

TERMS OF REFERENCE TO MARKET COMPANIES TRIBUNAL SERVICES

1. Purpose and objectives

The Companies Tribunal (the Tribunal) invites Request for Proposals (RFPs) from suitable a service provider that will market its services on various platforms as and when required, for a period of three years, 2023-2025. During the two years the assignments will be intermittent and made as and when required. The first assignment (Marketing of a seminar), is planned from February 2023 to March 2023. With regard to this assignment, the successful service provider will be expected to submit a project plan, specific to this assignment, within a maximum of 5 days of the appointment.

1.1 Background of the Companies Tribunal

The Tribunal is an Agency of the Department of Trade, Industry and Competition (**the dtic**) established in terms of Section 193 of the Companies Act, Act No 71 of 2008. It started operating in 2012. In terms of Section 195 of the Companies Act, the Tribunal's mandate is to:

- a) Adjudicate in relation to any application that may be made to it in terms of the Act, and make any order provided for in the Act in respect of any such application,
- b) Assist in the resolution of disputes as contemplated in Part C of Chapter 7 of the Act, and
- c) Perform any other function assigned to it by or in terms of the Act or any law in Schedule 4.

The Tribunal's offices are in Pretoria at **the dtic** campus. The Companies Act empowers the Tribunal to have jurisdiction throughout the Republic of South Africa. It is independent and subject only to the Constitution and the law. It is an effective alternative to the court system because its services are quick, free and there's no need for one to be represented by the lawyer.

The Tribunal was established after the realisation that companies do not have adequate access to justice due to a number of reasons like finance or understanding of legal concepts and processes. To address these challenges, the Legislator established the Companies Tribunal as a forum that provides

companies with access to justice through providing free and speedy resolution of company disputes and optional lawyer representation.

From a communications/marketing point of view, the Tribunal is still unknown by the public even though we have been engaged in several communications/marketing activities over the years. This includes amongst others; television, radio, print and online adverts, stakeholder engagements through seminars and educational workshops; the establishment of its brand presence online through opening of Twitter, LinkedIn and YouTube pages. The Tribunal's website is the primary source of information over the years. This is mainly because the Tribunal has limited budget and human capacity to market its services on a larger scale.

The Tribunal requests the services of a service provider that will complement the Communications and Marketing Division in various ways including but not limited to:

- a) proposing fresh ideas in terms of communications/marketing to position the Tribunal as the best and reliable alternative to the court system;
- b) ensuring that the Tribunal's brand is well known by the public and relevant stakeholders, promoting the Tribunal's brand on various platforms including online and other social media; and
- c) promoting the Tribunal's Case Management System through various platforms identified above.

2. Project Scope

The service provider should prepare a clear proposal to market Tribunal services in terms of the following specification:

Platforms	<ul style="list-style-type: none"> • Television • Radio • Print Media (Newspaper /magazine) • Social media & Online advertising • Conferences/ Seminars/ Webinars
Yearly Seminar (this year taking place on 09 March 2023) NB: A project plan, specific to this Project will be required within a maximum of 5 days of appointment.	<ul style="list-style-type: none"> • Market the seminar online • Prepare media releases before and after the seminar • Invite stakeholders • Secure media interviews
Television	<ul style="list-style-type: none"> • Television interviews

Radio adverts	<ul style="list-style-type: none"> • Radio (Broadcasting in Tswana language with listenership of over 2 million and another broadcasting in English with over 3 million) • Ten (10) live reads and two (2) interviews on a Radio station broadcasting in Tswana • Radio station broadcasting in English (National footprint) with over 3 million listenership • Twenty (20) live reads and five (5) interviews on English Radio station
Newspaper advert	<ul style="list-style-type: none"> • Prepare content, design and place One (1) advert on National Newspaper and one (1) Regional Newspaper
Content development	<ul style="list-style-type: none"> • Produce content/ articles to be published on the Companies Tribunal Website and social media
Social media	<ul style="list-style-type: none"> • Produce content for social media (Twitter, LinkedIn and YouTube) • Design and publish social media/online adverts (Twitter, LinkedIn and YouTube)
Duration	<ul style="list-style-type: none"> • Three years with the first project (marketing of the 2023 seminar) being about 02 months (February to March 2023)

NB: the service provider is more than welcome to propose other platforms that are not covered above.

