

HEAD OFFICE

ETDP SETA House
2 - 6 New Street
Gandhi Square
South Marshalltown
Johannesburg CBD
Private Bag X105
Melville, 2109
Tel: (011) 372 3300

EASTERN CAPE

Waverley Office Park
3 - 33 Philip Frame Road
Chiselhurst
East London, 5200
Tel: (043) 726 8314
Fax: (043) 726 8302

FREE STATE

Sanlam Building
163 Nelson Mandela Dr
Bloemfontein, 9300
Tel: (051) 430 5072
Fax: (051) 430 5080

GAUTENG

Braampark Office Park
33 Hoofd Street
Forum 4, 2nd Floor
Braamfontein
Johannesburg, 2091
Tel: (011) 403 1301/2/3/6
Fax: (086) 614 8781

KWAZULU-NATAL

Durban Bay House
333 Anton Lembede Street
12th Floor, Suite 1203
Durban, 4001
Tel: (031) 304 5930
Fax: (031) 301 9313

LIMPOPO

Kwane Chambers
29 Hans van Rensburg Str
Office No: 01
Polokwane, 0700
Tel: (015) 295 9303
Fax: (015) 295 9301

MPUMALANGA

Streak Office Park
6 Streak Street
Block B, 1st Floor
Nelspruit, 1201
Tel: (087) 700 8113
Fax: (013) 752 2917

NORTHERN CAPE

Bobby's Walk Building
6A Long Street
Kimberley, 8300
Tel: (053) 832 0051/2
Fax: (053) 832 0047

NORTH WEST

Sparkling Office Park
78 Relief Cnr Peter
Mokaba Street
Potchefstroom, 2531
Tel: (018) 294 5280
Fax: (018) 294 5719

WESTERN CAPE

Sunbel Building
2 Old Paarl Road
Office 205, 2nd Floor
Belville, 7530
Tel: (021) 946 4022
Fax: (021) 946 4043



Education, Training and Development Practices Sector Education and Training Authority

BID NO: RFQ NO: 14 – 2021/22

REQUEST FOR QUOTATION

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO ASSIST WITH THE ETDP SETA WITH THE READINESS REVIEW OF POPI ACT.

1. INTRODUCTION

The Education Training and Development Practices Sector Education and Training Authority (ETDP SETA) is a public entity established in terms of Section 9(1) of the Skills Development Act, No 97 of 1998 to advance skills levels in accordance with the National Development Plan. The Mandate of the ETDP SETA is to promote and facilitate the development and improvement of the skills profile of the sector's workforce in order to benefit employers and employees in the ETD sector.

2. PURPOSE & OBJECTIVES

2.1. PURPOSE OF THE PROJECT

The ETDP SETA wishes to appoint a service provider to assist the organisation to conduct a readiness review and assist on closing the identified gaps to ensure compliance with the POPI Act.

2.2. OBJECTIVES

The main objective to comply with all POPI Act requirement.

3. PROJECT SCOPE AND REQUIREMENTS

3.1. Overview

ETDP SETA is a schedule 3A Public Entity in terms of the PFMA. ETDPSETA must perform accordance with the Skills Development Act (SDA), the Skills Development Levies Act (SDLA), the Public Finance Management Act (PFMA), the Broad-Based Black Economic Empowerment Act (B-BBEEA), any other relevant legislation and the ETDPSETA Constitution.

3.2. Project Description

ETDP SETA seeks to appoint an experienced and qualified service provider to review the ETDPSETA readiness in compliance with the POPI Act, advice on remedial actions to close the identified gaps in order to comply.

4. DELIVERABLES

In order to achieve the above, ETDP SETA requires services of an experienced service provider to provide the following services;

- 4.1. Undertake a comprehensive state of ETDP SETA readiness for the extent of POPI Act,
- 4.2. Review the existing policy and manuals.
- 4.3. Empower the Information Officer and Senior Management to ensure continuous compliance
- 4.4. The Successful bidder will be expected to review and record ETDP SETA's compliance requirements in preparation for the 1st July implementation date.

5. DURATION OF THE AGREEMENT

The work is expected to be completed within the period of **two (2) months**.

6. COSTING MODEL (PRICING SCHEDULE)

The Bidder must provide a signed costing proposal on the company letterhead. The bidder's proposal costing should clearly indicate the following cost:

- Once off costs
- Monthly costs
- Total Contract for a period of two (2) months.

