



NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

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REQUEST FOR PROPOSALS	
TERMS OF REFERENCE FOR THE APPOINTMENT OF AN EXPERT TO FACILITATE A DIALOGUE SESSION ON THE SOCIO-ECONOMIC IMPACT OF THE POTENTIAL INCREASE OF THE HEALTH PROMOTION LEVY	
RFQ NUMBER:	REQ11328
RFQ ISSUE DATE:	15 November 2023
CLOSING DATE AND TIME:	23 November 2023 @ 11h00
SITE VISIT	N/A
DESCRIPTION OF SERVICES	APPOINTMENT OF AN EXPERT TO FACILITATE A DIALOGUE SESSION ON THE SOCIO-ECONOMIC IMPACT OF THE POTENTIAL INCREASE OF THE HEALTH PROMOTION LEVY NB: TORs are attached from pg 14
SUBMISSION ADDRESS	Submissions to be sent electronically

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PROCUREMENT ENQUIRIES	Name: JOYCE TONGWANE Email: joyce@nedlac.org.za
TECHNICAL ENQUIRIES	Name: Vuyisa Tafa Email: vuyisa@nedlac.org.za

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COMPANY REGISTRATION NUMBER:.....

CSD NUMBER :

ADDRESS:

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CONTACT PERSON :

TEL:

FAX:

E-Mail :

Mobile:

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TOTAL RFQ PRICE R(VAT Incl.)

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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

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.

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:

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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

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.

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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.

- i.6 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) 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.

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Signature	Date
.....	
Position	Name of bidder

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**

GENERAL CONDITIONS

i.6 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).

To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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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
BBBEE	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.

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).

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:

80/20 or 90/10

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

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:

80/20 or 90/10

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration P_{max} = Price of highest acceptable tender

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.)

BBBEE LEVELS	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)
BBBEE Level 1	10	20		
BBBEE Level 2	8	16		
BBBEE Level 3	5	10		
BBBEE Level 4	4	8		
BBBEE Level 5	3	6		
BBBEE Level 6 – 8	0	0		

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

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- ☐ 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.

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SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:
DATE:
ADDRESS:
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REQUEST FOR PROPOSALS
TERMS OF REFERENCE FOR THE APPOINTMENT OF AN EXPERT TO FACILITATE A
DIALOGUE SESSION ON THE SOCIO-ECONOMIC IMPACT OF THE POTENTIAL
INCREASE OF THE HEALTH PROMOTION LEVY

1. BACKGROUND

- 1.1. The Minister of Finance announced in the 2016 Budget, a proposal to introduce a tax on sugar-sweetened beverages (SSBs). This decision came as a result of growing non-communicable diseases (NCDs) and obesity concerns in South Africa and its significant negative economic impacts. These diseases cause enormous human loss, impose heavy costs on public health systems and reduce overall productivity by the premature death and/or disability of people during their productive years.
- 1.2. The objective of the tax on sugary beverages, as contained in the Health Promotion Levy (HPL) is to:
 - i. Explicitly price sugars in sugary beverages and encourage a behavior change in preferences towards healthier options (e.g. water, milk, etc.); and
 - ii. Encourage producers to reformulate their sugary beverages by reducing the sugar content of these beverages, and to offer healthier beverage options.
- 1.3. Subsequent to this announcement, Nedlac established a task team to engage on the impact of the HPL on jobs. The Nedlac process was between 2017 and 2018, and it focused on mitigation measures against jobs losses as a result of the implementation of the HPL. The task team produced an assessment study on the potential impact of the HPL. The study is attached as annexure A.
- 1.4. A Nedlac report was produced and submitted to Parliament for consideration in 2018. This report is attached as annexure B.
- 1.5. The HPL was subsequently introduced in 2020. Since the introduction of the HPL, there has been no review of the impact of the HPL.
- 1.6. It is against this background that Nedlac will be convening a dialogue session to engage on the socio-economic impact of the potential increase of the HPL. In this regard, services of a suitable service provider are sought to facilitate this dialogue session.
- 1.7. The dialogue will be convened online, and will be attended by approximately 30 participants consisting of representatives from organised Business, organised Labour, Government and Nedlac officials.

