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Education, Training and Development Practices Sector Education and Training Authority

RFQ NO: 48 – 2023/24 – RE-ADVERTISEMENT**REQUEST FOR QUOTATIONS**

**TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT
AN EVALUATION FOR THE 2022/2023 FINANCIAL YEAR FOR THE ACCOUNTING AUTHORITY AND FIVE
GOVERNANCE COMMITTEES**

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 Skills Development Plan (**NSDP**). The Mandate of the ETDP SETA is to promote and facilitate the development and improvement of the skills profile of the sector's workforce to benefit employers, workers, and employees in the ETDP sector.

The ETDP SETA reserves the right not to award the RFQ.

2. PURPOSE AND OBJECTIVES**2.1. Overview and Background**

The ETDP SETA wishes to appoint a service provider to conduct an evaluation for the ETDP SETA Accounting Authority (AA) and its five Committees.

The Accounting Authority is made up of 15 non-executive members. The Executive Managers are invited to AA meetings on an ex-officio bases.

The five committees were appointed by the Accounting Authority for a period of five years and are comprised as follows:

- **Audit Committee (5):** The committee has a total of five (5) members. The membership is made up of three (3) independent members, one of which is the Chairperson and two Accounting Authority Members. The other member is deployed by the employer and the other one from organised labour.
- **Finance Committee (6):** The committee has a total of six (6) members. The membership is made up of a Chairperson appointed by the Accounting Authority, two (2) employer representatives, two (2) labour representatives and one independent financial expert.
- **Human Resources Committee (5):** The committee has a total of five (5) members. The membership is made up of a Chairperson appointed by the Accounting Authority, two (2) employer representatives and two labour representatives.

- **ICT Governance Committee (6):** The committee has a total of six (6) members. The membership is made up of a Chairperson appointed by the Accounting Authority, two (2) employer representatives, two (2) labour representatives and one (1) independent ICT expert.
- **Quality Assurance Committee (5):** The committee has a total of five (5) members. The membership is made up of a Chairperson appointed by the Accounting Authority, two (2) employer representatives and two (2) labour representatives.
- **Accounting Authority (15):** The AA has a total of fifteen (15) Members. The membership is made up of the Chairperson appointed by the Minister of Higher Education Training and Development, six (6) employer representatives, six (6) labour representatives, one (1) Professional Associations representative and one (1) CBOs and NGO Representative.

The Accounting Authority is supported by the Chief Risk & Governance Officer and the Governance HoD as well as the five (5) Committees and three (3) Chambers. As is common practice, in the realm of good corporate governance practices, an evaluation is required to ensure that the following Governance Structures are conforming and operating effectively:

- Accounting Authority (15)
- Audit Committee (5)
- Finance Committee (6)
- ICT Governance Committee (6)
- Human Resource Committee (5)
- Quality Assurance Committee (5)

The total number of delegates is 42. It should be noted that the Chairpersons of Committees are Accounting Authority (AA) members, and the Audit Committee has one AA member. The Audit Committee Chairperson is an independent person.

It would be expected that the CEO and CRGO should also be interviewed as part of the Evaluation
The estimated maximum period should not exceed 30 working days

3. SCOPE OF WORK

3.1 The Service Provider is expected to perform the following:

- 3.1.1** To review existing governance and Accounting Authority documentation to establish the role and expectations of the Accounting Authority and its Committees. The Provider will also engage with Accounting Authority and Committee Members to establish their views on number of governance processes and Governance dynamics
- 3.1.2** The Provider will present a written report on the overall fitness-for-purpose of the Accounting Authority and its Committees with recommendations to enhance its efficacy and structure where applicable as well as a skills gap report with possible training interventions that can be embarked on to fill the skills gap of the Governance Structure members.
- 3.1.3** The Provider will work closely with ETDP SETA's Chief Risk and Governance Officer, Governance HoD and Committee Secretariats who will provide requisite documentation and support for the Services.

