THE NATIONAL CREDIT REGULATOR

OCTOBER 2026

TERMS OF REFERENCE ALTERNATIVE DISPUTE RESOLUTION (ADR) AGENTS REGISTERED UNDER THE NATIONAL CREDIT ACT (NCA)

RFQ: NCR1050.10.2026

DUE DATE: 12 NOVEMBER 2026 AT 11H00 SHARP CAT

EMAIL YOUR SUBMISSION TO: rmaleka@ncr.org.za

COPY: procurement@ncr.org.za

PART A- GENERAL TERMS OF CONDITIONS (SCM)

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 for the appointment a service provider for alternative dispute resolution (ADR) agents registered under the national credit act (NCA).

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, 2001/2022 (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 (Annexure B and B.1 that can be downloaded from NCR website - https://www.ncr.org.za/index.php/procument/tender-standard-bidding-documents/general-terms-conditions). **Please read this document carefully and confirm your agreement to the terms prior to submitting your proposal.**

2. The Proposal Format

- **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 in a file of annexure.

3. **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 sixty (60) days from the due date for the submission of all bids.

4. **Number of proposals**

Each bid participant must email 1 their entire proposal, including all the documentation referred to in Section 7 below, in the format specified in that section. All submitted proposals will become the property of the NCR and will not be returned. The proposal must be signed and dated in black ink by the bidder or authorized representative of the bidder and initialled on each page.

5. Submission of proposals

5.1. Proposals must reach the offices of the NCR before 11:00 AM on 12 November 2026, and must be emailed to rmaleka@ncr.org.za , procurement@ncr.org.za

a) RFQ No: NCR1050.10.2026

TERMS REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR ALTERNATIVE DISPUTE RESOLUTION (ADR) AGENTS REGISTERED UNDER THE NATIONAL CREDIT ACT (NCA)

b) . CLOSING DATE: 12 NOVEMBER 2026 AT 11H00 AM,

5.2 Please note that this RFQ closes punctually at 11h00 on 12 November 2026. No late submissions will be considered under any circumstances.

5.3 All the documentation referred to in Section 7 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.

5.4 If responses are not delivered as stipulated in this Section 5.1, such responses will be considered **"late"**, and will not be considered for evaluation.

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

5.6 Submissions must not contain documents relating to any RFQ other than the one referred to in this RFQ.

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

5.8 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 Evaluation Committee. A minimum of 2 days' notice will be given to relevant participants in advance of the presentation date.

6.Timetable

Date & time	Activity
05/11/2026	Issue RFQ document
12/11/2026	Closing date
13/11/2026	Evaluations
20/11/2026	Appointment of a supplier

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.

7. Documentation to be submitted.

Document that must be Submitted	Guideline		Consequence of non-submission
Invitation to Bid – SBD 1	Yes	Complete and sign the supplied pro forma document	Disqualification from process
Tax status SBD 1	Yes	Written confirmation that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status.Proof of Registration on the Central Supplier Database Vendor number	Disqualification from process
Declaration of Interest – SBD 4	Yes	Complete and sign the supplied pro forma document	Disqualification from process
Preference Point Claim Form – SBD 6.1	Yes	Non-submission will lead to a zero (0) score on Specific goals	Zero points awarded for specific goals
Registration on Central Supplier Database (CSD)	Yes	The Service Provider must be registered as a service provider on the Central Supplier Database (CSD). If not registered, to complete the registration of company prior to submitting the proposal. Visit https://secure.csd.gov.za/ to obtain your vendor number starting with MAAA. Submit proof of registration.	Disqualification from process
Acceptance of the General Terms and Conditions	Yes	https://www.ncr.org.za/index.php/procument/tender-standard-bidding-documents/general-terms-conditions	Disqualification from process

8.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 specific goals, allocated as indicated in the table below:

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

The points system is outlined for the 80/20 to address the preferential procurement as followed:

8.1 SMME's which are owned by Black people.

SPECIFIC GOAL	ACHIEVEMENT LEVEL	TOTAL NUMBER OF
Persons historically disadvantaged on the basis of race	81%- 100% black ownership	7
	51% - 80% black ownership	5
	31% - 50% black ownership	3
	0 – 30% black ownership	1

