



Custodian of Good Governance

SPECIAL REQUIREMENTS AND CONDITIONS OF CONTRACT

APPOINTMENT OF A SERVICE PROVIDER TO RENDER THE EMPLOYEE WELLNESS PROGRAMME (EWP) SERVICES FOR THE OFFICE OF THE PUBLIC SERVICE COMMISSION (OPSC) FOR A PERIOD OF TWENTY-FOUR (24) MONTHS

BID VALIDITY PERIOD: 90 DAYS

COMPULSORY INFORMATION SESSION:

DATE: 12 MARCH 2012

TIME: 10H00

VENUE: COMMISSION HOUSE, CORNER HAMILTON & ZIERVOGEL STREETS, ARCADIA

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1. SCOPE

The Office of the Public Service Commission requires an Employee Wellness Programme (EWP) service provider to provide direct, multilingual, confidential and unlimited access to a twenty four (24) hour, seven (7) days a week personal support service with all calls answered by fully qualified counsellors to approximately two hundred and sixty six (266) employees and their household, based in all nine (9) provinces as per the attached scope of work. For this purpose, household means spouse, children and anyone who is dependent financially or otherwise on the employee.

2. LEGALISED FRAMEWORK

This bid and all contracts emanating there from will be subject to the General Conditions of Contract issued in accordance with Chapter 16A of the Treasury Regulations published in terms of the Public Finance Management Act, 1999 (Act 1 of 1999). The Special Conditions of Contract are supplementary to that of the General Conditions of Contract. Where, however, the Special Conditions of Contract are in conflict with the General Conditions of Contract, the Special Conditions of Contract prevail.

3. LATE BIDS/PROPOSALS

3.1 Bids/Proposal received after the closing date and time, at the address indicated in the bid documents, will not be considered.

3.2 Late bids/proposals will not be admitted for consideration and will, where practicable, be returned unopened to the bidder.

4. VALIDITY OF BIDS/PROPOSALS

The bid/proposal must include a statement as to the period for which the proposal remains valid. The bid/proposal must be valid for at least ninety (90) days from the closing date and time of bids

5. PACKAGING OF BIDS/PROPOSALS

The bidder shall place both the sealed Technical Proposal and Price/Financial Proposal envelopes into an outer sealed envelope or package and must be clearly marked as follows:

FUNCTIONAL/TECHNICAL PROPOSAL

Bid No:

Description:

Bid Closing date and time

Name and address of bidder

In this envelope, the bidder shall only address the technical aspects of the bid.



PRICE/FINANCIAL PROPOSAL

Bid No:

Description:

Bid Closing date and time

Name and address of bidder

In this envelope the bidder shall provide price/financial proposal and the B-BBEE certificate to claim points in terms of the Preferential Procurement Regulations, 2011 only in accordance with pricing schedule (SBD 3.3).

The Technical Proposal envelope and the Price/Financial Proposal envelope shall contain **one original hard copy document clearly marked “Original” and three (3) hard copies, clearly marked “Copy” (i.e. four (4) documents to be included in each envelope).**



6. NUMBER OF PROPOSALS

Each bidder must submit four (4) hard copies of their entire proposal. All submitted proposals will become the property of OPSC, and will not be returned. No late submissions will be considered under any circumstances.

Envelopes must not contain documents relating to any Request for Proposal (RFP) other than the one referred to in this RFP.

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



After the evaluation process is completed, the Sub-Bid Committee (SBC) may, prior to making a final selection, draw up a shortlist of participants and require them to make a

detailed presentation to the SBC. A minimum of 2 days' notice will be given to relevant participants in advance of the presentation date.

7. EVALUATION PROCESS

The evaluation process comprises the following phases:

Phase I



During this phase bid documents including all SBD forms that are to be filled in and returned with the proposals will be reviewed to determine compliance with among others, tax matters and whether original and valid tax clearance certificates have been submitted with the bid documents at closing date and time of bid.



Phase II

During this phase bidders' responses will be evaluated based on the mandatory requirements indicated in the scope of work. This phase is not scored and bidders who fail to comply with all the mandatory criteria will be disqualified.

Phase III

During this phase bidders' responses will be evaluated for functionality based on achieving a minimum threshold of 60%.



Bidders must, as part of their bid documents, submit supportive documentation for all functional requirements as indicated in the scope of work. The panel responsible for scoring the respective bids will evaluate and score all bids based on their submissions and the information provided.

Bidders will not rate themselves, but need to ensure that all information is supplied as required. The panel will evaluate and score all responsive bids and will verify all documents submitted by the bidders.

The Panel members will individually evaluate the responses received against the following criteria as set out in the functionality scorecard:



EVALUATION CRITERIA

1.	Proposed methodology	
1.1	Expertise in the field of Employee Wellness Programme (EWP)	
	1.1.1 Approach to work (Submit a detailed proposal with time-frames on how they intend to deliver their services)	50
	1.1.2 Qualifications of key personnel (Submit updated CVs as proof of experience)	10
	1.1.3 Experience in the field of EWP (3 years minimum experience)	10
	1.1.4 Proof of valid membership with the Employee Assistance Professional Association of South Africa (EAPA SA)	5
1.2	Ability of service OPSC	
	1.2.1 Indicate the ability to render services to 9 provinces including the Head Office	10
	1.2.2-Ability to transfer skills to OPSC staff.	5
	1.2.3 Provide contactable references as an indication of similar functions as well as proof of registration with the relevant professional bodies	10
	TOTAL POINTS	100

The score for functionality will be calculated as follows:

Each panel member will rate each individual criterion on the score sheet using the following value scale:

Performance	Description	Score
Excellent	Answer far <u>exceeds</u> the functionality requirement	5
Very Good	Answer <u>meets and exceeds</u> the functionality requirements	4
Good	Answer <u>meets</u> all functionality requirements	3
Average	Answer <u>partially meets</u> the functionality requirements	2
Poor	Answer <u>fails to meet the functionality requirements</u>	1

The value scored for each criterion will be multiplied with the specified weighting for the relevant criterion to obtain the marks scored for each criterion. These marks will be added and expressed as a fraction of the best possible score for all criteria.

This score will be converted to a percentage and **only** bidders that have met or exceeded the minimum threshold of 60% for functionality will be evaluated further and scored in terms of pricing and B-BBEE as indicated hereunder. **The points for price will be based on the monthly rate.**

Bidders who score less than threshold of 60% will be disqualified.

8. EVALUATION CRITERIA

- a. In terms of regulation 4 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated by the State on the 80/20 preference point system in terms of which points are awarded to bidders on the basis of:
- The bid price (maximum 80 points)
 - Broad Based Black Economic Empowerment (B-BBEE) compliance (maximum 20 points)
- b. The following formula will be used to calculate the points for price:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Rand value of bid under consideration

Pmin = Rand value of lowest acceptable bid

- c. A maximum of 20 points may be awarded to a bidder attaining the B-BBEE status level of contributor in accordance with the table below.

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- d. The points scored by a bidder in respect of the goals indicated above will be added to the points scored for price.
- e. A contract may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points.
- f. Bidders are requested to complete the various preference claim forms in order to claim preference points.
- g. Only a bidder who has completed and signed the declaration part of the preference claim form will be considered for preference points.
- h. Contract Management may, before a bid is adjudicated or at any time, require a bidder to substantiate claims it has made with regard to preference points claimed.
- i. Points scored will be rounded off to the nearest 2 decimals.
- j. In the event that two or more bids have scored equal total points, the contract will be awarded to the bidder scoring the highest number of points for the specified goals. Should

two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

- k. Bidders scoring a threshold of less than 60% for functionality (phase III) will not be considered for further evaluation on price and goals.

9. CONTRACT PERIOD

The contract period shall be for a period of 24 months.



10. PRE-AWARD SUPPLIER DUE DILIGENCE

The State reserves the right to conduct supplier due diligence prior to final award. Additional information may be required in writing from suppliers. Replies to such requests must be submitted within 7 working days or else bids may be disregarded.

11. RESPONSE FIELDS

It is imperative that bidders submit responsive bids by completing all the mandatory response fields and item questionnaires for the individual items.

Non-compliance with this condition may invalidate the bid for the item/s concerned.

12. TAX CLEARANCE CERTIFICATE

An original and valid Tax Clearance Certificate issued by the South African Revenue Services certifying that the taxes of the bidder are in order must be submitted at the closing date and time. Failure to comply with this condition will invalidate the bid.



13. VALUE ADDED TAX

All bid prices must be inclusive of 14% Value-Added Tax.

14. PRICE QUALIFICATION AND CONTRACT PRICE ADJUSTMENT PROCEDURE

14.1 Pricing Structure

- a. Prices submitted for the bid will be regarded as non-firm and adjustments will be considered as indicated hereunder:
- b. The contractor will be allowed to apply for an inflationary price adjustment based on Statistics SA statistical release PO141 (Consumer price index), miscellaneous goods and services (table E).
- c. The base month will be February 2012.



- d. The price adjustment will be effective 1 May of each year, commencing 1 May 2013.
- e. Applications for price adjustments must reach this office by 1 April of each adjustment year.

14.2 Price Adjustments

The following price adjustment formula will be applicable for calculating contract Price Adjustment



$$Pa = (1 - V)Pt \left(D1 \frac{R1t}{R1o} + D2 \frac{R2t}{R2o} + D3 \frac{R3t}{R3o} + \dots + Dn \frac{Rnt}{Rno} \right) + VPt$$

Pa	=	The new adjusted price to be calculated
V	=	Fixed portion of the bid price (15% or 0.15)
Pt	=	Original bid price. Note that Pt must always be the original bid price and not an adjusted price
(1-V)Pt	=	Adjustable portion of the bid price (85% or 0.85).
D1 – Dn	=	Each factor (or percentage) of the bid price, e.g., material, labour, transport, overheads, etc. The total of the various factors (or percentages) D1 – Dn must add up to 1 (or 100%).
R1t – Rnt	=	End Index. Index figure obtained from the index at the end of each adjustment period.
R1o–Rno	=	Base Index. Index figure at the time of bidding.
VPt	=	15% (or 0.15) of the original bid price. This portion of the bid price remains fixed, i.e. it is not subject to price adjustment.

15. CONTRACT ADMINISTRATION

- a. A successful bidder must advise the OPSC immediately when unforeseeable circumstances will adversely affect the execution of the contract. Full particulars of such circumstances as well as the period of delay must be furnished.
- b. All correspondence in this regard must be directed to the following address:

Office of the Public Service Commission for the attention of Ms Adri Coetzer, Supply Chain Management & Security Services, Private Bag X121, Pretoria, 0001

- c. The OPSC hereby chooses the following street address as its domicilium citandi et executandi for the purpose of serving notices and legal documentation:

Commission House, Corner Hamilton and Ziervogel Streets, Arcadia, PRETORIA, 0007

16. COUNTER CONDITIONS

Bidders' attention is drawn to the fact that amendments to any of the Special Conditions will result in invalidation of such bids.

17. PROHIBITION OF RESTRICTIVE PRACTICES

- a. In terms of section 4 (1) of the Competition Act No. 89 of 1998, as amended, an agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if a bidder (s) is / are or a contractor(s) was / were involved in:

- directly or indirectly fixing a purchase or selling price or any other trading condition;
- dividing markets by allocating customers, suppliers, territories or specific types of goods or services; or
- collusive bidding.

- b. If a bidder(s) or contractor(s), in the judgment of the purchaser, has / have engaged in any of the restrictive practices referred to above, the purchaser may refer the matter to the Competition Commission for investigation and possible imposition of administrative penalties as contemplated in the Competition Act No. 89 of 1998.

- c. If a bidder(s) or contractor(s) has / have been found guilty by the Competition Commission of any of the restrictive practices referred to above, the purchaser may, in addition and without prejudice to any other remedy provided for, invalidate the bid(s) for such item(s) offered, and / or terminate the contract in whole or part, and / or restrict the bidder(s) or contractor(s) from conducting business with the public sector for a period not exceeding ten (10) years and / or claim damages from the bidder(s) or contractor(s) concerned.

18. FRONTING

- a. The National Treasury supports the spirit of broad based black economic empowerment and recognizes that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an

honest, fair, equitable, transparent and legally compliant manner. Against this background the National Treasury condemn any form of fronting.

- b. The National Treasury, in ensuring that bidders conduct themselves in an honest manner will, as part of the bid evaluation processes, conduct or initiates the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the bid / contract and may also result in the restriction of the bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the National Treasury may have against the bidder / contractor concerned.

19. CONFIDENTIALITY

- 19.1 This bid and all information in connection therewith shall be held in strict confidence by bidders and usage of such information shall be limited to the preparation of the bid. Bidders shall undertake to limit the number of copies of this document.
- 19.2 All bidders are bound by the confidentiality agreement preventing unauthorised disclosure of any information regarding OPSC or of its activities to any other organisation or individual. Bidders may not disclose any information, documentation or products to other clients without written approval from the Head of the Department or his/her delegated officer.

20. SERVICE LEVEL AGREEMENT

In addition to the formal contract to be concluded, the successful bidder shall enter into a service level agreement for the service to be rendered in terms of the contract.

21. ENQUIRIES

For enquiries bidders are requested to contact:

Bid enquiries: Ms Adri Coetzer

Tel: (012) 352 1111

Technical enquiries: Ms Tshidi Dibetle

Tel: (012) 352 1073