



## **REQUEST FOR QUOTATION (RFQ)**

Working together for a skilled tomorrow

### **PROVISION OF SIX (6) DAYS EMPLOYMENT EQUITY ACT TRAINING, FACILITATION AND SUPPORT DRAFTING OF THE EMPLOYMENT EQUITY REPORTS, PLAN AND STRATEGY FOR INSETA**

<b>RFQ</b>	<b>RFQ/2021/22/96</b>
<b>RFQ ISSUE DATE</b>	<b>04 OCTOBER 2021</b>
<b>BRIEFING SESSION</b>	<b>N/A</b>
<b>RFQ DESCRIPTION</b>	<b>PROVISION OF SIX (6) DAYS EMPLOYMENT EQUITY ACT TRAINING, FACILITATION AND SUPPORT DRAFTING OF THE EMPLOYMENT EQUITY REPORTS, PLAN AND STRATEGY FOR INSETA</b>
<b>CLOSING DATE &amp; TIME</b>	<b>07 OCTOBER 2021 @ 11h00</b>
<b>LOCATION FOR SUBMISSIONS</b>	<a href="mailto:rfqs@inseta.org.za">rfqs@inseta.org.za</a>

**Bidders must submit responses via e-mail at: [rfqs@inseta.org.za](mailto:rfqs@inseta.org.za) or hand delivered to 37 Empire Road, Parktown, Johannesburg. For any queries or questions, please use above mentioned email address.**

The INSETA requests your quotation on the services listed above. Please furnish us with all the information as requested and return your quotation on the date and time stipulated above. **Late and incomplete submissions will invalidate the quote submitted.**

SUPPLIER NAME: \_\_\_\_\_

POSTAL ADDRESS: \_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

FAX NO: \_\_\_\_\_

E MAIL ADDRESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

CELL NO: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

## 1. BACKGROUND

The Insurance Sector Education and Training Authority (INSETA) is a public entity listed in schedule 3A of the PFMA and was established in March 2000. The INSETA must, in accordance with any prescribed requirements to perform in accordance with the Skills Development Act (SDA), the Skills Development Levies Act (SDLA), the Public Finance Management Act (PFMA), any other relevant legislation and the Constitution.

The objective of this request is to appoint a qualified and experienced service provider to provide customized training on the Employment Equity Act (EEA) and the amendments to the Employment Equity Act for 23 INSETA Employment Equity Committee Members. The training must also include a direct engagement and working with the team on the INSETA's currently EE report, plan and strategy (copies to be supplied to the successful bidder).

## 2. SCOPE OF WORK

**The appointed service provider(s) will be required to provide:**

- 2.1.1 Employment Equity Training with the 23 individuals includes Committee Members and Management and in relation to the above legislation and understanding of their current reports in place. Recommends Six (6) days training which will be divided into two training sessions meaning first group will attend the first 3 days and the second group will attend the next three days session
- 2.1.2 Understanding the EEA 2 and EEA4 report requirements within the training and talking through the definitions within these.
- 2.1.3 Establishing a working group post the training day to practically work with all EE members to understand their role and function in contributing to updating of the EEA 2 and EEA 4 report as well as the organisation EE Plan and Strategy
- 2.1.4 Training on WSP/ATR compilation.
- 2.1.5 POPIA application and/or implementation in terms of EE reporting, plan and strategy
- 2.1.6 Providing 3 days training online per group for 2 separate groups and set aside 2 days for the report, plan and strategy facilitation and drafting.

