

PROVISION OF TWO (2) DAYS OF EMPLOYMENT EQUITY ACT TRAINING, FACILITATION, AND SUPPORT DRAFTING OF THE EMPLOYMENT EQUITY REPORTS, PLAN, AND STRATEGY FOR INSETA

| | |
|---------------------------------|--|
| RFQ | RFQ/INS/2023/24/0019 |
| RFQ ISSUE DATE | 02 MAY 2023 |
| BRIEFING SESSION | N/A |
| RFQ DESCRIPTION | PROVISION OF TWO (2) DAYS OF EMPLOYMENT EQUITY ACT TRAINING, FACILITATION, AND SUPPORT DRAFTING OF THE EMPLOYMENT EQUITY REPORTS, PLAN, AND STRATEGY FOR INSETA |
| CLOSING DATE & TIME | 08 MAY 2023 @ 11h00 am |
| LOCATION FOR SUBMISSIONS | rfqs@inseta.org.za |

Bidders must submit responses via e-mail at: rfqs@inseta.org.za or hand delivered to 37 Empire Road, Parktown, Johannesburg. For any queries or questions, please use the 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.

This request aims 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 direct engagement and working with the team on the INSETA's current 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 Employment Equity Training with the 13 individuals includes Committee Members and Management in relation to the above legislation and understanding of their current reports.
- 2.2 Recommends and half-day training session.
- 2.3 Understanding the EEA 2 and EEA4 report requirements within the training and talking through the definitions within these.
- 2.4 Training to practically work with all EE members to understand their role and function in contributing to updating the EEA 2 and EEA 4 report as well as the organisation's EE Plan and Strategy
- 2.5 Training on WSP/ATR compilation.
- 2.6 POPIA application and/or implementation in terms of EE reporting, plan, and strategy

3. DELIVERABLES

3.1. The bidder must have the 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. Employment Equity and Affirmative Action

- 3.2.1 Understanding affirmative action
- 3.2.2 The equality test: section 9(2) of the Constitution
- 3.2.3 Who must benefit from affirmative action?
- 3.2.4 Which persons or groups?
- 3.2.5 Must one show actual disadvantage, or is membership of the affected class sufficient to be able to benefit?
- 3.2.6 Can the measure legitimately differentiate between persons within disadvantaged groups?
- 3.2.7 The Duties of designated employers and voluntary compliance
- 3.2.8 The requirements for disclosure of information
- 3.2.9 Employment Equity Plans: duty to inform and the requirements for keeping records.
- 3.2.10 The Employment Equity Committee: Roles and Functions
- 3.2.11 Consultation
- 3.2.12 Qualitative analysis: identification of EE Barriers
- 3.2.13 Quantitative analysis: a snapshot of the workforce profile
- 3.2.14 Benchmarking best practices
- 3.2.15 Monitoring
- 3.2.16 Frequency and content of committee meetings
- 3.2.17 Employment Equity Plan (National and Provincial Targets)

3.3. The Employment Equity Amendment Bill

- 3.3.1 Any Employment Equity Amendments
- 3.3.2 Including the Employment Equity Amendment Bill, 2020 published on 20 July 2020

4. TIMEFRAMES

- 4.1 The duration of the contract will be for a period of Six (6) months, as and when required.

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.
Bidder will be issued a PO on request of services as and when required.
- 5.3 The contract value will be capped at R 200 000,00 for services and required bases.
- 5.4 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.
- 5.5 In the case of the service provider using sub-contractors, the former will be responsible for ensuring the delivery of services from any such sub-contractor and for making any payments to such sub-contractors.
- 5.6 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 SUPERVISOR ON SITE

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

8. PREQUALIFICATION CRITERIA (Phase 1)

- 8.1 Proof of registration on CSD (**Central Supplier Database**)
- 8.2 Standard Bid Document (SBD 6.1)
- 8.3 **Bidders Disclosure (SBD 4)**
- 8.4 Signed **Request for Quotation (RFQ)** form.

9. MANDATORY CRITERIA (Phase 2)

- 9.1. The bidders must provide **three (3) reference letters** indicating undertaking EE Training, Drafting, and submitting EEA reports. The letters must be on the **company client's letterhead, signed and dated with contactable details, emails, or phone or cell.**

10. PRICING SCHEDULE

10.1 Service providers must ensure that the price quotations are inclusive of all applicable taxes (including VAT). Costing must comprise 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 two (2) days of employment equity act training for report, plan and strategy facilitation and drafting | 13 | |
| EEA Reports | Facilitation and supported the drafting of the employment equity report plan and strategy for INSETA | 1 | |
| POPIA implementation | POPIA application and/or implementation in terms of EE reporting, plan, and strategy | 1 | |
| Sub-Total | | | |
| VAT (15%) | | | |
| Total | | | |

11. PREFERENCE EVALUATION

11.1 Specific Goals and Price

11.2 As the tender **price is estimated to be between R2001 and R50 million including VAT**, 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 the 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 BBBEE - in terms of PPPFA Act 5 of 2000.