All pricing shall be in South African Rand (ZAR). All project milestones with costing should be listed on the pricing schedule.

7. EVALUATION CRITERIA

THE ETDP SETA applies the provisions of the **PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, ACT NO 5 OF 2000** and **Preferential Procurement Regulations, 2017**. The evaluation will be guided by ETDP SETA procurement policy.

7.1. STAGE 1

Bidders will be evaluated on the submission of the **requested mandatory documents**.

7.1.1. MANDATORY DOCUMENTS TO BE SUBMITTED IN ORDER TO BE ELIGIBLE FOR EVALUATION

1. Invitation to Bid - **SBD1**
2. Declaration of Interest – **SBD 4**
3. Declaration of Bidder's Past Supply Chain Practices – **SBD 8**
4. Certificate of Independent Bid Determination – **SBD 9**
- 5.

NB: Failure to submit any of the above-requested mandatory documents will lead to disqualification.

7.2. STAGE 2

The evaluation of this bid shall include functionality whereby the bids will be evaluated in terms of the evaluation criteria embodied in the bid documents.

- 7.2.1. The minimum qualifying score for functionality will be **70 points** and bids that fail to achieve the minimum qualifying score will be disqualified.
- 7.2.2. Only bids that achieved the minimum qualifying score for functionality will be evaluated further in accordance with the **80/20 preference point systems** prescribed in Preferential Procurement Regulations 5 and 6.



The information in this communication is confidential and may be legally privileged. It is intended for the sole use of the individual/s or entity to whom this has been addressed or copied. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this communication and/or its attachments, is strictly prohibited and will be unlawful.

The evaluation criteria for functionality will be as below:

NO	QUALIFYING CRITERIA FOR SHORT LISTING	POINTS
1.	Contactable references and Experience (25) 1.1. Contactable references indicating that they have been providing POPI Act Consultancy services - (bidder to provide signed proof on referee's company letterhead) (15) ○ 3 references = 15 ○ 2 references = 10 ○ 1 reference = 5 1.2. Years of experience in doing similar jobs (a detailed company profile must be attached) (10) • 5 years and above = 10 • 4 - 3 years = 9 • 2 - 1 years = 8	25
2.	Proposed Approach: 45 2.1. Proposal detailing the work to be implemented against this ToR (25) 2.2. A sample (report) of the previous work done to assist organisations comply with POPI Act (20)	45
3.	Project Manager Experience 3.1 Relevant experience of the Project Manager in managing similar projects (15) • 5 years and above = 15 • 3- 4 years = 10 • 1 -2 years = 5 • Below 1 = 0 3.2 Relevant experience of team members (15) • 5 years and above = 15 • 3- 4 years = 10 • 1 -2 years = 5 • Below 1 = 0	30
TOTAL		100

Bidders must provide documents to justify awarding the above points, and such proof should include details of contactable references to validate the information submitted.

Points will be awarded on a sliding scale only where indicated.

Please take note of the value and scoring point system of your bid.



The information in this communication is confidential and may be legally privileged. It is intended for the sole use of the individual/s or entity to whom this has been addressed or copied. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this communication and/or its attachments, is strictly prohibited and will be unlawful.

7.3. STAGE 3

PRICING SCHEDULE DOCUMENTS

1. Price Proposal— *Price must be final and include VAT ((if registered for VAT).*
2. Valid Tax Clearance Certificate or Unique security personal identification number (PIN) issued by SARS
3. Preferential Points Claim Form In terms of the Preferential Procurement Regulations, 2017 -SBD 6.1
(If claiming preferential points)
4. B-BBEE certificate or sworn affidavit *(If claiming preferential points)*

80/20 preference point system shall be applicable as follows:

✓ Price	80
✓ B-BBEE status level of contributor	20

In order to facilitate a transparent selection process that allows equal opportunity to all service providers, the ETDP SETA will adhere to its policy on the appointment of service providers.



