

# THE NATIONAL CREDIT REGULATOR

**AUGUST 2021**

## **TERMS OF REFERENCE FOR THE APPOINTMENT OF AN OCCUPATIONAL HEALTH AND SAFETY CONSULTANT FOR A PERIOD OF FIVE (5) YEARS**

**RFP NUMBER: NCR.781.08.2021**

**DUE DATE: 27 AUGUST 2021 AT 11H00  
CAT  
HAND DELIVERY TO NCR OFFICES**

**NB: PREFERENCE MAY BE GIVEN TO WOMEN OWNED COMPANIES**

**Compulsory briefing session**

**Date: 16 August 2021**

**Time: 10H00 AM**

**Venue: National Credit Regulator, 127-15<sup>th</sup> Road,  
Randjiespark, Halfway House, Midrand**

## **SECTION 1**

### **GENERAL TERMS OF CONDITIONS**

#### **1. General Information for Bidders**

The National Credit Regulator (NCR) was established in terms of Section 12 (1) of the National Credit Act (Act 34 of 2005) and came into being on 1 June 2006.

The NCR will determine which bidding organisation (“bid participant”), if any, is appointed in response to this request for submission as stipulated in section 2 of this document.

##### **1.1. General Terms**

This tender is issued in terms of the Public Finance Management Act 1 of 1999 (PFMA), the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA), the Preferential Procurement Regulations, 2017 (PPR), Supply Chain Management Regulations issued by the National Treasury and BBBEE Act.

Parties that wish to submit proposals are required to indicate that they are willing to accept the General Conditions and Procedures of the NCR (see Section 4 below and Annexure B.1). Please read this document carefully prior to submitting your proposal.

##### **1.2. The Proposal Format**

###### **1.2.1. Economy of proposal preparation**

The proposal should be prepared simply and economically, providing a straightforward and concise description of the bid participant’s ability to meet the requirements of the proposal request.

Clear factual responses are required. The content of the proposals shall determine the merit of each participant, not brochures or other marketing material. To facilitate the review of proposals, participants are required to organise their responses according to the format presented below. Should a participant wish to provide additional information, that information should be referred to, and provided for, in a file of Annexures.

###### **1.2.2. Validity of proposals**

The proposals must include a statement as to the period for which the proposal remains valid. The proposal must be valid for at least ninety (90) days from the due date for the submission of all bids. Refer to the quarters in the terms of reference (TOR).

###### **1.2.3. Number of proposals**

Each bid participant must provide **three (3) hard copies and 1 CD/Stick** of their entire proposal,

including all the documentation referred to in 4 below, in the format specified in that section. All submitted proposals will become the property of the NCR, and will not be returned. Receipt of all proposals will be recorded in a register at the point of receipt. One copy of the proposal must be signed and dated in black ink by the bidder or authorized representative of the bidder and initialled on each page.

## **2. Submission of proposals**

**2.1.** Proposals must reach the offices of the NCR before **11:00 on 27 AUGUST 2021, @11H00am** and must be enclosed in a sealed envelope which must be clearly labelled/addressed on the outside:

**(a) RFP No: NCR 781.08.2021**

**(b) TERMS OF REFERENCE FOR THE APPOINTMENT OF AN OCCUPATIONAL HEALTH AND SAFETY CONSULTANT FOR A PERIOD OF FIVE (5) YEARS**

**(c) CLOSING DATE: 27 AUGUST 2021 AT 11H00 SHARP**

**2.2.** Proposals are to be submitted in the marked tender box, in the reception area, National Credit Regulator, 127-15<sup>th</sup> Road, Randjiespark, Halfway House, Midrand. The tender box will only be available for the depositing of proposals between 08h00 and 16h30 on weekdays (excluding public holidays).

**2.3.** Please note that this RFP closes punctually at 11h00 on **27 AUGUST 2021**. No late submissions will be considered under any circumstances.

**2.4.** All the documentation referred to in Section 4 below must be submitted. Failure to submit all the documentation referred to in this section may result in a submission being discarded, and not considered for evaluation.