- 3.1.4** The Provider will develop a workplan with clear timelines and report back sessions to the Governance HoD.
- 3.1.5** The Provider will develop a questionnaire for the interviews:
- 3.1.5.1 following the assessment of all documents provided by the SETA
 - 3.1.5.2 standard questions as per Evaluation guidelines that the Provider should be well versed on.
- 3.1.6** Interviews should be conducted with all members of the AA and Committees and where members sit on more than one Committee, the member will be interviewed once and all relevant questions for each committee they sit on will be asked at the interview.

3.2 Proposed Work Schedule:

The Provider will include the following in a proposed work schedule:

3.2.1 Inception

- Develop a detailed proposed methodology and a work implementation plan with clear timeframes

3.2.2 Review of Existing Documents and Records

3.2.3 Consultative Meetings

- I. The Provider will be required to hold an introductory meeting with the CRGO and the Governance HoD as well as follow up progress meetings.
- II. Discuss engagement procedures (define role of Governance Structure Members and that of the Provider)
- III. Agree on the plan of action indicating the activities to be undertaken towards the evaluation of the Board.
- IV. Define the Governance Structure Members and ETDP SETA Executive Manager's roles in the evaluation process.

3.2.4 Collection of Primary Data and Data Analysis and Interpretation

- The Provider to determine the best approaches to collect the relevant primary data, carry out the data analysis and interpretation of the same.
- Data analysis will involve extraction of meaningful information from data provided by the SETA. The analysis will be guided by the terms of reference.

3.2.5 Objective:

- ETDP SETA should have a clear picture of whether the Accounting Authority and its committees were effective and used good corporate governance principles to provide oversight in the operations of the SETA. The Evaluation should also

highlight skills gaps that members may have and what interventions can be used to close the gaps.

3.2.6 Outcomes:

- The desired outcome from the Services is to have a responsive, efficient and effective Accounting Authority and its Committees. Where shortfalls are identified, recommendations for improvement can be acted upon to ensure best governance practices are followed, with the Accounting Authority and its Committees fully aligned with ETDP SETAs strategic direction.

3.2.7 Final report.

4. PROFILE OF SERVICE PROVIDER

4.1. The service provide must demonstrate practical experience in the conducting of Evaluations for public sector Boards and Committees (Experience with SETAs would be an added advantage).

4.2. Your proposal should contain:

- 4.2.1. CVs of key individuals, tailored to the assignment.
- 4.2.2. Outline of team structure, including roles and responsibilities of team members
- 4.2.3. A summary of your relevant experience for the assignment
- 4.2.4. A short description of your understanding of the role of the Service Provider and the approach to be used as outlined in these Terms of Reference
- 4.2.5. An itemised budget for both professional fees and reimbursable expenses where applicable (including fee rates, number of days and a breakdown of expenses).

5. PROJECT REQUIREMENTS

5.1. Mandatory requirements

- 5.1.1. At least 5 years' experience and expertise in corporate governance and in appraisals and evaluation of Boards and Committees in the Public Sector.
- 5.1.2. Having experience with Evaluations conducted in SETAs would be an added advantage.
- 5.1.3. A strong command and knowledge of Corporate Governance legislations and regulations in relation to SETAs should be demonstrated.
- 5.1.4. Strong interpersonal skills; results-oriented and -focused; ability to interact with senior executives; can work within tight deadlines. Ability to communicate well in written and oral form in English.

5.2. Deliverables:

- Clear workplan with timeframes for Interviews with all members. The interviews must be conducted virtually and to be arranged by the Provider.

- Draft Report of the evaluation of the AA and its Committees. The report should accurately detail all feedback from the AA and its committees;
 - The Provider's independent evaluation;
 - Findings and recommendations for improvement;
 - Skills Gaps identified of all Governance Structure members
 - Training and interventions identified to address the Skills Gap
 - Development of an Evaluation form that can be used every alternate year to evaluate the efficacy of the Accounting Authority and its Committees

6. COSTING MODEL (PRICE SCHEDULE)

COST COMPARISON FOR THE EVALUATION OF THE ACCOUNTING AUTHORITY AND ITS COMMITTEES

THIS COSTING MODEL MUST NOT BE MODIFIED AT ALL AND IF RETYPED ALL LINE ITEMS IN ORDER AS STATED BELOW TO BE INCLUDED.