2. SCOPE OF WORK

- 2.1. Nedlac seeks the expertise of a suitable service provider to facilitate a dialogue session on the socio-economic impact of the potential increase of HPL.
- 2.2. The role of the service provider will be to undertake the following deliverables:
 - 2.3. Set and curate the agenda of the dialogue session, and where necessary, meet with presenters to ensure that inputs to the dialogue are in line with expectations. This includes getting relevant speakers who are not members of Nedlac to participate in the session;
 - 2.4. Guide and facilitate the dialogue session by providing technical support and knowledge, including providing think pieces and research studies;
 - 2.5. Be an Economist who is well versed with the discussions regarding the Health Promotion Levy.;
 - 2.6. Provide inputs on the report drafted arising from the dialogue session. The first draft report will be developed by the Nedlac Report writer.

The expert will be required to work closely with the Nedlac secretariat who will be responsible for the overall coordination of the dialogue session.

3. REQUIREMENTS OF THE SERVICE PROVIDER

- 3.1. Minimum five (5) years of demonstrable experience in policy development
- 3.2. Demonstrable skills and expertise in the following areas:
 - 3.2.1. A solid understanding of the key issues and debates in the sugary beverages sector.
 - 3.2.2. Policy development and implementation
 - 3.2.3. Problem-solving, scoping, diagnostic and situational analysis
 - 3.2.4. Report writing, including presentation; and
 - 3.2.5. Stakeholder engagement and management

4. TIMELINES

- 4.1. The dialogue will be convened for 1 day online via MS Teams.
- 4.2. A report on deliberations of the workshop should be submitted to Nedlac within 14 days post the convening of the dialogue.

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5. SUBMISSION OF DOCUMENTS

Bidders must submit the following documents:

- 5.1. A proposal outlining the approach and methodology as to the execution of the terms of reference.
- 5.2. Budget for this assignment, and proof that the firm is in good standing with the South African Revenue Services (SARS).
- 5.3. Company registration.
- 5.4. Proof of registration on CSD
- 5.5. A valid BBB-EE or sworn affidavit
- 5.6. Completed SBD forms
- 5.7. CV of the expert must demonstrate the necessary skills and experience in the area of expertise listed below.
- 5.8. Five contactable references.

6. BID SUBMISSION AND ENQUIRIES

- 6.1. Bidders should send their completed bids and accompanying relevant documentation by email to Ms Joyce Tongwane at Joyce@nedlac.org.za and copy procurement@nedlac.org.za by 23 November **2023 at 11H00.**
- 6.2. Note that no late proposals will be considered.
- 6.3. Nedlac reserves the right to cancel this bid should such be deemed necessary.
- 6.4. Technical inquiries regarding these Terms of Reference should be emailed to Mr. Vuyisa Tafa at vuyisa@nedlac.org.za and procurement inquiries should be emailed to joyce@nedlac.org.za

7. SELECTION AND EVALUATION CRITERIA

7.1. Evaluation criteria

As this procurement is expected not to exceed a maximum of R50 million, the 80/20 preferential procurement measure is applicable. To achieve specific goals, a maximum of 20 points will be awarded to a tenderer for broad-based black economic empowerment as follows:

- B-BBEE status Level 1 contributor: 20 points
- B-BBEE status Level 2 contributor: 16 points
- B-BBEE status Level 3 contributor: 10 points
- B-BBEE status Level 4 contributor: 8 points

- B-BBEE status Level 5 contributor: 6 points
- B-BBEE status Level 6 - 8 contributor: 0 points

The RFQ will be evaluated in two phases as follows:

Phase 1 – Functionality Evaluation

Functionality	100
Threshold	70

Phase 2 – Pricing and Goal Evaluation

Price	80
Goal Evaluation	20

8. SELECTION AND EVALUATION CRITERIA

- 8.1. The evaluation criteria for functionality are set out in the table below.
- 8.2. The scoring to evaluate the criteria will be as follows:
 - 5= Excellent, 4 = Good, 3 = Satisfactory, 2 = Poor, 1= Unacceptable
- 8.3. Bidders need to score a minimum of 70% for functionality before BBEE and price are considered.

The below matrix will be used in scoring the proposals:

Description of Quality Criteria	Weight
	100%
Approach and methodology in managing this project which should include: Interpretation of Terms of Reference to demonstrate understanding of what is required, and outline methodology and the project plan.	40%
Similar projects completed Work performance on previous assignments (bidders to specify area of specialisation); successfully completed in the areas set out above, with contactable references.	30%
Years of Experience and Qualification: Availability of appropriate skills and resources to manage this project. CV of the assigned expert to demonstrate skills and capabilities by	30%

Description of Quality Criteria	Weight
	100%
showing current and previous work done as well as have minimum of 10 years experience in the fields set out above. The expert should hold post graduate Degree in Economics or related.	

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