

THE NATIONAL CREDIT REGULATOR

MARCH 2024

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF BBBEE VERIFICATION SERVICES FOR A PERIOD OF TWO YEARS.

RFQ NUMBER: NCR902.03.2024

DUE DATE: 12 MARCH 2024 AT 11H00 SHARP CAT
EMAIL YOUR SUBMISSION TO: TMaseko@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 appointment of accredited Microsoft service provider to conduct gap analysis and resolve microsoft dynamics great plains 2018 critical issues.

2. 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.**

3. 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.

4. **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.

5. **Number of proposals**

Each bid participant must email 1 their entire proposal, including all the documentation referred to in 1.5 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.

6. **Submission of proposals**

6.1. Proposals must reach the offices of the NCR before 11:00 on 12 March 2024, and must be enclosed in a sealed envelope which must have clearly inscribed on the outside:

a) **RFQ No: NCR902.03.2024**

b) **TERMS OF REFERENCE FOR APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF BBBEE VERIFICATION SERVICES FOR A PERIOD OF TWO YEARS.**

c) **CLOSING DATE: 11H00,**

6.2. Please note that this RFQ closes punctually at 11h00 on 12 March 2024. No late submissions will be considered under any circumstances.

6.3. **All** the documentation referred to in Section 1.5 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.

6.4. If responses are not delivered as stipulated in this Section 1.3, such responses will be considered **“late”**, and will not be considered for evaluation.

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

- 6.6. Submissions must not contain documents relating to any RFQ other than the one referred to in this RFQ.
- 6.7. The responses to the RFQ will be opened as soon as is practical after the expiry of the time advertised for receiving them.
- 6.8. 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.

7. Timetable

Date & time	Activity
04 MARCH 2024	Issue RFQ document
12 MARCH 2024	Closing date

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.

8. 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

Document that must be Submitted	Guideline		Consequence of Non-submission
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	<p>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.</p> <p>Visit https://secure.csd.gov.za/ to obtain your vendor number starting with MAAA. Submit proof of registration.</p>	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

9. 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:

9.1. 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

9.2. 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

9.3. 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

9.4. 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 youth	3
	30% - 49% owned by persons who are youth	2
	0 – 29% owned by persons who are youth	1

10. 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			
CIPS Documents			

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

11. 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

Fraud / Anti-Corruption Hotline

Report any incidents of wrong doing
to the KPMG Ethics Line

0800 20 53 17 (Toll Free)

PART B- TERMS OF REFERENCE

1. Background

The NCR has been tasked with implementing the National Credit Act No.34 of 2005 (“the Act”). Section 12 of the Act establishes the National Credit Regulator (“NCR”) and Section 15 (a) to (j) of the Act empowers the NCR with enforcement functions amongst others, to promote informal resolution of disputes between consumers on the one hand and credit providers or credit bureaus on the other hand without intervening in or adjudicating on any such disputes. Complaints Process Flow provides a high-level overview of the minimum requirements the Complaints Department should adhere to when dealing with complaints from consumers and credit providers as stipulated in the Act.

2. Objective

These terms of reference are intended to provide a scope of work and deliverables to appoint BBBEE verification agency to compile a balance score card, do the required verification in relation to the BBBEE for a period of 12 Months (2023/24 Fiscal year).

Please note the following regarding the NCR:

- Is a schedule 3A public entity reporting directly to the DTI.
- Currently have 180 employees.
- This will be the third time we get verified as an entity.
- Is based in Midrand, all employees and documents will be available at this office.
- Have outsourced internal auditors and AG is the external auditors.

3. Scope of work and outputs

The appointed service provider will be required to but not limited:

- Perform a BBBEE verification based on an updated scorecard for public entities;

- Discuss coverage with Management (Manco and EXCO);
- Report and discuss the findings/gaps and recommendations with management prior to issuing the certificate each year.
- The supplier must maintain confidential and ethical requirements regarding business information;
- Finally issue NCR with BBBEE certificate before end of 31 August 2024.
- The service provider must ensure that all work conforms to the BBBEE Act and SANAS standards.

4. Timing of assignment

It is required that the entire verification process with the output be finalised by end July 2024 for the first year and before end of July for the second year of the contract.

5. Competence requirements

The service provider should meet the following competency requirements:

- Be independent of the organization;
- Be competent with the professional practice;
- Be a certified by SANAS (South African National Accreditation System) and possesses current knowledge of the updated;
- Be well vested in the best practices and BBBEE Act; and
- Must have done similar verification in some other public entities
- Accreditation and certification provide proof of company and project leader's registration with the South African National Accreditation System (SANAS).

6. Conflicts 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. Conditions of the bid

The appointed professional service provider is duly bound to observe confidentiality requirements and compliance with all relevant laws and regulations of South Africa.

9. Mandatory Requirements

The bidder must indicate its compliance / non-compliance to the requirements and should substantiate its response in the space provided below. If more space is required to justify compliance, please ensure that the substantiation is clearly cross-referenced to the relevant requirement.

(Valid) South African National Accreditation System REGISTRATION	Comply	Not comply
<i>B-BBEE Verification Agency must be SANAS accredited.</i> Note: The NCR reserves the right to verify the bidder's status of registration directly with SANAS. Proof must be submitted		
Substantiate/Comments		
Reference letter of similar work done	Comply	Not comply
<i>B-BBEE Verification Agency must provide at-least three (3) positive reference letters from previous State/Private clients</i>		

<p>Note: The NCR reserves the right to verify the bidder's reference letters. The reference letter must contain the name of the company, name of the relevant manager who received the services, their direct number and email address.</p>		
<p>Substantiate/Comments</p>		

Additional information/documents to be submitted

- Brief company profile, as relevant to the above-mentioned terms of reference.
- Experience in the relevant areas including clientele.
- Work plan, showing tasks, timelines etc.
- Contact details of at least three references from among recent clients with whom similar work has been conducted in the past 36 Months.
- Financial proposal- full and detailed pricing must be on the company's letter head and signed off by the delegated and authorised person and SBD 3