



REQUEST FOR QUOTATION FOR AN APPOINTMENT OF FRAUD AND ETHICS HOTLINE SERVICE PROVIDER FOR A PERIOD OF 36 MONTHS	
RFQ NUMBER:	REQ11617
RFQ ISSUE DATE:	07 June 2024
CLOSING DATE AND TIME:	19 June 2024 @ 11h00
RFQ VALIDITY PERIOD	30 Days (COMMENCING FROM RFQ CLOSING DATE)
DESCRIPTION OF SERVICES	REQUEST FOR QUOTATION: APPOINTMENT OF AN INDEPENDENT FRAUD AND ETHICS HOTLINE SERVICE PROVIDER FOR A PERIOD OF 36 MONTHS
SUBMISSION EMAIL ADDRESS	sibongile@nedlac.org.za and copy procurement@nedlac.org.za
PROCUREMENT ENQUIRIES	Name: Sibongile Pheeha Tel: 0607710835 Email: sibongile@nedlac.org.za

REQUEST FOR QUOTATION

BIDDER NAME:

COMPANY REGISTRATION NUMBER:.....

CSD NUMBER :.....

ADDRESS:
.....
.....

CONTACT PERSON :

TEL:

FAX:

E-Mail :

Mobile:

TOTAL RFQ PRICE R(VAT Incl.)

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:

.....

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 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

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.

PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT
SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

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

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**

(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.

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) BBBEE

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 BBBEE	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:

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

Where

P_s = 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:

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

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 BBEE 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)
Level 1	10	20		
Level 2	8	16		
Level 3	5	10		
Level 4	4	8		
Level 5	3	6		
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
- ☐ 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:	
	
	
	

REQUEST FOR QUOTATIONS

APPOINTMENT OF AN INDEPENDENT FRAUD AND ETHICS HOTLINE SERVICE PROVIDER FOR 36 MONTHS

1. PURPOSE

Nedlac requires a suitably qualified, experienced service provider to provide independent fraud and ethics hotline services to Nedlac for a period of 36 months.

2. BACKGROUND

The National Economic Development and Labour Council (Nedlac) is a schedule 3A public entity that falls within the Department of Employment and Labour. Nedlac is the vehicle by which Government, labour, business and community organisations seek to cooperate, through problem-solving and negotiation, on economic, labour and development issues and related challenges facing the country.

Nedlac is managed by a secretariat, consisting of about 50 staff members and led by an Executive Director.

The legislated objects, powers and functions of Nedlac are to:

- Strive to promote the goals of economic growth, participation in economic decision making and social equity;
- Seek to reach consensus and conclude agreements on matters pertaining to social and economic policy
- Consider all proposed labour legislation relating to labour market policy before it is introduced in Parliament;
- Consider all significant changes to social and economic policy before it is implemented or introduced in Parliament;

- Encourage and promote the formulation of co-ordinated policy on social and economic matters.

In striving to promote an honest work ethic, an independent service provider is being sought to administer the Nedlac fraud and ethics hotline to safeguard and protect anonymous callers for a period of 36 months. The hotline will contribute to ensuring an honest work ethic within the Nedlac work environment through the provision of a facility for all stakeholders to report incidents of fraud, misconduct & corruption via the hotline as well as e-mail. The hotline should be operated in a manner that guarantees complete anonymity of the caller.

3. SCOPE OF WORK

The service provider will be required to provide the following services:

3.1. Independent hotline:

- Toll free number which must be available to all NEDLAC employees, members of the public and the service providers;
- Operating on a 24/7/365 standard (24 hours a day, 7 days a week and 365 days a year);
- Multilingual hotline operators; and
- Guaranteed complete anonymity of callers.

3.2. Independent email address:

- An electronic conduit for written reports of unethical practices which will allow the details of the sender's email address to remain anonymous.

