLICABLE PENALTIES

Service	Description	Target	Penalty
Provide labour and employment law advice and services when required to do so	Provide legal opinions on Labour, employment law and employment benefits	Provision of legal opinions on labour, employment law and employee benefits with 100% compliance with applicable legislation	10% of total costs of the services rendered for a specific assignment
	Conduct disciplinary hearings, conciliation, arbitrations and other dispute resolution matters	Conducting and implementation of Labour laws, 100% compliance with applicable legislation	10% of total costs of the services rendered for a specific assignment
	Providing advice on Labour related matters when required	5 working days after the requestor as per the agreed timeline	10% of total costs of the services rendered for a specific assignment

Penalty Maximum Limit and Service Disputes:

- 4.1 Furthermore, should the 20% limit be reached four (4) times during the contract period, SAQA reserves the right to immediately enter into a service dispute that may result in the termination of the contract.
- 4.2 Notwithstanding the aforementioned, and without prejudice to any other rights SAQA has, SAQA reserves the right to enter into service disputes at any point in time with the view of contract cancellation. During a service dispute, the service provider shall continue to render services in terms of these service levels.

5. PROPOSAL FORMAT

5.1 The bidding company is required to submit a proposal with a price schedule in response to the Terms of Reference in the following format:

DETAIL OF PROPOSAL DOCUMENTS (SUBMISSION FORMAT CHECKLIST) (BIDDERS MUST INDICATE WITH A TICK IF COMPLIED OR NOT COMPLIED WITH THE FORMAT)	Comply	Not-Comply
Part 1: Bid document including SBDs Tenderers must complete and submit all required Standard Bid Documents: SBD 3.1, SBD 4, SBD 6.1, SBD 8 and SBD 9.		
Part 2: SARS Tax Compliance Requirement Bidders must state their National Treasury (CSD) Central Supplier Database's Supplier Number or Unique number and Tax Pin in their bids to enable SAQA to confirm suppliers' tax status. (RECENT CSD REPORT MUST BE ATTACHED)		
Part 3: B-BBEE Certificate Bidders are required to submit the original and valid B-BBEE Status Level Verification Certificates or certified copies thereof with SANAS logo visible on it together with their price quotations to substantiate their B-BBEE rating claims. However, bidders who qualify as EMEs may submit an affidavit signed by the EME representative and attested by a Commissioner of oaths.		
Part 4: Service providers are required to submit their RFQ detailing the following: (a) Overall professional profile of the specialist. (b) Specialist's academic qualifications. (c) Specialist's detailed experience in the provision of legal advice on labour law. (d) Specialist's detailed experience in the provision of labour law advice in the public sector industry. (e) Pricing: Charge-out rates (unit costs) for their services. Service providers are also required to indicate their level of availability to carry out assignments in the 36 months, stated in percentage terms (i.e. %		

of the time available to do work over and above prevailing workloads). The prospective service providers must document all the above in the RFQ.		
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6. EVALUATION CRITERIA

6.1 The bid will be evaluated on three (3) stages:

Stage 1: Screening of mandatory documents;

Stage 2: Functionality Evaluation; and

Stage 3: Price and B-BBEE Evaluation.

6.2 Screening mandatory documents

Bidders must comply with this section as it forms the basis of the evaluation of the bidder's proposal. For a bidder to qualify to be evaluated for functionality, **a bidder must not have been disqualified** on compliance with any conditions or mandatory requirements preceding this phase of the evaluation.

6.3 Letter of good standing and /or membership

Copies of any affiliations, memberships and/or accreditations that support your submission must be included in the RFQ.

6.4 Functionality evaluation

The functionality evaluation will be scored against the following criteria. Please note that where a "Minimum rating to qualify" for a criterion has been indicated, a bidder will be disqualified where the bidder does not achieve the minimum rating.

Functionality		
Bidders must score 80 points or more to qualify		
Criteria	Sub-criterion	Points
Proof of educational qualifications in the field of Labour / Employment Relations or related qualifications for the Senior Labour experts' assigned to SAQA. (To qualify for points the bidder must submit copies of their qualifications)	Relevant PHD = 10 Relevant Masters = 8 Relevant Honours Degree = 6 Relevant Undergraduate Degree = 4 Relevant National Diploma = 2 Matric Qualification = 1	10
	The service provider must demonstrate by attaching full CVs that they have experience, sufficient knowledge, skills	
	The CVs must detail the experience in labour and employment law litigation; understand the regulatory framework governing public service employment, an	

