

## REQUEST FOR FORMAL PRICE QUOTATION:

Quotation Number:	FPR202011/043R		
Description:	Re-Advert: Appointment of a Labour Consultant to review and develop Employment Contracts for ERWAT.		
CIDB Requirement	N/A	DTI provision (refer MBD 6.2 form)	N/A
Bid Closing Date:	26/01/2021 @12PM		
Compulsory Briefing Session:	N/A		
Plant/Site Address:	ERWAT Head Office R25 Bapsfontein Road		
Contact Person	Caswell Tseola		
Contact Number	011 929 7047	e-mail	<a href="mailto:Caswell.Tsoaela@erwat.co.za">Caswell.Tsoaela@erwat.co.za</a>
Bidders prices must be valid for a period of 30 days from closing		Only firm prices will be accepted	

### 1. SCOPE OF WORKS:

#### 1.1 BACKGROUND

The contract of employment is the foundation of the relationship between an employee and his employer. The contract links the employer and the employee in an employment relationship and established the rights and responsibilities of the two parties. The existence of an employment relationship is the starting point for the application of all labour law rules and therefore the content and wording of an employment contract is of utmost importance to ensure that basic legislative requirements are met.

ERWAT has decided to obtain the services of a Labour Consultant to assist with the development of employment contract templates for the various employment types in the organisation. It is imperative that there is consistency and compliance across the various employment contract.

#### 1.2 PURPOSE OF THE BID

The purpose of this bid is to secure the services of an experienced Labour Consultant, with experience in employment law to:

- Review existing employment contracts and develop employment contract templates for the following types of employment:
  - Fixed term Contract, which ranges from 1 year to the specified termination of the contract (Contract defined by purpose)
  - In Service Trainees
  - Graduate in Training
  - Contract Worker
  - Temporary Workers
  - Permanent Contract
  - Fixed Term Contract (5years). It includes the Managing Director and other Executives that will be appointed (This is performance-based)

#### 1.3 OUTCOMES/ DELIVERABLES/ OUTPUTS

- Review the existing employment contract templates and provide feedback.
- Develop seven employment contract templates as per 1.2 above.
- Ensure compliance with the legislative requirements in all employment contract templates

- Drafting of presentation and presenting final templates, as well as feedback regarding the sections that could be adjusted in the future.

#### 1.4 **METHODOLOGY**

A step by step methodology to be in line with the outcomes highlighted above. The methodology should highlight:

- Project phases;
- Resources allocated to each phase;
- Number of consulting days for each phase; and
- A description of each phase that clearly describes what will take place in each phase.

#### 1.5 **EXPERTISE REQUIRED**

The service provider must demonstrate the following:

- Knowledge and experience in labour law, specifically in reviewing and writing employment contracts.

Service providers must provide the following:

- A portfolio of services provided by the organisation.
- CV of the consultant that will be reviewing and developing the templates, that clearly reflects the individual's qualification, professional registration, experience and previous similar projects completed.
- A report describing the approach and step by step methodology, clearly indicating project phases, a description of each phase and number of consulting days expected for each phase.

### 2. **DELIVERY POINT**

ERWAT head office or via web correspondence as agreed between the parties.

### 3. **AWARD OF BID:**

ERWAT reserves the right to accept any bid or part thereof, to award the bid to more than one bidder and does not bind itself to accept the lowest or any bid and not to consider any bid not suitably endorsed or comprehensively completed.

The award will be done in line with the provisions of the MFMA SCM Regulations, the PPPFA and its regulations and any other applicable legislation to the qualifying highest scoring bidder.

### 4. **EVALUATION CRITERIA:**

#### 4.1 **MANDATORY REQUIREMENTS**

Item	Description	Comply	Not Comply
1	Consultant reviewing and developing the templates has a Law Degree. <b>(Qualification must be attached)</b>		
2	Consultant reviewing and developing the templates has a minimum of 3 years' experience in labour law <b>(Attach CV)</b>		
3	Consultant reviewing and developing the templates is a registered Legal practitioner (attorney or advocate) <b>(Proof of Admission)</b>		

Kindly note, all three points above must be complied with, before bidder will be evaluated on functionality. Failure to comply with all three mandatory requirements, will result in disqualification.

Kindly note; concerning the payment terms; ERWAT reserves the right to request proof of the individual's professional registration as a legal practitioner at the time of submitting invoices. This is to ensure that the same consultant evaluated during the tender process, is the same consultant that signed off/approved the report.

## 5. PRICING SCHEDULE

Item	Description	Unit of Measure	Total number of Hours	Amount Each	Quantity	Total Amount
1	Project commencement, initial kick off meeting with project team	Hour		R	N/A	
2	Review of existing Employment Contract templates.	Per template	N/A	R	2	R
3	Developing of new Employment Contract templates	Per template	N/A	R	6	R
4	Feedback report on Employment Contract templates regarding sections that could be adjusted in future should a need arise. (Gaps identified)	Sum	N/A	N/A	N/A	R
5	Presentation of preliminary reports and templates to project team	Hour		R	N/A	R
6	Presentation and presenting of findings to Management. *Presentation will be online and will only be one meeting	Hour		R	N/A	R
<b>Sub-Total</b>						<b>R</b>
<b>15% VAT</b>						<b>R</b>
<b>TOTAL</b>						<b>R</b>

Please note prices must clearly reflect all cost associated with the request scope of works. The pricing schedule must be completed and accompanied by a quotation.

## 6. Preference points system (PPS) as included in the Preferential Procurement Policy Framework Act, Regulations of 2017:

PPS	Contract value	Formula	Additional Considerations
80/20	Equal to or above R 30 000.00 and up to R 200 000	$Ps = 80(1 - (Pt - P_{min}/P))$ <p>Where  <math>Ps</math> = Points scored for price of bid under consideration.  <math>Pt</math> = Rand value of bid under consideration.  <math>P_{min}</math> = Rand value of lowest acceptable bid.</p>	<ul style="list-style-type: none"> <li>Bidders may be subjected to a pre-compliance stage and functionality scoring and only bidders who score the stipulate minimum points will be illegible to proceed to PPPFA evaluation.</li> <li>Maximum of 20 points may be awarded for BEE level. Bidders are required to tick the relevant box in the table below to claim their points according to their BEE level.</li> <li>Above points must be added to points scored for price.</li> <li>Only bidder scoring the highest points will be selected for award.</li> </ul>

B-BBEE Status Level of Contributor	Number of points (80/20 system)	Kindly tick the applicable level and points
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-compliant contributor	0	

Failure on the part of a bidder to submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS), or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or a sworn affidavit confirming annual turnover and level of black ownership in case of an EME and QSE together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

#### **QUOTATION REQUIREMENTS:**

Work offered that **DO NOT** comply with the specifications will not be evaluated. Any works completed shall carry a minimum of 6 months guarantee for refurbishment or replacement of parts and a minimum of 12 months for new works, goods or services.

Bidders are required to stipulate the delivery period for the works, goods and or services and will be held to account for such. Failure to deliver the requested goods, works or services as per the official Purchase Order or Appointment Letter, within the bidders stipulated timeframe, will result in the PO being cancelled and the bidder will have no claim thereto. ERWAT thus reserves the right to source these works, goods or services from other accredited qualifying bidders.

#### **PLEASE NOTE THAT FAILURE TO MEET ANY OR ALL OF THESE REQUIREMENTS WILL LEAD TO DISQUALIFICATION**

- Valid Certified copy or original BBEE Compliance Certificate to verify the above claimed points;
- Valid Tax Clearance Pin issued by SARS on e-filing Bidders are required to submit their SARS pin and certificate as prescribed by SARS effective from 01 April 2016. Please visit [www.sars.gov.za](http://www.sars.gov.za) or ERWAT Website: [www.erwat.co.za/procurement](http://www.erwat.co.za/procurement) for more information;
- Copy of Latest Municipal Account (not older than three months from date of closing);
- Declaration of Interest – MBD 4.2 (Download form ERWAT website/Procurement/Service Provider Registration).
- Bidders must be registered with National Treasury's Centralised Supplier Database (CSD) and can visit [www.csd.org.za](http://www.csd.org.za) for more information and registration procedures.
- **CSD Registration Number: MAAA\_\_\_\_\_**

## GENERAL NOTES

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### **SUBMISSION OF BIDS:**

#### **WEB TENDER BOXES SUBMISSION SITUATED AT ERWAT HEAD OFFICE:**

Completed tenders / quotations must be in a **sealed envelope** clearly marked with **bid number and description** may be hand delivered and deposited in the stipulated **TENDER BOX** (marked Monday, Tuesday, Wednesday, Thursday, Friday) at ERWAT Head Office, Hartebeestfontein Office Park, Bapsfontein Road, Kempton Park. No faxed bids/proposals shall be accepted. In the event of uncertainty, kindly visit the receptionist situated at the FOYER of the main building for clarity.

Please note that bids not received on the specific time and date will be marked as late bids/proposals and such bids/proposals will, in terms of the Supply Chain Management Policy of ERWAT, not be considered by ERWAT as valid bids/proposals.

Complete quotations with supporting documents must be sealed and externally endorsed with **BID NUMBER** and marked with the full **DESCRIPTION** and placed in the relevant Bid Box as stipulated in the advertisement and/or bidding document.

**Bidders may attend the web-tender opening sessions in the event of submitting a tender in the web-tender boxes.**

### **ELECTRONIC SUBMISSIONS:**

- Bidders may submit their web-bids via e-mail: [webtenders@erwat.co.za](mailto:webtenders@erwat.co.za) in a **PDF format only**.
- **Bidders must complete the SUBJECT BOX with the relevant web-tender number and full description as advertised.**
- **Failure to include this may render your bid invalid.**
- ***Please note that bids submitted electronically must be in the above e-mail address on or before 12:00 of the stipulated closing date. No electronic submissions received after 12:00:00 will be considered for recording and or evaluation.***
- Bidders may submit documents and attachments up to 10MB.
- Bidders will be required to compress their file to a **compact PDF format**.
- In the event that larger files are sent to the e-mail address, it will be received in ERWAT's Mimecast site.
- **Bidders must please note that the Mimecast does not accept zipped files, only PDF files.**
- **In the event that bidders are required to submit samples, it is advised that they submit electronically and submit in the tender boxes and attend the opening session.**

**PLEASE NOTE: *MIMECAST ONLY RETAINS THE MAILS RECEIVED WITH ATTACHMENTS LARGER THAN 10MB FOR 3 DAYS. PLEASE ENSURE THAT YOUR SUBMISSION FALLS WITHIN ACCESS TO SUCH WITHIN THIS TIMEFRAME.***

**NB. In the event that an electronic version and a hard copy is delivered for a respective bid, the signed hard copy submitted in the tender box will prevail and the electronic copy will be disregarded.**

Please note that the web-tender boxes will be opened first and recorded in the web-tender register on the date and time stipulated in the advertisement and or bid documents. The relevant buyer responsible for the placement of the ad on the web-tender folder will directly thereafter peruse the web-tender e-mail and download the relevant web-tender, print and record such in the same register.

ERWAT will access the e-mail thread from the individual e-mail responses received for audit trail that will be attached to the relevant bidder's response received.