3. Expected outcomes

Marketing services should:

- Integrate all platforms mentioned
- communicate the Tribunal mandate innovatively creatively and effectively.
- Advance the mandate of the Tribunal.

4. Copyright and ownership

The content and related material created during the production will remain the property of the Tribunal and will not be reproduced in any form or manner. The service provider must ensure that photos and graphics used do not infringe on the copyright or intellectual property right of any persons. The service provider is also responsible for the purchase of photos/graphics where applicable.

5. Evaluation and selection process

The evaluation process will follow the stages detailed below:

5.1 Compliance with minimum requirements

All proposals duly lodged will be examined to determine compliance with bidding requirements and conditions (completion and attachment of compulsory documents). Proposals with deviations from the requirements/conditions will be eliminated before stage 1 (one) of the evaluation process.

5.2 Elimination of proposals on grounds of functionality

Proposals that score less than 75% of the scores for functionality will be eliminated from further participation in the Bid Evaluation process (Stage 2).

5.3 Evaluation criteria

Each proposal will be evaluated in two stages, which includes:

- Functionality (Stage 1),
- Functionality (Stage 2), and
- Pricing and specific goals (Stage 3).

All proposals will be evaluated for functionality as follows:

Technical (Functionality) proposal		Maximum points to be awarded
1.	Company Information and relevant experience	
1.1	History/background of the bidder including the number of years in operation. 1 to 4 years =2 point, 5 years to 10 years = 10 points, 11 years and above = 20 points	20
2.	Reference	
2.1	A minimum of three written reference letters from clients where a similar service is/ was being rendered.	20
3.	Evidence /Samples	
3.1	Two samples of previous marketing plans produced and implemented for public sector entities/Government departments: Below average=0, Average=5, Satisfactory=10, Excellently designed = 20 points.	20
4.	Marketing Plan for the Tribunal	
4.1.	A marketing plan, with (cost estimates) using the scope in 3.1 above Below average d=0, Average=10, Satisfactory=20, Excellently designed= 40 points.	40
Total technical points		100
Minimum threshold for technical (functionality)		75

The bidders that passed this first stage of functionality will proceed to stage 2 of evaluation. The threshold for stage 1 functionality is 75%.

The bidders that passed stage 2 functionality threshold will proceed to stage 3.

A point scoring system that would be utilised for stage 1 and stage 2 functionality is 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

Stage 3 Specific goals level of contributor

Specific Goal	80/20	90/10
100% Black Owned	5	3
51% - 99% Black Owned	4	1
100% Black Women Owned	5	2
51% - 99% Black Women Owned	4	1
5% Youth Owned	1	1
2% Owned by Persons with Disabilities	1	1
Local Content	3	2
Exempt Micro Enterprise (EME)	5	0
Qualifying Small Enterprise (QSE)	3	1

6. Validity of proposals

The Service Provider is required to confirm that it will hold its proposal valid for 90 days from the closing date of the submission of proposals.

7. Mandatory proposals submission requirements

- Proof of registration on the Central Supplier Database
- Company registration documents
- SBD4
- SBD6.1
- SBD8
- SBD9
- Original valid tax clearance certificate

- Two enveloped system, one containing the Functionality and the other envelope containing Price and B-BBEE certificate or sworn affidavit.

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

Attention: Ms. Dikeledi Rathlogo

the dti Campus

Third Floor Building E

77 Meintjies Street

Sunnyside

PRETORIA, 0002

Closing date for submission of proposals is.....

8. Enquiries

- Technical: Simukele Khoza on (012) 394 1800 OR e-mail to Skhoza@companiestribunal.org.za
- Supply Chain Management: Dikeledi (012) 394 3680 OR e-mail DRathlogo@companiestribunal.org.za

Proposed by

Approved by:

Mr. S Khoza

Manager: Communications & Marketing

Date: 14/12/2022

Ms. MM Ledingwane

Chief Operations Officer

Date: