



COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

REQUEST FOR QUOTATION "RFQ"

The National Office of the CCMA invites service providers to submit quotations based on the specification attached:

RFQ NO:	RQN00000192201			
DESCRIPTION OF GOODS AND SERVICES REQUIRED:	Approximately five (5) Executives and Provincial Senior Commissioners (Deputy Information Officers) to be trained on the POPI Act and Regulations with some aspects related to the PAIA Act during the following period: Date to be confirmed. The training/workshop will take place via Microsoft Teams/any other virtual platform for a duration of one (1) day.			
CONDITIONS OF THIS RFQ:	The training must be customized to the needs or business of the CCMA; a briefing session will be held prior to the training with the facilitators or coordinator. The training is meant for the Executives and Provincial Senior Commissioners responsible for the day to day running of their respective offices.			
ISSUING DATE:	26 May 2023			
PLEASE ENSURE THAT THE QUOTATION HAVE THE TOTAL FIXED AMOUNT STATED IN ORDER FOR CCMA TO DO THE THRESHOLD ALLOCATION (VAT INCLUSIVE IF APPLICABLE).				
RFQ CLOSING DATE:	TIME:	16h00	DATE:	31 May 2023
QUOTATION VALIDITY PERIOD:	90 days			
CONTACT PERSON FOR ENQUIRIES	Welcome Tshabalala/Astrid Dimba WelcomeT@ccma.org.za or Astridd@ccma.org.za Tel: 011 377 6743 / 011 377 6636			
DELIVERY OR SUBMISSION INSTRUCTIONS FOR RFQ:	The submissions of the quotations must be emailed to RFQ@CCMA.org.za only. All quotations need to be on official letterhead (All cost included)			
EVALUATION OF QUOTATIONS	<ul style="list-style-type: none"> • All quotations above R2000 will be evaluated on pricing and preferential points using the 80/20 preference points system. • The 80 points is for request for quotations up to the rand value of R1 million. • The 20 points will be allocated to promote this goal and points will be allocated in terms of the CCMA Preference Goal 2: B-BBEE status level of contributor. 			

RETURNABLE DOCUMENTS	<ul style="list-style-type: none"> • A tax compliance status PIN must be included in the bid response to verify bidders' tax compliance status. • SBD 4 (duly completed and signed) • SBD 6.1 (duly completed and signed) • Sworn Affidavits / BBBEE Certificate issues by CIPC or accredited SANAS Verification Agency • POPIA consent form
DISQUALIFICATION	Quotations not submitted to the RFQ@CCMA.org.za will be disqualified.

1. **BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS**

a. **BACKGROUND OF SERVICE OR GOODS REQUIRED**

The Commission for Conciliation, Mediation and Arbitration (CCMA) is an independent and an autonomous organization that was established by the Labour Relations Act of 1995 (LRA) to deliver dispute prevention and resolution services to the people of South Africa. The core mandate of the CCMA, as one of the organizations charged with implementing the LRA, is derived from the purpose of the LRA, which, amongst others, is to advance economic development, social justice, labour peace and the democratization of the workplace.

Approximately five (5) Deputy Information Officers to be trained on the POPI Act and Regulations with some aspects related to the PAIA Act during the following period 11 July 2023. The training/workshop will take place via Micro-Soft teams/Virtual for one day.

The workshop is planned to have two sessions with the first being led by the training provider who will be required to cover the following aspects:

- To gain an overview understanding of the POPI Act and related regulations and the requirements for public entities
- To gain an overview understanding of the PAIA Act and related regulations and the requirements for public entities
- To be able to develop a compliance framework in line with Schedule 3A reporting for public entities.
- To understand the responsible parties' roles/duties and obligations in relation to both Acts (POPI & PAIA) (how to address the obligations placed on responsible parties by both Acts),
- To understand the role and responsibilities and legal obligations of the appointed Deputy information officers (assist them in understanding why both public or private bodies should comply with the requirements for the lawful processing of personal information and, how to handle personal information requests and respond to interferences as designated officers, obligations and reporting that is expected to be complied with, and reported to the regulator)
- To have a general understanding of the Act and application

- Understanding the eight conditions for processing personal information
- To understand and give guideline in preparation of a PAIA and POPI Manual in accordance with the requirements of applicable law and regulations.
- To understand which areas of the CCMA business/operations need to be reviewed to fully comply with the POPI and PAIA laws and regulations.
- The training/workshop must also talk to the content contained in the Social Surveys Africa POPI Manual as published in the Government Gazette Notice 37067.

The second session will be CCMA specific wherein the training provider will be required to lead in aspects where relevant law to POPIA will be required. The aim of the second session is to address questions which will be shared with the training provider and have a full discussion on the application of POPIA at the CCMA.

B. OVERVIEW ON RFQ

To provide facilitated and interactive online training to CCMA employees.

- i. The training and materials provided should be of high quality.
- ii. The training course/workshop will be for one (1) day.
- iii. The training will be provided to five (5) CCMA employees.
- iv. Training will be held **online via MS Teams or any other credible virtual platform.**
- v. Training will be held on a date to be confirmed.