3.3. Marketing of the hotline services

- Monthly report regarding the implementation of the hotline services and the promotion of fraud awareness workshops to Nedlac staff and stakeholders. The workshops should be annual.
- A poster or leaflet advertising the hotline for uploading on Nedlac's website,

distribute on social media and put in strategic places at the Nedlac Office.

3.4. Monitoring and Reporting:

- Conduct quarterly surveys to assess the level of awareness of fraud reporting mechanisms
- Produce quarterly summaries and trend reports on matters raised and when requested by Nedlac for audit purposes.

4. REQUIREMENTS OF THE SERVICE PROVIDER

4.1 The successful service provider must provide the following to demonstrate experience in provision of services indicated on 3. above:

- Meet the requirements of the External Whistle-blowing Hotline Service Provider Standard EO 1.1.1 and be accredited by the Ethics Institute of South Africa (Ethics SA). Proof of accreditation **must** be submitted.
- Extensive knowledge and compliance with the Protected Disclosure Act No. 26 of 2000.
- List of similar projects or assignments completed in respect of services listed on 3. and the year in which it was completed.
 - Assignment name;
 - Brief description of assignment; and
 - Signed reference letters from minimum of five contactable references linked to these assignments.

5. SUBMISSION OF DOCUMENTS

5.1 In addition to the requirements of 4.1. above, service providers must submit the following documents:

- BBBEE certificate or sworn affidavit;
- Completed SBD forms; and
- Proof of registration on the Central Supplier Database.

6. SELECTION AND EVALUATION CRITERIA

6.1 Evaluation criteria

As this procurement is expected not to exceed a maximum of R50 million, the 80/20 preferential procurement measure is applicable. In order 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

6.2 The RFQ will be evaluated in two phases as follows:

Phase 1 – Functionality Evaluation

<i>Functionality</i>	<i>100</i>
<i>Threshold</i>	<i>70</i>

Phase 2 – Pricing and Specific Goals Evaluation

Price	80
Specific Goals Evaluation	20

6.3 Functionality Evaluation criteria

The following evaluation criteria will be utilised:

5= Excellent, 4 = Good, 3 = Satisfactory, 2 = Poor, 1= Unacceptable; 0= no submission

The below matrix will be used in scoring the submissions:

What is required	Application of evaluation criteria	% allocation
Years of experience Availability of appropriate skills and resources to facilitate the process. CV's of the assigned personnel to demonstrate skills and capabilities by showing current and previous work done as well as number of years in the fields set out above.	5 = more than 10 years' experience 4 = 6 to 10 years' experience 3 = 5 years' experience 2 = 2 to 4years' experience 1 = less than 2 years' experience 0= No experience	50%
Project plan demonstrates understanding of the assignment	5 = Excellent understanding, elements of innovation 4 = good understanding, good quality proposal 3= adequate understanding of the assignment, competent proposal 2 = inadequate proposal 1= proposal shows lack of understanding of assignment 0 = no proposal submitted	30%
Similar Projects	5=Seven and above successfully completed projects 4=Five to six successfully completed projects 3=Three to four successfully completed projects 2=Two successfully completed projects 1=one successfully completed projects 0=no successfully completed project	20%

6.4 To note

- The final decision and successful appointment will be made by Nedlac and no correspondence will be entered into thereafter.
- Nedlac reserves the right to cancel this bid or ultimately decide not to appoint any service provider in terms of this call for quotations.

7. SUBMISSION AND ENQUIRIES

7.1 Service providers should send their quotation and accompanying relevant documentation to Sibongile@nedlac.org.za and copy procurement@nedlac.org.za by 19 June 2024 at 11h00.

8. ENQUIRIES

8.1 Technical enquiries regarding these Terms of Reference should be emailed to Ms Moipone Molete at moipone@nedlac.org.za

8.2 Procurement enquiries regarding this Terms of Reference should be emailed to Sibongile@nedlac.org.za and copy procurement@nedlac.org.za.

9. PAYMENT TERMS

Payments will be made within 30 days from receipt of invoice and against presentation of satisfactory deliverables as will be agreed upon on appointment of the successful bidder/service provider.