The information in this communication is confidential and may be legally privileged. It is intended for the sole use of the individual/s or entity to whom this has been addressed or copied. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this communication and/or its attachments, is strictly prohibited and will be unlawful

8. BID CONDITIONS

The ETDP SETA Supply Chain Management Policy will apply:

1. ETDP SETA does not bind itself to appoint a bidder with the highest points.
2. ETDP SETA reserve the right to cancel the bid and not award the bid to any of the bidders.
3. Bids that are late, incomplete, unsigned and submitted via facsimile, will not be accepted.
4. Bidders with a **turnover above R 10 Million** must submit a valid certified B-BBEE Verification Certificate from **SANAS Accredited Verification Agency** in order to be eligible for empowerment points.
5. An Exempted Micro Enterprise (EME) is only required to submit a sworn affidavit or a Certificate issued by Companies and Intellectual Property Commission (CIPC) confirming their annual turnover of R 10 Million or less and level of black ownership to claim points.
6. A Qualifying Small Enterprise (QSE) is required to submit a sworn affidavit confirming their **annual total revenue of between R10 Million and R50 Million** and **level of black ownership** or a B-BBEE level verification certificate to claim points as prescribed.
7. **B-BBEE Certificates obtained from Accountants/ Auditors after 31 December 2016 will no longer be accepted.**
8. Companies who bid as a joint venture must submit a **consolidated B-BBEE Verification certificate prepared for this bid only**, from **SANAS Accredited Verification Agency** in order to be eligible for empowerment points. Companies who form part of this joint venture **MUST** have an accreditation certificate with relevant authority as stated in Mandatory documents.
9. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor, sworn affidavit or a B-BBEE Certificate, together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
10. Bids submitted are to hold good for a period of 60 days.
11. Deregistered and blacklisted companies including directors/owners/individuals linked to the company will not be considered. Due diligence will be conducted with successful bidders to validate submitted information.
12. All suppliers must be registered on the **Central Supplier Database**. No bid will be awarded to any supplier by ETDP SETA that is not registered on the Central Supplier Database.
13. Companies that are in the process of **de-registration in the CIPC** will not be considered.
14. Service Provider must provide proof of Public Liability Insurance.
15. The successful service provider must sign the penalty and termination clause as part of the agreement with ETDP SETA.
16. Suppliers must note that the **80/20** preference point system is applicable to price quotations and tenders with a Rand value equal to, or above **R 30 000.00** and up to a Rand value of **R 500 000.00 (all applicable taxes included)**



The information in this communication is confidential and may be legally privileged. It is intended for the sole use of the individual/s or entity to whom this has been addressed or copied. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this communication and/or its attachments, is strictly prohibited and will be unlawful.

9. BID DOCUMENTS / PROPOSAL PACKS

Bid documents for participation will be sent to service providers on **18 June 2021 at 16h00**.

All Bids/Proposals (completed in [1x Electronic copy (USB)]) must be courier or hand delivered to:

The ETDP SETA – Head Office
ETDP SETA House
2-6 New Street
Ghandi Square
Johannesburg South - CBD
2091

OR

Sent via email to TienieJ@etdpseta.org.za or etdpsetarfq@etdpseta.org.za

Submissions can be delivered into the tender box between 08h00 and 16h30 Monday to Friday before the closing date of **28 June 2021 at 11h00**.

Late submissions will not be accepted!

10. CLOSING DATE

All Proposals should reach the ETDP SETA Offices on or before **11h00 on 28 June 2021**.

11. CONTACT PERSON

NO telephonic or any other form of communication relating to this bid will be permitted with any other ETDPSETA member of staff either by Bidders (as collective bidding team or individual of the bidding team), representative of Bidders, associates of Bidders, shareholders of Bidders, other than with the named individual stated below. ANY MEANS OF ATTEMPTING TO INFLUENCE THE ADJUDICATION PROCESS OR OUTCOMES OF THE ADJUDICATION PROCESS WILL RESULT IN IMMEDIATE DISQUALIFICATION OF THE ENTIRE BID. All enquiries regarding this bid must be in writing only and be directed to:

Supply Chain Management HoD: Email: TienieJ@etdpseta.org.za or SibusisoK@etdpseta.org.za

Note: Blacklisted companies appearing on the National Treasury database and prohibited from conducting business with public entities, will be disqualified.



The information in this communication is confidential and may be legally privileged. It is intended for the sole use of the individual/s or entity to whom this has been addressed or copied. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this communication and/or its attachments, is strictly prohibited and will be unlawful