## 3. DELIVERABLES

3.1. **The bidder must have following deliverables:**

- 3.1.1 Understanding the Employment Equity Act
- 3.1.2 Definitions, purpose, interpretation and application of the Employment Equity Act 5
- 3.1.3 Definitions
- 3.1.4 Regulations

- 3.1.5 Purpose
- 3.1.6 Interpretation
- 3.1.7 Application

## 3.2. Understanding discrimination

- 3.2.1 The prohibition of unfair discrimination
- 3.2.2 Liability of employers
- 3.2.3 Burden of proof
- 3.2.4 Differentiation / discrimination
- 3.2.5 Unfair / fair discrimination
- 3.2.6 Direct and indirect discrimination
- 3.2.7 Discrimination “based on” one or more prohibited grounds
- 3.2.8 Grounds of discrimination
- 3.2.9 Race
- 3.2.10 Pregnancy, marital status and family responsibility
- 3.2.11 Age
- 3.2.12 Disability
- 3.2.13 Sexual orientation, sex and gender
- 3.2.14 Ethnic or social origin and birth
- 3.2.15 Religion, belief, culture and conscience
- 3.2.16 Language and colour
- 3.2.17 Jurisdiction of the CCMA
- 3.2.18 Employment applicants, job analysis and inherent requirements of the job
- 3.2.19 Employment applicants
- 3.2.20 Discrimination in employment policies and practices
- 3.2.21 Recruitment procedures
- 3.2.22 Internal recruitment
- 3.2.23 External recruitment
- 3.2.24 Advertising positions
- 3.2.25 Selection criteria and appointments
- 3.2.26 Educational requirements and experience
- 3.2.27 Remuneration and benefits: equal pay for work of equal value
- 3.2.28 Terms and conditions of employment
- 3.2.29 Work environment and facilities
- 3.2.30 Training and development

### 3.3. Employment Equity and Affirmative Action

- 3.3.1 Understanding affirmative action
- 3.3.2 The equality test: section 9(2) of the Constitution
- 3.3.3 Who must benefit from affirmative action?
- 3.3.4 Which persons or groups?
- 3.3.5 Must one show actual disadvantage, or is membership of the affected class sufficient to be able to benefit?
- 3.3.6 Can the measure legitimately differentiate between persons within the disadvantaged groups?
- 3.3.7 The duties of designated employers and voluntary compliance
- 3.3.8 The requirements of disclosure of information
- 3.3.9 Employment Equity Plans: duty to inform and the requirements for keeping records
- 3.3.10 The Employment Equity Committee: roles and functions
- 3.3.11 Consultation
- 3.3.12 Qualitative analysis: identification of EE Barriers
- 3.3.13 Quantitative analysis: snapshot of the workforce profile
- 3.3.14 Benchmarking best practices
- 3.3.15 Monitoring
- 3.3.16 Frequency and content of committee meetings

### 3.4. The Employment Equity Amendment Bill

- 3.4.1 Including the Employment Equity Amendment Bill, 2020 published on 20 July 2020

### 3.5. POPIA application and/or implementation in terms of EE reporting, plan and strategy

## 4. TIMEFRAMES

The duration of the contract will be for period of six (6) days.

## 5. CONTRACTUAL OBLIGATION

- 5.1 Bidder rate-based pricing will be fixed for the duration of the contract.
- 5.2 Bidder will be expected to sign SBD 7.2 contract form upon award.
- 5.3 Bidder will be issued a PO on request of services as and when require.
- 5.4 The contract value will be capped at R 1 000 000,00 for services and required bases.
- 5.5 The service provider's quotation must also provide sufficient detail in terms of various cost items such as total "man" hours and daily rates for the project team.

- 5.6 In the case of the service provider using sub-contractors, the former will be responsible for ensuring delivery of services from any such sub-contractors and for making any payments to such sub-contractors.
- 5.7 The successful bidder will be required to have adequate professional indemnity as well as liability insurance in place **(upon parties contracting)**

## 6. ABSENCE OF OBLIGATION & CONFIDENTIALITY

- 6.1. No legal or other obligation shall arise between the service provider and INSETA unless/until both parties have signed a formal contract or Service Level Agreement in place.
- 6.2. The Contract site is at **INSETA (as and when required)**.

## 7. WORKMEN AND SUPERVISION ON SITE

- 7.1. The service provider shall be held responsible for the conduct of his employees and the conduct of his sub-contractor's employees for the full duration of the contract.

## 8. PREQUALIFICATION CRITERIA (Phase 1)

- 8.1. Bidder must provide proof (BBBEE Certificate accredited by SANAS or Department of Trade Industry (DTI) Sworn Affidavit) **and must be an EME or QSE only (level 1 or level 2 BBBEE contributor)** status will be considered **(no generic companies will be considered)**

**Note: All bidders who do not comply with the items listed above will be disqualified.**

## 9. MANDATORY CRITERIA

- 9.1. Bidder must provide three (3) or more reference letters indicating undertaking EE training, drafting and submitting EEA reports, Plan and Strategy.

**Note: Bidders who are non-compliant with the mandatory criteria will result in automatic disqualification and therefore will not be eligible for evaluation of BBBEE & Price Preference.**

## 10. PRICING SCHEDULE

- 10.1** Service providers must ensure that the price quotations are inclusive of all applicable taxes (including VAT). Costing must comprise of all the relevant services proposed in the bidder's submission (but not limited to).

Item	Description	Quantity	Unit Price
Employment Equity Act (EEA) and the amendments to the Employment Equity Act Training	Provision of three (3) days employment equity act training per group(2 groups) and 2 days for report, plan and strategy facilitation and drafting	23	
EEA Reports	Facilitation and support drafting of the employment equity reports, plan and strategy for INSETA	1	
POPIA implementation	POPIA application and/or implementation in terms of EE reporting, plan and strategy	1	
<b>Sub-Total</b>			
<b>VAT (15%)</b>			
<b>Total</b>			

## 11. Phase 2: Preference Evaluation

### 11.1 BBBEE and Price

As the tender **price is estimated to be below R50 million**, the tender responses will be evaluated on the **80/20**-point system.

## 12. ADJUDICATION USING A POINT SYSTEM

- 12.1** The bidder obtaining the highest number of total points will be awarded the contract unless objective criteria justify the award to another bidder.
- 12.2** Preference points shall be calculated after process has been brought to a comparative basis taking into account all factors of non-firm prices.
- 12.3** In the event that two or more bids have scored equal points in terms of price and preference points for BBBEE, the successful bid must be the one scoring the highest number of

preference points for BBEE - in terms of PPPFA Regulation 2017 – Section 11 (1) & (2)

- 12.4** However, when functionality is part of the evaluation process and two or more bids have scored equal points for BBEE, the successful bid must be the one scoring the highest score for functionality.
- 12.5** Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

### 13. POINTS AWARDED FOR PRICE AND BBEE PREFERENCE POINT

The **80/20** preference point system

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

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

P min

Where:

P<sub>s</sub> = Points scored for comparative price of bid under Consideration

P<sub>t</sub> = Comparative price of bid under consideration

P<sub>min</sub> = Comparative price of lowest acceptable bid

### 14. B-BBEE PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

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
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- 14.1** Bidders who qualify as EME's and QSE's in terms of the B-BBEE Act must submit a Sworn affidavit. Misrepresentation of information constitutes a criminal offence.
- 14.2** Bidders other than EME's or QSE's must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by SANAS.
- 14.3** Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 15. Consortium**
- 15.1.** A consortium is an association of two or more individuals, companies, organisations or governments (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal.
- 15.2.** A consortium requires that each participant retains its separate legal status and the consortium's control over each participant is generally limited to activities involving the joint endeavour, particularly the division of profits. A consortium is formed by contract, which designates the rights and obligations of each member.
- 15.3.** In a consortium, only the lead bidder's credentials both in terms of financial and technical qualifications are considered. Therefore, the interpretation and application to a RFQ/Bid process is such that the lead partner is identified and the following requirements are required as follows:
- a) Lead Partner**
- All administrative documents (consortium agreement between the lead partner and the partner)
  - Technical requirements (which will show in the proposal and other requirements why the need for the consortium, which for all intent and purpose fulfils the requirements of the bid through combination of skills)
- b) Partner**
- Proof of CSD registration.
  - Tax Pin.
  - BBBEE Sworn-Affidavit.
  - SBD 4 Declaration of interest.
  - SBD 8 Past supply chain.



- 15.4. It should be taken into cognisance that although the lead partner is the qualifying entity, the partner should prove that it can do business with state-owned entities, through CSD registration, proof that the taxes are compliant, its level of BBBEE status in order to align with the BBBEE status level required by the BID, declare interest and answer questions that it is not a disqualified entity with the National Treasury. The foregoing ensures compliance from an SCM process perspective that the consortium is in order.
- 15.5. Of importance is that in a consortium, each individual team members retain their identities.

## 16. A joint venture

- 16.1. A joint venture is a business entity created by two or more parties, generally characterized by shared ownership, returns and risks and shared governance.

## 17. Unincorporated joint venture:

- 17.1. All SCM documents are filled in by the joint venture in the name of the joint venture, although the submission of administrative documents (partnership agreement between parties) will be completed in the name of the joint venture, and the following will be required from both parties, amongst others
- SBD 4.
  - SBD 6.
  - SBD 8.
  - SBD 9.
  - Tax pin
  - CSD registration.
  - The JV agreement will direct which bank account of the two entities will be used.
  - Consolidated Joint BBBEE Certificate.

## 18. Incorporated joint venture

- 18.1 This aligned to a registered entity or company. A registered entity/ company with a consolidated BBBEE certificate and a bank account in the name of the Joint venture. The required compliance documents must be complete by the entity/ company the name of the joint venture, and the following will be required amongst others
- SBD 4.
  - SBD 6.
  - SBD 8.
  - SBD 9.

- e) Tax pin
- f) CSD registration.
- g) The JV agreement will direct which bank account of the two entities will be used.
- h) Consolidated Joint BBBEE Certificate.

**18.2** A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended Sub-contractor is an EME that has the capacity and the ability to execute the sub-contract.

**18.3** A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capacity and the ability to execute the sub-contract.

## 19. COMMUNICATION

Respondents are warned that a response will be disqualified should any attempt be made by a bidder either directly or indirectly to canvass any officer(s) or employees of INSETA in respect of BID process, between the closing date and the date of the award of the business.

All enquiries relating to this BID should be emailed **three days before the closing date.**

## 20. CONDITIONS TO BE OBSERVED WHEN BIDDING

The organization does not bind itself to accept the lowest or any BID, nor shall it be responsible for or pay any expenses or losses which may be incurred by the bidder in the preparation and delivery of his BID submission. The organization also reserves the right to withdraw or cancel the BID at any stage.

No BID shall be deemed to have been accepted unless and until a formal contract / letter of award is prepared and executed.

The competitive shall remain open for acceptance by the Organization for a period of **90 days** from the closing date of the BID Enquiry.

**INSETA reserves the right to:**

- 20.1 Not evaluate and award a bid that do not comply strictly with this BID document.
- 20.2 Make a selection solely on the information received in the Bid Document and Enter into negotiations with any one or more of preferred bidder(s) based on the criteria specified in the terms of reference.
- 20.3 Contact any bidder during the evaluation process, in order to clarify any information, without informing any other bidders. During the evaluation process, no change in the content of the BID shall be sought, offered or permitted.
- 20.4 Cancel this BID at any time as prescribed in the PPPFA regulation.
- 20.5 Should bidder(s) be selected for further negotiations, they will be chosen on the basis of the of cost effectiveness and the principal of value for money not necessarily on the basis of the lowest costs.

**21. Cost of Bidding**

- 21.1 The bidder shall bear all costs and expenses associated with preparation and submission of its BID submission and the INSETA shall under no circumstances be responsible or liable for any such costs, regardless of, without limitation, the conduct or outcome of the bidding, evaluation, and selection process.

**22. Note to Bidders:**

- 22.1 Due diligence to be conducted by INSETA prior to the award of the contract.

**END OF TERMS OF RFQ DOCUMENT**



**Annexed to this document for completion and return with the document:**

- Declaration of Interest (SBD 4),
- Preference Points Claim Form (SBD 6.1),
- Declaration of Bidder's Past Supply Chain Practices (SBD 8),
- Certificate of Independent Bid Determination (SBD 9)
- Initialled General Conditions of Contract (GCC)
- Bidders bank confirmation letter reflecting company registration number

**Non – compliance in returning above mentioned documents, will deem the bid nonresponsive.**