Name of Organisation:			
ITEM DESCRIPTION	Hourly Rate Inc VAT	Total Fee per day Inc VAT	Total Cost (Inc VAT)
Review of all relevant Governance Documentation i.e. Charters and Constitution, Minutes and Reports, Meeting Schedules, Administration Procedures			
One on One interviews with Governance Structure Members Via Online Platforms (No Travel).			
Analysis of data			
Compilation of reports with recommendations following the evaluation. Development of an Evaluation Form in order to conduct continuous evaluations for the Accounting Authority and its Committees every alternate year.			
An itemised budget for both professional fees and reimbursable expenses where applicable (including fee rates, number of days and a breakdown of expenses).			
SUB-TOTAL			
VAT @ 15%			
TOTAL COSTS VAT INCL			

NAME OF BIDDER: _____

POSITION/ ROLE: _____

SIGNATURE: _____

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7. DURATION OF THE PROJECT

It is expected that the project will be a once off assignment and should not take longer than **six (6) weeks** to complete. The ETDP SETA will enter into the necessary contractual arrangements to formalise the arrangements.

8. EVALUATION CRITERIA

THE ETDP SETA applies the provisions of the PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, ACT NO 5 OF 2000 and Preferential Procurement Regulations, 2022. The evaluation will be guided by ETDP SETA procurement policy.

Folder A (USB) must have documents for Stage 1 and Stage 2

8.1. STAGE 1 [Folder A (USB)]

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.

1. The minimum qualifying score for functionality will be **70 points** and bids that fail to achieve the minimum qualifying score will be disqualified.
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 evaluation criteria for functionality will be as below:

NO	QUALIFYING CRITERIA FOR SHORT LISTING	POINTS
1.	Business Experience: Proof of similar services conducting evaluation of governance structures and/or Accounting Authority. Reference letters must outline the Bidder's experience in rendering similar services (Minimum of three (3) signed reference letters) 1.1.Experience: (Evidence of similar projects) 1.1.1. Letters of Reference detailing experience and the ability to deliver on time on the referee's company letterhead • 5 years or more of conducting evaluation = 25 points • 3 to 4 years of conducting evaluation = 18 points • 1 to 2 years of conducting evaluation = 10 points *[Each reference must clearly indicate; • the name of the bidder and the project • objectives of the project (nature of the project) • duration of the project • recommendation and contact details of the referee as well as proof of completed project(s) and • must be signed. NB: If any of the above information is omitted/missing, will lead to the reference letter(s) not allocated points. NB: Reference letters must be on a Referees letter head, signed and dated, otherwise they cannot be considered	25
2.	Team composition and experience; demonstrated expertise of key individuals to be involved in this project (Attached CVs) 2.1. Relevant experience of the Project Manager in managing similar projects (35) Project Manager: 20 • 5 Years Plus = 20 • 3– 4 Years = 10 • 1– 2 Years = 5 • Below 1 = 0 Project Team (Administrator): 15 • 5 Years Plus = 15 • 3– 4 Years = 10 • 1– 2 Years = 5 • Below 1 = 0 NB: Failure to provide any of the above information (Contactable References) will lead to points not being allocated. (See attached Annexure A for guidance)	35
3.	Content, quality and completeness of the proposal; methodology and detailed work-plan with timelines and deliverables (40) 3.1. Delivery requirements 3.1.1. Work plan of implementation as per the required services in section 3.2, Proposed work schedule, with detailed deliverables and timeframes = 40 • Seven (7) of the areas in section 3.2 are thoroughly addressed = 40 points • Less than seven (7) areas in Section 3.2 thoroughly addressed = 0 points	40
TOTAL		100

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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.

8.2. STAGE 3 [Folder B (USB)]

PRICING SCHEDULE DOCUMENTS

- a. Costing Model (***Price must be final, include VAT and signed***)
- b. Submit a "Unique security personal identification number (PIN) issued by SARS" ***which the SETA will use to verify the bidder's tax matters prior to the award***
- c. Invitation to Bid - **SBD1**
- d. Declaration of Interest – **SBD 4 (New)**
- e. Preferential Points Claim Form in terms of the Preferential Procurement Regulations, 2022 - **SBD 6.1 (If claiming preferential points) - this will be used to verify points to be allocated for specific goals**
- f. B-BBEE certificate or sworn affidavit (***If claiming preferential points) – this will be used to verify points to be allocated for specific goals.***

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

✓	Price	80
✓	Allocation of specific goals	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.

9. 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 reserves the right to negotiate the bidder's price.
3. ETDP SETA reserve the right to cancel the bid and not award the bid to any of the bidders.
4. Bids which are late, incomplete, unsigned **will NOT** be accepted.
5. Bidders must submit a valid certified B-BBEE Certificate from SANAS Accredited Verification Agency or issued by Companies and Intellectual Property Commission (CIPC) or a signed Sworn Affidavit for allocation of points for specific goals.
6. Specific goals shall not be allocated where supportive documents as stated in the bid documents are not provided as stated in the bid document.
7. Bids submitted are to hold good for a period of **90 days**.
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.
9. 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.
10. All suppliers must be registered on the Central Supplier Database. No bid shall be awarded to any supplier that is not registered on the Central Supplier Database.
11. Companies that are in the process of de-registration in the CIPC will not be considered.
12. The ETDP SETA remains the sole owner and custodian of all content, material, or any other form of development. No information of or on behalf of the ETDP SETA may be shared, during the duration or after the closing period of the project. It remains the responsibility of the appointed service provider to hand over all material to the ETDP SETA. Should a service provider wish to have the ETDP SETA as a referral, permission for this must be sought.

10. BID DOCUMENTS / PROPOSAL PACKS

Bid documents for participation **must** be downloaded from the ETDP SETA website, www.etdpseta.org.za, Main Menu > Supply Chain Management > Open RFQs as from **12h00** on **22 September 2023**.

Bidders must submit technical and financial proposals in **one (1) USB** clearly marked **“Folder A-Technical Proposal” and “Folder B- Financial Proposal”**.

Folder B - (Financial Proposal) Costing Model (*Price must be final, include VAT and signed*), Submit a *“Unique security personal identification number (PIN) issued by SARS” which the SETA will use to verify the bidder’s tax matters prior to the award*, Invitation to Bid - **SBD1**, Declaration of Interest – **SBD 4 (New)**, Preferential Points Claim Form in terms of the Preferential Procurement Regulations, 2022 -**SBD 6.1 (If claiming preferential points) - this will be used to verify points to be allocated for specific goals** and B-BBEE certificate or sworn affidavit (*If claiming preferential points*) – *this will be used to verify points to be allocated for specific goals*.

All Bids/Proposals (completed in [one (1) 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 and time of **11h00** on **09 October 2023**.

No late submission will be accepted!

11. CLOSING DATE

All Proposals should reach the ETDP SETA Offices on or before **11h00** on **09 October 2023**.

12. 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: 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.

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ANNEXURE A

Bidders are required to provide references for Project Manager and Project Team (Administrator). Failure to provide references will lead to disqualification:

1. RELEVANT EXPERIENCE FOR PROJECT MANAGER

Name of Project Manager: _____

Project/Company name	Position/Role	Responsibilities	Start date	End date	Reference (Name & Surname)	Reference (Position)	Reference (Contact details)

2. RELEVANT EXPERIENCE OF PROJECT TEAM (ADMINISTRATOR)

Name of Project Team (Administrator): _____

Project/Company name	Position/Role	Responsibilities	Start date	End date	Reference (Name & Surname)	Reference (Position)	Reference (Contact details)