**2.5.** If responses are not delivered as stipulated in this Section 2.1, such responses will be considered “late”, and will not be considered for evaluation.

**2.6.** The NCR shall not disclose any details pertaining to the responses received, to any other participant, as this is regarded as confidential information.

**2.7.** Envelopes must not contain documents relating to any RFP other than the one referred to in this RFP.

**2.8.** The responses to the RFP will be opened as soon as is practical after the expiry of the time advertised for receiving them.

- 2.9.** Only the participants that are short-listed after the evaluation process will be informed of the results of the submission adjudication process.
- 2.10.** After the evaluation process is completed, the Evaluation Committee may, prior to making a final selection, draw up a shortlist of participants and require them to make a detailed presentation to the Adjudication Committee. A minimum of 2 days' notice will be given to relevant participants in advance of the presentation date.

### 3. Timetable

Date	Activity
05/08/2021	Advertisement of the RFP
16/08/2021	Compulsory briefing session
27/08/2021	Closing date @ 11h00
30/08/2021	Preliminary evaluation
01/09/2021	Evaluations by the Evaluation Committee
10/09/2021	Adjudication Committee meeting
17/09/2021	Appointment

The National Credit Regulator reserves the right to determine the structure of the process, the right to determine the number of short-listed participants, the right to withdraw from the proposal process, and the right to change this timetable at any time without notice.

### 4. Documentation to be submitted

Please Note

All of the documentation described below must be submitted, with no omissions whatsoever. Where a particular form or format of documentation is stipulated, this is the only form or format in which these documents must be submitted. Failure to adhere to these requirements may result in the rejection of the entire submission.

All of the documentation referred to below (in Parts One – Twelve) must be acknowledged and submitted. For ease of reference and to facilitate the evaluation process, you are requested to clearly mark each part of the submitted documentation as it is referred to below.

#### 4.1. Table of content

**Introductory letter** by the bidder with authorized contact person and details for this specific tender

**4.2. SBD 1** – should be the completed and inserted after the introductory letter

### **One – Proposal drafted in response to Terms of Reference**

Section 2 of this document below, contains the terms of reference (TOR) for the above mentioned tender. Bid participants are required to draft a proposal that will clearly indicate to the Evaluation Committee how they will fulfil the requirements as set out in the TOR.

Bid participants should include the following information when drafting their proposals:

- Proposals should make clear the relevant skills, experience and capacity of the participant, in respect of this particular TOR. This is an important evaluation criterion. Bid participants should ensure that their proposals focus on how they will address the requirements of this TOR, rather than on achievements.
- Proposals must contain the details of the proposed approach to be adopted in order to deliver the service in accordance with the TOR.
- Proposals should clearly indicate whether or not bid participants have the internal capacity to meet the requirements of the TOR.

### **4.3. Two – Pricing Proposal- SEPERATE ENVELOPE**

**SBD 3.1** Pricing Schedule together with signed off detailed pricing on the company's letter head. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected. Additional information may be added on a separate page if necessary.

The total price that the participant will charge to deliver services in accordance with the TOR must be clearly indicated. The pricing proposal should contain sufficient information to allow the Evaluation Committee to estimate the cost of the service, to a high degree of accuracy.

Please note that a financial proposal must be submitted in a separate sealed envelope together with your submission. The financial Proposal will be opened once all technical proposals have been evaluated. This appointment will be made in line with QBS. All prices provided must be inclusive of Value-Added Tax (VAT).

Please note that the prices contained in the pricing proposal are the only charges that may be levied if the participant's proposal is successful, unless explicitly agreed to in writing by the National Credit Regulator, and in terms of the General Conditions of Contract, no additional cost will be accepted after the bidding documents have been submitted and the tender closing date has expired. Any cost for additional parts and peripherals needed for the successful implementation of the project shall remain and form part of the bidding price.

### **4.4. Three – General Conditions and Procedures of the NCR**

Annexure B and B1 - General Conditions and Procedures of the NCR. Bid participants must indicate clearly that they have read this document, and have no objections to being bound by its contents. In cases where any provisions of the General Conditions and Procedures conflict with this General Information for Bidders and/or Terms of Reference, the latter will take precedence over the General Conditions of Contract.

#### **4.5. Four – Contract Form: Rendering of Services**

**Annexure C** - Contract Form: Rendering of Services. This will only be completed by the successful bidder once a selection has been made by NCR. Participants do not, therefore, need to complete this form at the bidding stage but their proposals must clearly indicate that they have read this form, and have no objections to signing it as is, if selected as the successful participant.

#### **4.6. Five – Tax status**

Annexure D - Please attach CSD showing Tax status

*A CSD print out must also be attached.*

#### **4.7. Six – Preference Points Claim Form**

Annexure E – form SBD 6.1. Bid participants must complete Sections 8 and 9 in full. DO NOT RETYPE THESE FORMS. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected. *## Please note that a **BBEE certificate/ sworn affidavit** must also be attached to the bid documents. None submission will result in zero scoring in this competitive bidding process*

#### **4.8. Seven – Declaration of Interest**

Annexure F – form SBD 4. DO NOT RETYPE THESE FORMS. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected.

#### **4.9. Eight – Declaration of past Supply Chain Management Practices**

Annexure G – form SBD 8. DO NOT RETYPE THESE FORMS. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of signatures may be rejected.

#### **4.10. Nine – Non-Disclosure Agreement**

Annexure H – Non-Disclosure Agreement. Participants must indicate clearly that they have read this agreement, and have no objections to signing it, as is.

#### **4.11. Ten – Certificate of Independent Bid Determination**

Annexure I – Certificate of Independent Bid Determination Participants. They must be completed on the original and signed, all in black ink. Forms with photocopies and/or other reproductions of

signatures may be rejected.

#### 4.12. Eleven – SLA draft version for supplier review

Annexure K – SLA draft version for supplier review. The participants must indicate clearly that they have read this agreement, and have no objections to signing it, as is. If not objections should be outlined separately in a letter. NB: all the SBD documents can be downloaded from our website - <https://www.ncr.org.za/tenders-download/current-tenders>

#### 5. Evaluation Criteria

Proposals will be evaluated on the 80/20 preference points scoring system: that is, 80% of the points awarded will be based on price, as indicated in the table below; and 20% of the points awarded will be based on B-BBEE codes system, allocated as indicated in the table below:

B-BBEE status level of contributor	Number of points	Price
Total maximum points	20	80

Functionality will be evaluated in terms of Section 2 point 10

#### 6. Conflict of interest

Service providers are required to provide services that are professional, objective and impartial. Service providers must ensure that there is no conflict of interest between existing assignments, obligations and responsibilities to other clients and the services set out in the TOR. In the event of any uncertainty in this regard, full disclosure in the submitted proposal should be considered. Non-disclosure of a conflict of interest may be grounds for termination of any contract.

#### 7. Confidentiality agreement

The successful service provider may have access to confidential data or information. The appointment of a successful bidder is subject to that bidder agreeing to the contents of, and signing, the NCR's standard Non-Disclosure Agreement.

#### 8. Contact details

This no-contact policy does not apply to any information deemed to be in the public domain, or which is readily available from organs of State, which are repositories of such information. All communications and enquiries/requests for clarification relating to this proposal should be directed to [procurement@ncr.org.za](mailto:procurement@ncr.org.za).

## **SECTION 2**

### **TERMS OF REFERENCE FOR THE APPOINTMENT OF AN OCCUPATIONAL HEALTH AND SAFETY CONSULTANT FOR A PERIOD OF FIVE (5) YEARS**

#### **1. INTRODUCTION**

The National Credit Regulator (NCR) is the regulatory authority established on 01 June 2006 in terms of the National Credit Act (NCA) 34 of 2005 with the mandate to promote and advance the social and economic welfare of South Africans, promote a fair, transparent, competitive, sustainable, responsible, efficient, effective and accessible credit market and industry, and to protect consumers.

In addition, the NCR in terms of the section 16(1) of the Act is responsible to increase knowledge of the nature and dynamics of the consumer credit market and industry, and to promote public awareness of consumer credit matters by implementing education and information measures.

#### **2. OBJECTIVE**

The NCR seeks to appoint an Occupational Health and Safety Consultant that will ensure legal compliance and a working environment that is safe and meets basic health standards.

The NCR has the following buildings / premises in Midrand, Gauteng:

127-15<sup>th</sup> Road, Randjespark

232-15<sup>th</sup> Road, Randjespark

#### **3. DURATION OF THE CONTRACT**

The duration of the contract is for a period of five (5) years. The contract will commence on the signature date of the contract regarding the building located at 127-15<sup>th</sup> Road. The contract will be effective as from 01 September 2022 regarding the building located at 232-15<sup>th</sup> Road. The end date of the contract for both buildings will be the same.

#### **4. SPECIAL BID CONDITIONS**

- 4.1 The bidder must attend a compulsory briefing session and site visit.
- 4.2 The bidder is required to be registered with an appropriate Professional Body and have relevant professional accreditation.
- 4.3 The bidder must have experience in Occupational Health and Safety services and training.
- 4.4 The appointed bidder will be subjected to vetting investigations by the State Security Agency (SSA). The appointment of the preferred bidder will depend on a positive clearance from SSA.

#### **5. SCOPE OF WORK**

- 5.1 Review of the Occupational Health and Safety Policy in accordance to the Occupational Health and Safety Act, 1993.
- 5.2 Annual review and framing of the policy statement.
- 5.3 Revise health and safety documentation annually.
- 5.4 Develop documentation where necessary.
- 5.5 Update NCR on any legal requirement or legal changes and law updates.
- 5.6 Assist with the annual revision of the Emergency Preparedness and Response Plan.
- 5.7 Conduct bi-annual emergency evacuation drills and issue drill reports.
- 5.8 Conduct quarterly risk assessments.
- 5.9 Conduct annual internal audits on NCR documentation and premises and issue an audit report.
- 5.10 Chair monthly safety meetings and issue minutes of meetings.
- 5.11 Ongoing health and safety support and consulting.
- 5.12 Provide training to appointed Occupational Health and Safety committee members and other identified employees such as First Aid, Fire Fighting, Legal Liability training for managers, Incident Investigation training, Hazard Identification and Risk Assessment (HIRA), Emergency Preparedness etc.
- 5.13 Advise NCR on all training and awareness requirements.

- 5.14 Create monthly health and safety awareness through toolbox talks.
- 5.15 Conduct annual health and safety campaigns.
- 5.16 Assist with schematic design and floor plans according to the Occupational Health and Safety Act, 1993.
- 5.17 Conduct an annual Fire Equipment Service according to the OHS - General Machinery Regulation The bidder must be registered with relevant industry associations e.g. Fire Fighting Equipment Trader Association (FFETA).
- 5.18 The bidder must provide certificates as proof of registrations/affiliation to the relevant industry association.
- 5.19 Supply all First Aid Kits with contents and conduct quarterly checking, supply, filling and replacement of contents.
- 5.20 Provide all safety signs and ensure that they are in place. To be verified by Service Providers during the site inspection.
- 5.21 Ensure NCR compliance in accordance with the Occupational Health and Safety Act, 1993.
- 5.22 Submit quarterly reports on Occupational Health and Safety matters.

## 6. FUNCTIONALITY EVALUATION CRITERIA

The following critical criteria will apply, for evaluation purpose of this Bid. Non-compliance to these critical criteria or no supporting documentation supplied with the bid response will invalidate your bid.

The evaluation is based on the criteria indicated below namely organisational experience and capacity (Health and Safety Services and Training), approach and methodology and capabilities and experience of the proposed team.

<b>ORGANISATIONAL EXPERIENCE AND CAPACITY (HEALTH AND SAFETY SERVICES AND TRAINING)</b>	<b>WEIGHT</b>
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<p>Demonstrate organisational experience (at least five years' experience in providing similar Occupational Health and Safety Services and Training.)</p> <p><b>Point allocation:</b></p> <p>More than five years' experience = <b>5</b></p> <p>Five years' experience = <b>4</b></p> <p>Four years' experience = <b>3</b></p> <p>Three years' experience = <b>2</b></p> <p>Two to zero years' experience = <b>1</b></p>	<b>20</b>						
<b>REFERENCES</b>	<b>WEIGHT</b>						
<p>The bidder (s) must furnish a minimum of three (3) reference letters where the relevant services have been rendered. The letters must stipulate that the services rendered were done in a satisfactory manner, which must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>▪ Type of services rendered</li> <li>▪ Date of service</li> <li>▪ Duration and</li> <li>▪ If the company delivered the services as required</li> </ul> <p>The reference letters must be on the clients' official letterhead and also include the company name, contact person, contact details (telephone number and email address.)</p> <table border="1" data-bbox="172 1704 1147 1921"> <thead> <tr> <th data-bbox="172 1704 660 1776">Description</th> <th data-bbox="660 1704 1147 1776">Weight</th> </tr> </thead> <tbody> <tr> <td data-bbox="172 1776 660 1848">4 reference letters and more</td> <td data-bbox="660 1776 1147 1848" style="text-align: center;"><b>5</b></td> </tr> <tr> <td data-bbox="172 1848 660 1921">3 reference letters</td> <td data-bbox="660 1848 1147 1921" style="text-align: center;"><b>4</b></td> </tr> </tbody> </table>	Description	Weight	4 reference letters and more	<b>5</b>	3 reference letters	<b>4</b>	<b>10</b>
Description	Weight						
4 reference letters and more	<b>5</b>						
3 reference letters	<b>4</b>						

2 reference letters	3	
1 reference letter	2	
0 reference letters	1	
<b>APPROACH AND METHODOLGY</b>		<b>WEIGHT</b>
<p>The bidder must fully describe and demonstrate approach and methodology to Occupational Health and Safety (OHS)</p> <p><b>Points allocation:</b></p> <p>The bidder provided a comprehensive approach and methodology (Addresses point 5.1 to 5.22 of the scope of work) = 4</p> <p>The bidder provided an partial approach and methodology (Addresses 50% of the information indicated from point 5.1 to 5.22 of the scope of work) = 3</p> <p>The bidder provided an approach and methodology (Addresses 30% of the information indicated from point 5.1 to 5.22 of the scope of work) = 2</p> <p>The bidder did not provide an approach and methodology = 1</p>		<b>20</b>
<b>CAPABILITIES AND EXPERIENCE OF THE PROPOSED TEAM</b>		<b>WEIGHT</b>
<p>The bidder must demonstrate experience, tertiary qualifications and capabilities of their proposed teams including those of team leader/s. The proposed team and its leaders must have at <b>least eight years' experience</b> in Health and Safety Services and Training (Attach CV and past &amp; current projects)</p> <p><b>Point allocation:</b></p> <p>The bidder demonstrated experience, provided proof of tertiary qualifications, capabilities of their proposed team and its leaders have 8 years' and more experience = 5</p>		<b>30</b>

<p>The bidder demonstrated experience, provided proof of tertiary qualifications, capabilities of their proposed team and its leaders have 8 years' experience = 4</p> <p>The bidder demonstrated experience, provided proof of tertiary qualifications, capabilities of their proposed team and its leaders have 7 years' experience = 3</p> <p>The bidder demonstrated experience, provided proof of tertiary qualifications, capabilities of their proposed team and its leaders have less than 7 years' experience = 2</p> <p>The bidder did not submit any proof relating to the requirement = 1</p>	
<b>COMPLIANCE</b>	<b>WEIGHT</b>
<p>The bidder is registered with an appropriate Professional Body and has relevant professional accreditation. Proof must be submitted.</p> <p><b>Point allocation:</b></p> <p>The bidder complies with the requirement = 4</p> <p>The bidder does not comply with the requirement = 1</p>	<b>20</b>
<b>TOTAL POINTS</b>	<b>100</b>

**Bidders are required to score a minimum of 70% points on functionality to qualify to be evaluated for the next level (BBBEE and price). Bidders who do not score the minimum of 70% points on functionality will be disqualified and not be evaluated on price and BBBEE.**

## 7. Additional information:

- Brief company profile, as relevant to the above mentioned terms of reference.
- Experience in the relevant areas.
- Clientele.
- A proposal should include the methodology to deliver and meet the deadline for delivery
- Confirmation that the proposed team members will in fact be available to undertake this exercise at the appropriate time and meet the necessary deadlines.
- The proposal should contain a work plan, showing tasks, timelines etc.
- Contact details of at least three references from amongst recent clients with whom similar work has been conducted in the past 24 Months.
- Certificate of incorporation / legal status.
  - Company registration documents
  - Certified copy of director's identity documents
  - Certified BBBEE certificate
- Financial proposal.
  - Detailed pricing on the company letter head, the total cost must link to SBD 3.1 attached.

**NB: Bidders must also submit a proof of registration on the central database system. (National Treasury system)**

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**ANNEXURE A**

**PRICING SCHEDULE**

Description	Year 1 Rand Value (Inclusive of VAT)	Year 2 Rand Value (Inclusive of VAT)	Year 3 Rand Value (Inclusive of VAT)	Year 4 Rand Value (Inclusive of VAT)	Year 5 Rand Value (Inclusive of VAT)
<p><b>Review</b></p> <ul style="list-style-type: none"> <li>▪ Review of the Occupational Health and Safety Policy in accordance to the Occupational Health and Safety Act, 1993.</li> <li>▪ Annual review and framing of the policy statement.</li> <li>▪ Revise health and safety documentation annually.</li> <li>▪ Annual revision of the Emergency Preparedness and Response Plan.</li> </ul>					
<p><b>Audits and Assessments</b></p> <ul style="list-style-type: none"> <li>▪ Quarterly risk assessments.</li> </ul>					

<ul style="list-style-type: none"> <li>▪ Annual internal audits on NCR documentation and premises and issue an audit report.</li> </ul>					
<p><b>Training (Equivalent to the following Unit Standards)</b></p> <ul style="list-style-type: none"> <li>❖ <b>The following training to be provided in year 2 and 4 of the contract.</b></li> <li>▪ Health and Safety (SHE REP) (US ID 9964) : <b>14 participants</b></li> <li>▪ First Aid Level 1 (US ID: 119567) : <b>14 participants</b></li> <li>▪ Basic Fire Fighting (US ID: 12484) : <b>14 participants</b></li> <li>▪ Incident and Investigations (US ID: 117391) : <b>10 participants</b></li> <li>▪ Hazard Identification and</li> </ul>					

<p>Risk Assessment (US ID: 13167) :</p> <p><b>10 participants</b></p> <ul style="list-style-type: none"> <li>▪ Emergency Preparedness (US ID: 259597) : <p><b>42 participants</b></p> </li> <li>▪ Legal Liability for managers (US ID: 244288) : <p><b>13 participants</b></p> </li> <li>▪ OHS Induction (US ID 259639. (Explain basic health and safety principles in the workplace) <p><b>180 participants</b></p> </li> </ul> <p>❖ <b>The OHS Induction must be presented on an annual basis.</b></p>					
<p><b>Additional Service</b></p> <ul style="list-style-type: none"> <li>▪ Bi-annual emergency evacuation drills and issue drill reports.</li> <li>▪ Chair monthly safety meetings and issue</li> </ul>					

<p>minutes of meetings.</p> <ul style="list-style-type: none"> <li>▪ Monthly health and safety toolbox talks.</li> <li>▪ Annual health and safety campaigns.</li> <li>▪ Annual supply and install schematic design and floor plans.</li> <li>▪ Annual Fire Fighting Equipment Service.</li> <li>▪ Supply and quarterly maintain First Aid Kits with contents.</li> <li>▪ Supply and install safety signs as verified during the site inspection.</li> <li>▪ OHS quarterly reports.</li> </ul>					
<b>TOTAL SUM (VAT Incl.)</b>					

<b>TOTAL PRICING OVER 5 YEARS (VAT Incl.)</b>	
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