8.2 SMME's which are owned by People with disability

SPECIFIC GOAL	OWNERSHIP LEVEL	POINTS
Persons historically disadvantaged on the basis of disability	50 %- 100% owned by persons living with disabilities	3
	30% - 49% owned by persons living with disabilities	2
	0 – 29% owned by persons living with disabilities	1

8.3 SMME's which are owned by Women.

SPECIFIC GOAL	ACHIEVEMENT LEVEL	POINTS
Persons historically disadvantaged on the basis of gender – Women	81% - 100% owned by women	7
	51% - 80% owned by women	5
	31% - 50% owned by women	3
	0 – 30% owned by women	1

8.4 SMME's which are Youth owned business.

SPECIFIC GOAL	OWNERSHIP LEVEL	POINTS
Persons historically disadvantaged based on age	50%- 100% owned by persons who are	3
	30% - 49% owned by persons who are	2
	0 – 29% owned by persons who are	1

9. Evidence for specific goals

PROOF OF EVIDENCE TO SCORE SPECIFIC GOALS POINTS			
EVIDENCE	**YES**	**NO**	**ATTACH EVIDENCE (indicate a page)**
Share certificate			
ID Copies stamped by the commissioner of oath			
Sworn affidavits			
BBBEE certificates			
Proof of disability			
CIPC Documents			

NB: Bidders will only score points based on the evidence submitted.

10. Reporting of fraud and corruption

The National Credit Regulator management is commitment to transparency, integrity, and accountability, as described in our Code of Conduct and business principles. Which led to the establishment of the Ethics Line. The Ethics Line seeks to provide an independent and comprehensive service through enhanced anonymity assurance and a wide range of communication channels. Bidders and members of the public are encouraged to use the following toll-free line to report any misconduct relating procurement activities amongst others.

TERMS OF REFERENCE (TOR)

ALTERNATIVE DISPUTE RESOLUTION (ADR) AGENTS REGISTERED UNDER THE NATIONAL CREDIT ACT (NCA)

1. Background

The National Credit Regulator (NCR) was established under the National Credit Act (NCA) No. 34 of 2005 and is responsible for the regulation of the South African consumer credit industry. In terms of Section 3, the purpose of the NCA is 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, to protect consumers.

Alternative Dispute Resolution (ADR) mechanisms have become an important component of modern justice systems by providing accessible, efficient, and cost-effective means of resolving disputes outside formal court processes. These mechanisms, which include mediation, arbitration, conciliation, negotiation, and other consensual dispute resolution processes, contribute significantly to reducing court backlogs, promoting timely resolution of disputes, and enhancing access to justice. It should be noted that the ADR agent facilitates discussion but does not impose a decision.

Despite the growing adoption of ADR, enforcement challenges continue to undermine its effectiveness. Legislative limitations, operational inefficiencies, institutional capacity constraints, inadequate coordination among stakeholders, inconsistent judicial practices, and systemic gaps impede the effective recognition, implementation, and enforcement of ADR outcomes. These challenges diminish public confidence in ADR mechanisms and reduce their utility as viable alternatives to litigation.

This TOR provides the framework for undertaking a comprehensive assessment of enforcement challenges affecting ADR mechanisms and for developing practical recommendations to strengthen the legal, institutional, and operational framework governing ADR enforcement.

2. Objectives

The specific research objectives are to:

- Assess the adequacy of the existing legislative and regulatory framework governing the enforcement of ADR outcomes.
- Identify legislative limitations that impede effective recognition and enforcement of mediation settlements, arbitral awards, conciliation agreements, and other ADR outcomes.
- Examine operational inefficiencies within courts, tribunals, ADR institutions, and enforcement agencies that affect implementation.
- Identify institutional and systemic gaps contributing to delays, inconsistencies, or non-compliance with ADR outcomes.
- Assess the roles and coordination of key stakeholders involved in ADR enforcement.
- Benchmark national practices against regional and international standards and best practices.
- Develop practical recommendations for legislative, institutional, administrative, and procedural reforms.