C. RFQ SPECIAL CONDITIONS

- i. The successful service provider should have a proven track record of successfully delivering this service in other organisations. Proof needs to be delivered in the form of written confirmation and comments from other organisations.
- ii. A high level of expertise is expected of all personnel dealing with this project. Proof of expertise, experience and Postgraduate qualifications needs to be submitted in the form of short resumes.
- iii. Preferential Procurement Policy Framework Act (PPPFA) principles shall apply, whereby submissions will be evaluated accordingly to the provisions of the Act.
- iv. Broad-Based Black Economic Empowerment (B-BBEE) Status will be scored in accordance with the DTI Codes of Good Practice, and bidders must submit their valid Tax Clearance Certificate and B-BBEE verification certificate, as issued by a SANAS accredited verification agency, with their tender, in order to be eligible for B-BBEE points.
- v. The evaluation criteria will be on Quality/Functionality 100 points, Price for 80 points & B-BBEE 20 points.
- vi. CCMA does not bind itself to accept the lowest or any tender and reserves the right to accept any tender or portion of a tender.
- vii. Tenders which are late, incomplete, unsigned will not be accepted.

- viii. All quotations are to remain valid for a period of ninety days (90 days) from the closing date of the submission.
- ix. A Valid Tax Clearance Certificate (an original SARS certificate) must be submitted with the response document in order to be considered.
- x. Failure to complete all supplementary information and the Returnable Schedules may result in the tender being deemed null and void (disqualified).

D. RFQ SPECIFICATIONS

- i. The quotation should include a detailed course outline and should be inclusive of the learning methodology that will be used for each section.
- ii. Unit Standard ID: N/A
- iii. NQF Level: N/A
- iv. It is vitally important that the service provider produces a highly effective, practical, and innovative training POPI Act inclusive of PAIA elements training/workshop, which will enable the participants to demonstrate their understanding and application of the methodology correctly.
- v. Participants must immediately show improved skills associated with Governance, Risk and Compliance.
- vi. Demonstrate understanding of the outcomes-based education and training approach within the context of a National Qualifications Framework (NQF).
- vii. Identify and respond to learners with special needs and barriers to learning.
- viii. Facilitate learning using a variety of given methodologies.
- ix. Ability to enforce the learned skills to other employees.
- x. The facilitated learning process should include:
 - a) Interactive and participative learning sessions.
 - a) The training content should be innovative and different from the general courses available. The training material should be accurate, accessible and user friendly and be accredited by relevant SETA.
 - b) The development of the training material should be **customised** to the needs of the CCMA.
 - c) The material should include learner aids to assist with the practical implementation of what was learnt.
 - d) Formative and Summative assessments should be conducted and form part of the workshop.
 - e) The service provider to ensure that every learner is given sufficient theoretical and practical training to ensure competence.
 - f) The course will be delivered as a workshop.
- xi. A detailed report compiled by the facilitator to be sent to the ETD Specialist, which includes detailed information on the course and learner progress.
- xii. Certificates to be issued within thirty (30) days after the successful completion of the summative assessment.
- xiii. Outline the main risks foreseen for this project and propose how they can be managed and mitigated.

1.4 Referencing - Attach Attendance Registers/Reference Letters of the Implemented/Executed Training. The bidder must provide three (3) reference letters/attendance registers, and each reference is to be based on a project of the same nature. The reference letter/attendance register must include company name, contact name, address, phone number and company letterhead.		30
Number of references	30 maximum points	
3 reference letters	30	
2 reference letters	20	
1 reference letters	5	
No reference letter	0	
Total points for Functionality		100
A minimum requirement for functionality out of 100 is		70
2. Price		
2.1. Points allocated for price		80
3. B-BBEE Status Points		
3.1 Points allocated for B-BBEE		20
TOTAL FOR PRICE and B-BBEE PREFERENCE POINTS		100

Bidders with a total functionality score of less than 70 points for functionality will be disqualified.

BIDDER'S DISCLOSURE

SBD 4

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

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

2.1 Do you, or any person connected with the bidder, have a relationship?

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.

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.
- 34 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.
- 35 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring

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.

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.

36 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.

.....
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 B-BBEE.

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 80/20 preference point system.
- b) The 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) B-BBEE.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
B-BBEE	20
Total points for Price and B-BBEE	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 B-BBEE with the tender, will be interpreted to mean that preference points for B-BBEE 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:

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

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:

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

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 B-BBEE

- 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 B-BBEE 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 B-BBEE for both the 90/10 and 80/20 preference point system.

Table 1: B-BBEE 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 B-BBEE allocated points in terms of this tender. <i>(B-BBEE Status Level of Contributor)</i>	Number of points allocated (80/20 system) <i>(To be completed by the organ of state)</i>	Number of points claimed (80/20 system) <i>(To be completed by the tenderer)</i>
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-compliant contributor	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 B-BBEE 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 B-BBEE 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.

SURNAME AND NAME:
DATE:
ADDRESS:
.....
.....
.....
.....



**COMMISSION FOR CONCILIATION,
MEDIATION & ARBITRATION**

TO THE CCMA

PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013

By signing this referral form;

- a) I/we hereby grant my/our voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013.
- b) I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty.
- c) I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty.
- d) I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available. Further details are available on the CCMA website.

**SIGNED AT _____ ON THIS _____ DAY
OF _____ 2023.**

COMPANY NAME: _____

**INITIAL AND SURNAME OF REPRESENTATIVE OF THE
COMPANY: _____**

SIGNATURE OF REPRESENTATIVE OF THE COMPANY:
