

REQUEST FOR PROPOSAL
FOR SELECTION OF CONSULTANT FOR STRUCTURAL REVIEW OF THE
COMPANIES TRIBUNAL



RFP REFERENCE NO: _____

DATED: 29 July 2022

Tender ID: _____

1. DISCLAIMERS

The information contained in this Request for Proposal (RFP) document or information provided subsequently to the Bidder(s) or applicants whether verbally or in documentary form, by or on behalf of the Companies Tribunal (“the Tribunal”), is provided to the Bidder(s) on the terms and conditions set out in this RFP document and all other terms and conditions, subject to which such information is provided.

This RFP document is not an agreement and is neither an offer nor an invitation to offer by the Tribunal. This RFP is to invite proposals from applicants who are qualified to submit the bids (“Bidders”). The purpose of this RFP is to provide the Bidder(s) with information and to assist them in formulation of their proposals (Bids).

This RFP does not claim to contain all the information, which each Bidder may require. Each Bidder should, at its own costs without any right to claim reimbursement, conduct its own investigations, analysis and should check the accuracy, reliability and completeness of the information in this RFP and wherever felt necessary obtain independent advice. The Tribunal makes no representation or warranty and shall incur no liability under any law, statute, rules or regulations as to the accuracy, reliability or completeness of this RFP.

The information contained in this RFP document is selective and is subject to update, expansion, revision and amendment. The Tribunal does not undertake to provide any Bidder with access to any additional information or to update the information in this RFP document or to correct any inaccuracies if any therein, which may become apparent. The Tribunal reserves the right to exercise its discretion to change, modify, add to or alter any or all of the provisions of this RFP and/or the bidding process, without giving any reasons whatsoever. Such change, modification, addition or alteration will be intimated or made accessible to all Bidders or can be accessed on the website of the Tribunal.

Any information contained in this RFP document will be superseded by any later written information on the same subject made available/accessible to Bidder(s) by the Tribunal.

Information provided in this RFP is on a wide range of matters, some of which may depend upon interpretation of law. The information given is not intended to be an exhaustive account of statutory requirements and should not be regarded as a complete or authoritative statement of law. Further, the Tribunal also does not accept liability of any nature whether resulting from negligence or otherwise howsoever caused arising from reliance of any Bidder upon the statements contained in this RFP.

The Tribunal reserves the right to reject any or all the Bids received in response to this RFP at any stage without giving any reason whatsoever and without being liable for any loss/injury that the Bidder might suffer due to such reason. The decision of the Tribunal shall be final, conclusive and binding on all the Bidders/parties directly or indirectly connected with the bidding process.

2. BID DETAILS

Purchaser: The Companies Tribunal (hereinafter referred to as “the Tribunal”)
Address: 77 Meintjies Street, the dti Campus, Block E, 3rd Floor, Sunnyside, Pretoria
Website: www.companiestribunal.org.za

3. PURPOSE:

The objective of this project is to source the services of a company that will review and benchmark the Tribunal’s organisational structure.

4. BACKGROUND:

The Tribunal is an entity of the Department of Trade and Industry, established in terms of Section 193 of the Companies Act, 2008 (Act No.71 of 2008)(“the Act”) and it became fully operational in 2012.

The Tribunal recognises that there is a need to improve its organisational structure in order to increase organisational efficiency and effectiveness. To achieve that, the Tribunal intends reviewing the organisational structure and benchmarking its establishment with the best practice. The Tribunal currently has a total of 21 full-time positions, of which 15 positions are funded. The other six (6) positions remain unfunded mainly due to limited funding. The Tribunal also has 10 part-time Tribunal Members.

5. INVITATION FOR BIDS

The Tribunal invites Proposals (the “Proposals/Bids”) for appointment of a Consultant to Conduct an Organizational Restructuring and Human Resource Planning and its Implementation as per the Terms of Reference (ToR) given in Section 6 below.

The Bidders/Applicants desirous of taking up the project are invited to submit their Proposal/Bid in response to this RFP. The criteria and the actual process of evaluation of the proposals in response to the RFP and subsequent selection of the Successful Bidder will be entirely at Tribunal’s discretion.

The Bidders/Applicants should have necessary experience, capability and expertise to perform the project, as per the Terms of Reference and to adhere to Tribunal’s requirements/ terms and conditions outlined in the RFP. The RFP is not an offer by the Tribunal, but an invitation to receive responses from the potential Bidders. No contractual obligation whatsoever shall arise from the RFP process unless and until a formal contract is signed and executed by duly authorized official(s) of the Tribunal with the Successful Bidder.

6. FUNCTIONALITY (SCOPE OF WORK & DELIVERABLES):

The Consultant appointed to review the organizational structure will be required to do the following on behalf of the Tribunal:

- Study of the present organization structure of the Tribunal and the roles and responsibilities assigned to it.
- Assess and review the current organisational structure of the Tribunal in line with its legislative mandate.
- Identify shortcomings and options and make recommendations designed to improve efficiency and effectiveness of the organisational structure of the Tribunal.
- Benchmark the organisational structure of the Tribunal against comparable institutions (organisations).
- Consult with all the relevant stakeholders of the Tribunal, including but not limited to the Chairperson, Part-Time Members, Governance Committees and Staff Members of the Companies Tribunal.
- Make recommendations to the Chairperson of the Tribunal regarding the proposed organizational structure.
- The selected Consultant should also identify gaps in existing business practices with particular reference to technological capabilities, Human Resources policies, governance, etc and to suggest necessary changes for their improvement so as to achieve robust system-driven business practices.

The following are the General Terms:

The Consultant will be expected to do the following:

- prepare an implementation plan;
- prepare a hand over and closing report;

- complete the project within one month after signing the Service Level Agreement;
- to work closely with the Chairperson of the Tribunal; and
- to sign a Service Level Agreement prior to commencement of the project.

The selected Consultant will have to set up a Project Management Office at Office of Tribunal located in Pretoria for effective implementation and monitoring of activities. With this, they would identify owners, timelines milestones etc. needed to achieve the objective/scope of RFP. Through this, they will also convey the progress through management dashboards, regular review meetings and presentations etc. The same will be detailed in the Service Level Agreement that the Consultant shall be expected to sign.

7. COMPANY REQUIREMENTS:

- 6.1 Capacity:** Bidders are required to provide a company profile on its history, size and staff complement.
- 6.2 Company Experience:** Bidders are required to provide proof that they have performed similar services. Letters of reference from at least three contactable referees must also be submitted.
- 6.3 Years of Experience:** The bidder should have been in operation for a minimum period of three years.
- 6.4 Individual Experience:** Bidders are required to submit full CV's of key personnel that demonstrates prior experience and qualifications, including that of the Team Leader.

8. TERMS AND CONDITIONS

The Tribunal reserves the right not to appoint the services provider at any stage should Tribunal decide not to proceed with the project

The contractor shall, undertake, during and after the effective period of the contract, to treat the project as confidential and not divulge, unless authorised in writing by the Tribunal, any information obtained in the course of the performance of the contract.

9. DURATION OF CONTRACT

This is a once off project, where the successful service provider will be given one (1) month to finalise the project.

10. FORMAT AND CONTENT OF PROPOSAL

Service providers can use any format for the submission of their proposals. Content needs to be clear, correct, neatly presented and relevant to the Tribunal's needs stipulated above.

8. EVALUATION AND SELECTION PROCESS

The Tribunal will evaluate all proposals in terms of the Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). A 3 phase evaluation criteria will be considered in evaluating the bid as follows:

8.1 Phase 1: Pre-Qualification Criteria (Mandatory requirements)

- a) Original signed standard bidding documents (SBD Forms)
 - i. SBD 4;
 - ii. SBD 6.1;
 - iii. SBD 8; and
 - iv. SBD 9.