3. Scope of work

In order to keep the extent of the research manageable, the scope of work shall include but not be limited to the following:

3.1 Legislative Review

- Review existing constitutional, statutory, and regulatory provisions governing ADR.
- Assess the adequacy of legislation governing the recognition and enforcement of ADR outcomes.
- Identify inconsistencies, overlaps, or conflicts between ADR legislation and civil procedure laws.
- Examine judicial interpretation affecting enforcement of ADR agreements and awards.
- Assess whether ADR agent "arbitration" under s134(1)(b)(ii) invokes Arbitration Act finality, and what consumer disclosure accompanies that.
- Examine interaction between s134 and court-annexed mediation (Magistrates' Courts Mediation Rules, Uniform Rules of Court Rule 41A.
- Examine interaction between s134 and the Ombuds regime.

- Identify where regimes overlap, conflict, or leave gaps entirely.
- Assess the number and conduct of currently registered ADR agents.
- Review proportion of "ADR market" activity that is unregistered.
- Assess the feasibility of a centralised, Commission for Conciliation, Mediation and Arbitration (CCMA) - style national body with its own mandated provincial footprint, scoped against National Financial Ombud (NFO) to avoid duplication.
- Complete mapping of disputes currently being resolved by the existing private ADR market.
- Review fees payable by consumers for ADR services.
- Review timeliness and timeframes for ADR processes.

3.2 Institutional Assessment

Review the mandates, responsibilities, and institutional capacity of:

- Courts;
- Arbitration centres;
- Mediation and conciliation institutions;
- Government agencies responsible for enforcement;
- Professional bodies regulating ADR practitioners; and
- Other relevant institutions involved in ADR implementation.

3.3 Operational Assessment

Assess the following:

- Types of disputes ADRs typically receive.
- How consumers access ADR services.
- How many complaints were received in the past 3 years.
- Procedures for registration and enforcement of ADR outcomes.
- Administrative processes affecting enforcement.
- Timeliness and efficiency of enforcement procedures.
- Resource and capacity constraints.
- Digital systems supporting ADR administration and enforcement.
- Availability of monitoring and reporting mechanisms.

3.4 Stakeholder Analysis

Consult relevant stakeholders, including:

- Judiciary; Legal practitioners; Arbitrators; Mediators; ADR institutions;
- Government ministries and agencies;

- Private sector representatives;
- Civil society organisations and academic institutions;
- Which credit providers regularly participate in ADR processes.
- Whether there are any credit providers who refuse to participate.
- What challenges do ADRs experience in obtaining information from credit providers.
- Have ADRs identified recurring conduct issues among credit providers?

3.5 Comparative Analysis

Review regional and international best practices regarding:

- Enforcement of mediation settlement agreements;
- Enforcement of arbitral awards;
- Court-annexed ADR systems;
- Institutional governance models;
- Legislative reforms supporting ADR.

4. Expected Outcome

- The research should provide a robust evidence base for strengthening the enforcement of ADR mechanisms through legislative reform, institutional capacity enhancement, improved operational procedures, and stronger coordination among stakeholders.
- The recommendations are expected to enhance the credibility, accessibility, effectiveness, and sustainability of ADR as a key component of the justice system while promoting timely, predictable, and enforceable dispute resolution outcomes.
- Relevant amendments to the NCA that would improve ADR e.g. Are current registration requirements appropriate?
- Additional powers or resources that would improve ADR effectiveness.

5. Project Outputs

Outputs from the project include:

- **Outputs prior to the kick-off meeting**:
  - A project plan detailing key milestones to be discussed and agreed to with the NCR;
  - NCR expects the team proposed on project plan to conduct research, any changes to the proposed teams must be agreed upon.

- **An inception report, draft report, and the final report**
  - An inception report needs to be forwarded to the NCR prior to the draft report.
  - The draft report needs to include, amongst others:
    - An executive summary of the report;
    - A comprehensive literature review section;
    - A section addressing research methodologies;
    - A section addressing all the results from primary and secondary data (analysis of the data) and;
    - Concluding remarks and recommended interventions.
- The final report will be forwarded to the NCR after the comments in the draft report have been addressed.

- **A presentation will be forwarded to the NCR upon finalisation of the final report and will include:**
  - A brief and accessible overview of the findings of the final report and;
  - Representation of key data.
  - List of stakeholders contacted during the process of the research, with contact details and;
  - Any additional data collected during the research process.

6. Project Timelines

It is expected that the duration of this project will be **6 months** from the time the Service Level Agreement (SLA) is signed by the Accounting Authority.

7. Specific compliance

- The NCR's objective is to appoint strictly South African service providers, companies, or entities as well as to promote and advance the employment of South African citizens.
- The NCR's objective is to promote transformation in the economy through the procurement of goods and services from reputable companies.

8. Functionality Evaluation

Bids will be evaluated strictly according to the technical bid evaluation criteria stipulated in the table below:

VALUES: 1=Poor: 2=does not meet the requirements: 3= partially meets the requirement: 4= meets the requirements: 5=Exceeds the requirements

The Bidder's capacity will be evaluated according to the following evaluation criteria:

No	Evaluation Criteria	Weight
1.	**Company's practical experience in the South African credit industry or financial sector in general.** The proposal should include: • The number of years for each project conducted in the financial sector or credit industry in South Africa. **5=> 8 years** **4=>4- 7 years** **3= >2-3 years** **2= >1 year** **1= < 1 year**	**40%**
2.	**Experience of the team** The proposal should **include capacity statement,** and it must clearly indicate: • The team leader's competency levels: ➢ The team leader must have a minimum of 5 years' experience related to research services in the **financial sector or credit industry in South Africa**. ➢ The proposal should include a detailed CV of the team leader responsible for overseeing and undertaking the work; ➢ A minimum degree. • The **team member's competency** levels should also be clearly summarized **5=Excellent** (If the provided capacity statement indicates that the team leader and team members' have extensive practical research	**30%**

	experience in **financial sector or credit industry in South Africa** and their experience is more than 5 years). **4=Very Good** (If the provided capacity statement shows that the team leader has 5 years' research experience in the **credit industry in South Africa** but has no **credit industry or financial sector** research experience). **3=Good** (If the provided capacity statement clearly demonstrates the practical experience of the team leader or the experience included is five years. Moreover, the team members have the required work experience in research related to the project). **2=Average** (The team leader does not have the required experience in the **finance sector or credit industry in South Africa**). **1=Poor** (Unacceptable, does not meet set criteria)	
3.	**Methodology** • Demonstrating understanding of the subject matter and expansion on key issues for consideration in the scope of work. • Has provided a work plan outlining how the work will be completed. • Risk matrix should outline key project risks, as well as the corrective measures suggested to mitigate these risks and their impact, for example how the following will be addressed: **5=Exceeded the requirements:** (Provided work plan indicating expansion on key issues for consideration in the project as stated on the scope of work. In addition, a detailed explanation on how the project objectives will be assessed, risk matrix and methodology) **4=Met the requirements** (Demonstrated familiarity with the subject matter by providing a detailed project plan and approach on the scope of work stated. In addition, a clear explanation on how the project objectives will be assessed, risk matrix and methodology.) **3=Partially met the requirement:** (No clear proper plan on the proposed approach in relation to the scope of work. No clear explanation	**20%**

	on how the project objectives will be assessed, risk matrix and methodology.) **2=Did not meet the requirements** (Proposed approach is not aligned to the scope of work. No explanation on how project objectives will be addressed, risk matrix and methodology.) **1=Poor** (Unacceptable, does not meet set criteria or no submission)	
4.	**References** At least three reference letters from **financial sector or credit industry in South Africa** that contain the following information: ➢ Clearly indicate research work conducted in South Africa in the last 36 months; ➢ Must include telephone numbers and email addresses (reference letters without contact details will not be considered); ➢ Reference letters should not be from the same company or person; ➢ Most importantly, the reference letters will be evaluated against the scope, relevance, value and time span of research projects. Letters must therefore contain the relevant information. **5=** The bidder submitted more than four reference letters **4=** The bidder submitted four reference letters **3=** The bidder submitted three reference letters **2=** The bidder submitted two reference letters **1=** The bidder submitted one reference letter	**10%**
	TOTAL SCORE	**100%**

Bidders must achieve a score of 70 points in order to be considered for price and specific goals evaluations.