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

13 POINTS AWARDED FOR PRICE AND BBBEE 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_s = Points scored for the comparative price of a bid under Consideration
- P_t = Comparative price of a bid under consideration
- P_{\min} = Comparative price of lowest acceptable bid

13.1 SPECIFIC GOALS PREFERENTIAL POINTS WILL BE AWARDED AS FOLLOWS:

13.1.1 Table 1: Specific goals for the RFQ or bid process and points claimed are indicated per the table below.

13.1.2 Where either the **90/10** or **80/20** preference point system is applicable, corresponding points must also be indicated as such. The tenderer must indicate how they claim points for each preference point system.

| The specific goals 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) | A number of points were claimed. (90/10 system) (To be completed by the tenderer) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|--|--|---|--|
| Enterprise with ownership of 80-100% black owned-: Ownership | 10 | 20 | | |
| Enterprise with ownership of 80-100% women-owned-: Ownership | 10 | 20 | | |
| Enterprise with ownership of 50-79% black owned-: Ownership | 9 | 18 | | |
| Enterprise with ownership 50-79% women-owned-: Ownership | 9 | 18 | | |
| Enterprise with ownership of less than 50% black owned or women-owned-: Ownership | 6 | 14 | | |

13.1.3 Note: Evidence to be submitted by Emerging Micro Enterprise (EME) and Qualifying Small Enterprise (QSE) – sworn affidavit (DTI or CIPC Template, Generic entities – SANAS accreditation.

13.2 Bidders who qualify as EMEs and QSEs in terms of the B-BBEE Act must submit a Sworn affidavit. Misrepresentation of the information constitutes a criminal offense.

13.3 Bidders other than EMEs or QSEs must submit their original and valid B-BBEE status level verification certificate and BBBEE Scorecard, substantiating their B-BBEE rating and black ownership issued by SANAS.

13.4 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.

14. Consortium

- 14.1** 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 to achieve a common goal.
- 14.2** 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 endeavor, particularly the division of profits. A consortium is formed by contract, which designates the rights and obligations of each member.
- 14.3** 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 an RFQ/Bid process are 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 the combination of skills)

b) Partner

- Proof of CSD registration.
- Tax Pin.
- BBBEE Sworn-Affidavit.
- SBD 4

14.4 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.

14.4.4. Of importance is that in a consortium, each individual team members retain their identities.

14.5 Joint venture

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

14.6 Unincorporated joint venture:

14.6.1. 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

- a) SBD 4
- b) SBD 6
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

14.7 Incorporated joint venture

14.7.1 This is 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 completed by the entity/ company, the name of the joint venture, and the following will be required amongst others.

- a) SBD 4
- b) SBD 6
- c) Tax pin
- d) CSD registration.
- e) The JV agreement will direct which bank account of the two entities will be used.
- f) Consolidated Joint BBBEE Certificate.

14.7.2 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.

14.7.3 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.

15. COMMUNICATION

15.1 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 the BID process, between the closing date and the date of the award of the business.

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

16. CONDITIONS TO BE OBSERVED WHEN BIDDING

16.1 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.

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

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

16.4 INSETA reserves the right to:

16.5 Not evaluate and award a bid that does not comply strictly with this BID document.

16.6 Make a selection solely on the information received in the Bid Document and Enter into negotiations with any one or more of the preferred bidders(s) based on the criteria specified in the terms of reference.

16.6 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.

16.7 Cancel this BID or RFQ at any time as prescribed in the PPPFA.

16.8 Should bidder(s) be selected for further negotiations, they will be chosen on the basis of the cost-effectiveness and the principle of value for money not necessarily on the basis of the lowest costs.

17 Cost of Bidding

17.1 The bidder shall bear all costs and expenses associated with the 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.

18 Note to Bidders:

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

END OF TERMS OF REFERENCE DOCUMENT

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

- **SBD 4**
- **SBD 6.1**
- **General Conditions of Contract (GCC)**

Notte: if incomplete forms documents are submitted, INSETA reserves the right to request bidder to submitted complete documents for compliance.





inseta

INSURANCE SECTOR EDUCATION
AND TRAINING AUTHORITY

EMPOWERED TO **INFLUENCE** AND **INSPIRE!**