and ability to provide SAQA with the required service	understanding of labour, employment law and pension law jurisprudence for purposes of providing labour related opinions and knowledge of bargaining Council and other dispute resolution space and the allocation of points as follows: • Senior Labour Expert with no relevant working experience = 0 points • Senior Labour Expert with 1-year relevant working experience = 0 points • Senior Labour Expert with 2 years relevant working experience = 5 points • Senior Labour Expert with 3 years relevant working experience = 10 points • Senior Labour Expert with 4 years relevant working experience = 15 points • Senior Labour Expert with 5 years relevant working experience = 20 points • Senior Labour Expert with 6 years relevant working experience = 25 points • Senior Labour Expert with 7 and more years relevant working experience = 30 points	30
Attach reference letters on the company's letterhead. The letters must be duly signed.	The name of the organisation where similar services were provided. SAQA reserves the right to contact these organisations, without prior notice to the bidder. • A bidder with no reference letters of contracts of similar services = 0 points • A Bidder with up to four reference letters of contracts of similar services = 10 points • A Bidder with six reference letters of contracts of similar services = 20 points • A bidder with eight reference letters of contracts of similar services = 30 points	30

	NB: Reference letters may not be replaced by letters of agreement, contracts or purchase orders.	
Summary of judgements/evidence of engagement for services rendered over the past 3 years or more in the following areas: - Labour and Employment Law - Pension law - Drafting legal opinions - Union matters	Successful judgements/evidence of engagement in the past 3 years or more 4 fields = 30 points 3 fields = 20 points 2 fields = 15 points 1 field = 10 points 0 field = 0 points	30
Total		100

7. MINIMUM SCORING

7.1 To qualify to be evaluated for the phase following functionality, a bidder must have obtained a minimum of 80 points out of the total points for functionality after functionality evaluation.

7.2 The qualifying bids will be evaluated under the 80/20 preference point system, as contemplated in the Preferential Procurement Policy Framework Act (Act 5 of 2000), Preferential Procurement Regulation 2017.

8. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

8.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution following the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6

7	4
8	2
Non-compliant contributor	0

9. RFQ SPECIAL CONDITIONS

- 9.1 All services must form part of the monthly costing for maintenance and support services.
- 9.2 SAQA reserves the right to instruct the bidder to change its representative(s) in the event of unsatisfactory performance.
- 9.3 The cost for service delivery management services (including the bidder's service delivery management team and representative(s)), must form part of the monthly maintenance and support cost.
- 9.4 Bidders must state their National Treasury (CSD) Central Supplier Database's Supplier Number or Unique number and Tax Pin in their bids to enable SAQA to confirm suppliers' tax status.
- 9.5 Bidders are required to submit a valid certified copy of the B-BBEE certificate or Sworn Affidavit for EMEs and QSEs as per the B-BBEE Act. SANAS Logo should be visible on the B-BBEE Certificate.
- 9.6 Bidders must complete, sign and submit SBD 3.1, SBD 4, SBD 6.1, SBD 8 AND SBD 9 forms.
- 9.7 Proof of professional capacity and accreditation with the relevant professional body/bodies and accreditation certificate/ letter of good standing/confirmation from a reputable organisation /member of AFSA (Arbitrary Foundation of SA)/relevant law society.
- 9.8 The proposal and required documents must be submitted through email.
- 9.9 All RFQs will be evaluated either in terms of the 80/20 system prescribed by the Preferential Procurement Regulation 2017 or price only based on its threshold.

10. PRICE SCHEDULE AND B-BBEE

TOTAL COST OF OWNERSHIP PRICING SCHEDULES SBD 3.1

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED

YEAR 1			
ITEM DESCRIPTION	Number of estimated hours for evaluation purposes only	Hourly Rates	Total Price per year (VAT Inc)
Chairing of labour disputes	20 hours	R.....	R.....
Representation at the CCMA	20 hours	R.....	R.....
Representation at the Labour Court / High Court	20 hours	R.....	R.....
Labour related opinions	20 hours	R.....	R.....
Employment Law	20 hours	R.....	R.....
Pension Law	20 hours	R.....	R.....

NB: Please note that the estimated number of hours is for evaluation purposes only.

YEAR 2			
ITEM DESCRIPTION	Number of estimated hours for evaluation purposes only	Hourly Rates	Total Price per year (VAT Inc)
Chairing of labour disputes	20 hours	R.....	R.....
Representation at the CCMA	20 hours	R.....	R.....
Representation at the Labour Court / High Court	20 hours	R.....	R.....
Labour related opinions	20 hours	R.....	R.....
Employment Law	20 hours	R.....	R.....
Pension Law	20 hours	R.....	R.....

NB: Please note that the estimated number of hours is for evaluation purposes only.