

## **Terms of reference for service providers to serve as presiding officers (panel of three) during disciplinary hearings at Umalusi for a period three (3) years as and when required.**

### **1. Background**

Umalusi Council sets and monitors standards for general and further education and training in South Africa in accordance with the National Qualifications Framework Act No 67 of 2008 and the General and Further Education and Training Quality Assurance Act No 58 of 2001.

The Council is tasked with the development and management of a sub-framework of qualifications for general and further education and training and for the attendant quality assurance.

Umalusi has a staff complement of 140 employees.

### **2. Scope of work:**

Umalusi would like to appoint a pool of three suitably qualified experts to serve as presiding officers during the disciplinary hearing within the organisation on an ad-hoc basis.

#### Services Required

##### 2.1 Chairing of Disciplinary Hearings

The bidder will be required to provide services, including, but not limited to the following:

- Chairing and managing the proceedings of the disciplinary hearing;
- Consider and analyse the evidence;
- Ensure fair hearing;
- Determine sanctions in terms of the Labour Relations Act, the Umalusi disciplinary policy and other relevant legislation; and
- Provide a written report on the findings and outcome of the disciplinary hearing within 14 days of the hearing.

### **3. Requirements to serve as a Presiding officer are as follows:**

- A qualified individual/organisation with more than 10 years general labour law and/or industrial or employee relations experience.
- A minimum of 10 years' experience in presiding over disciplinary hearings.
- Sound knowledge of the Labour Relations Act.
- Proven record of collective and individual labour law.

- An admitted attorney with 10 years post-admission experience or a Human Resource Practitioner with a minimum of NQF Level 8 qualification in Human Resource/ Employee Relations/ Industrial Psychology.
- Experience in rendering similar service in the public sector.

#### 4. Evaluation Criteria

The Request for Quotations will be evaluated in three gates

##### 4.1 GATE 1- PRE-QUALIFICATION: QUALIFYING CRITERIA

The following Pre-Qualifying Criteria will be applied in the first gate of the evaluation.

**Bidders who do not meet the Pre-Qualifying Criteria may not be considered for Gate 2**

Bidders are required to complete the table below by indicating whether they comply with the requirement by marking the appropriate column with an 'X' on the table below. Bidders are required to corroborate each requirement, where applicable.

Requirements	Non-Compliant	Compliant	Comment or reference to section in the bid Document
1. A valid SARS Tax Status Certificate / SARS tax pin.			
2. Central Supplier Database proof of registration.			
3. Companies and Intellectual Property Commission, Company Registration.			

Requirements	Non-Compliant	Compliant	Comment or reference to section in the bid Document
4. Bidder has submitted all returnable documentation to Umalusi (Annexures and SBD forms)  (SBD1; SBD 2; SBD 3.1 or 3.2; SBD 4; SBD 6.1; SBD 8 & SBD 9)			
5. Company profile(s) indicating expertise of proposed Presiding Officer			
6. General Conditions of Contract – signed or Initialled on all pages			

#### 4.2 GATE 2- FUNCTIONALITY

The evaluation criteria for functionality aims to assess the service provider's capability, reliability and ability to execute and maintain a contract. The minimum number of points that suppliers have to obtain in order to progress to Gate is 70.

- The Functional Criteria that will be used to test the capability of Bidders is as follows:

Functional Criteria	Scoring	Sectional Scoring/ Weighting	Total %
Technical specifications			100

Functional Criteria	Scoring	Sectional Scoring/ Weighting	Total %
<p><b>References</b></p> <p>Reference letters/confirmation letters for which chairing of disciplinary hearing have been rendered during the past four (4) years. This shall include the following information for disciplinary hearing presided over:</p> <p>a) Client name;</p> <p>b) Contact name and telephone number;</p> <p>c) Date when the disciplinary hearing was held;</p> <p>d) Description of service;</p> <p><b>Reference Letters must be submitted on a letterhead of the client and contain the name of the Presiding Officer</b></p>	<ul style="list-style-type: none"> <li>• 4 letters = 40 points</li> <li>• 3 letters = 30 points</li> <li>• 2 letters = 20 points</li> <li>• 1 letter and below = 0 points</li> </ul>	<p><b>40</b></p>	

Functional Criteria	Scoring	Sectional Scoring/ Weighting	Total %
<p><b>Qualifications and experience of the allocated resource in chairing disciplinary hearings.</b></p> <p>: Provide certified copies (not older than 3 months) of proof qualifications.</p> <ul style="list-style-type: none"> <li>▪ Attorney with a minimum of 10 years' post admission experience in labour law/ employee relations</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>▪ An NQF Level 8 qualification in Human Resource Management/employee relations/ Industrial Psychology coupled with a minimum of 10 years labour relations experience</li> </ul> <p><b>NB: NB: Please attach CV and qualifications of the allocated resources</b></p>	<ul style="list-style-type: none"> <li>• Qualifications and CV with a minimum of 10 years' experience submitted = 50</li> <li>• No qualification and cv submitted =0</li> </ul>	<p><b>50</b></p>	
<p>Letter of good standing with the relevant Law Society of South Africa or relevant professional bodies. E.g LERASA; IPM/SABPP etc</p>	<ul style="list-style-type: none"> <li>• Proof submitted=10</li> <li>• No proof submitted=0</li> </ul>	<p><b>10</b></p>	
<p><b>Minimum points</b></p>		<p><b>70</b></p>	
<p><b>Total Points</b></p>		<p><b>100</b></p>	

### 4.3 GATE 3- PRICE AND B-BBEE

**Bidders that score 70 points and above out of 100 points in respect technical/functional requirements will be further evaluated on price & B-BBEE. The three (3) top scoring bidders on price and B-BBEE will be listed on the panel for chairing of disciplinary proceedings.**

- Subsequent to the evaluation of Pre-Qualifying Criteria, Mandatory criteria and functional criteria, Points will be allocated to Bidders at this stage of the evaluation in accordance with PPPFA Regulations, as follows:

Price points	<b>80</b>
Preferential procurement points	<b>20</b>

#### Price points

The following formula will be used to calculate the points for price:

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

Where:

$P_s$  = Points scored for comparative price of Bid or offer under consideration;

$P_t$  = Comparative price of Bid or offer under consideration; and

$P_{min}$  = Comparative price of lowest acceptable Bid or offer

#### Preferential procurement points

A maximum of 20 points may be awarded in respect of preferential procurement, which points must be awarded to a bidder for attaining their B-BBEE Status Level in accordance with the table below:

B-BBEE Status Level	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6

7	4
8	2
Non-compliant contributor	0

An unincorporated trust, consortium or Sub-contractors will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate Bid.

## 5. Pricing schedule

Resource	Hourly rate (Including VAT)
Presiding Officer	
Professional Assistant/ Associate	

Pricing is subject to CPI annual increases.

In addition to the tariff, set out above the Umalusi shall pay the Service Provider for Disbursements incurred in providing the Services, subject to the following provisions:

All disbursements shall be charged at actual costs without any margin or mark-up; and No travelling expenses may be charged in respect of travelling within Gauteng Province.

## 6. Submission of proposals

Proposals should be submitted by means of hard copies to be delivered at Umalusi, on or before **28 June 2019 at 12:00**

### No briefing session

37 General Van Ryneveld Street  
Persequor Techno Park  
Pretoria  
0020

For enquiries, please contact: [Tenders@umalusi.org.za](mailto:Tenders@umalusi.org.za)