- b) Proof of registration on National Treasury Central Supplier Database (CSD)

8.2 Phase 2: Functional/Technical Evaluation

Only bidders that have met the pre-qualification criteria will be evaluated for functional evaluation. In this phase the evaluation will be based on the bidder's responses in respect of the bid proposal. Prospective bidders who score a minimum of 65 points or more will be considered for the next phase 3 (Price status level of contributor).

All proposals will be evaluated for functionality as follows:

Item Number	Functionality Criteria	Weights
1	<p>COMPANY EXPERIENCE</p> <p>The Bidder must demonstrate that they have the capacity to render the required service. (Provide details of experience of the company in organisational development and related projects, client base, research methodology and adherence to the latest laws and prescripts), including the number of years in operations.</p> <p>1 to 3 years =5 4 to 5years =10 point, 6 years to 10 years = 20 points, 11years and above = 30 points</p>	30
2	<p>TEAM LEADER AND MEMBERS EXPERIENCE</p> <p>The ability of the team to undertake the scope of this project as per point 3 of this term of reference. This includes the technical and professional skills of the project team for the field specified.</p> <p>Curriculum Vitae must be attached.</p>	20
3	<p>CONTACTABLE REFERENCES</p> <p>A minimum of three references should be presented in a form of a written signed letter on an official letterhead and from clients where</p>	20

	similar services have been provided/rendered.	
4	PROJECT PLAN The Bidder must provide a project implementation plan which details how the service will be carried out. The project plan must have deliverables and time frames.	30
TOTAL		100

A point scoring system would be utilised as follows:

Score	Description
1	Does not meet requirements, or no information supplied.
2	Meet some of the requirements
3	Almost meet all requirements
4	Fully meet all requirements
5	Exceeds all requirements

8.3 Phase 3: Price Status level of contributor

Points awarded for price

The 80-preference points system for price would be utilized for procurement with a contract of up to R50 000 000.00 (VAT inclusive).

The following formula would be applied:

$$P_s = 80[1 - P_t - P_{min} / P_{min}]$$

Where:

P_s = Points scored for price of bid under consideration

P_t = Rand value of bid under consideration

P_{min} = Rand value of lowest acceptable bid

9. VALIDITY OF PROPOSALS

- The Service Provider is required to confirm that it will hold its proposal valid for 60 (sixty) days from the closing date of the submission of proposals.
- In exceptional circumstances, the Tribunal may solicit the bidder's consent to an extension of the period of the validity of the bid. The request and responses thereto shall be made in writing.

10. PROPOSALS SUBMISSION REQUIREMENTS

The following are the proposals submission requirements:

- Proof of registration on the Central Supplier Database;
- Company registration documents;
- Completed Form SBD4;
- Completed Form SBD6.1;
- Completed Form SBD8;
- Completed Form SBD9;
- Two enveloped system, one containing the Functionality and the other envelope containing Price; and
- In case of joint ventures, bidders must provide a clear agreement regarding joint venture/consortia;

Proposals must be submitted or hand delivered to the Companies Tribunal at the following address:

Attention: Dikeledi Rathlogo
The Companies Tribunal
the dti Campus

Third Floor Building E

77 Meintjies Street

Sunnyside

PRETORIA, 0002 Or email to DRathlogo@companiestribunal.org.za

11. PRICES

- All prices should be fixed and inclusive of taxes, disbursements, etc.
- CT may require the breakdown of rates on any of the items to be priced.
- No price adjustment would be allowed upon signing the service level agreement (SLA).

12. ENQUIRIES

- Technical: Sammy Ramaphoko on (012) 394 1084 / 083 273 8604 OR e-mail to SRamaphoko@companiestribunal.org.za.
- Supply Chain Management: Dikeledi Rathlogo (012) 394 3680 OR e-mail DRathlogo@companiestribunal.org.za

13. CLOSING DATE

12 August 2022 at 12:00

Prepared by:

S RAMAPHOKO

MANAGER: HUMAN RESOURCES

DATE:

Recommended/Comments by:

**MM LEDINGWANE
CHIEF OPERATIONS OFFICER
DATE:**

Approved by:

**LD SIKHITHA
CHAIRPERSON
DATE:**
