

Terms of Reference:

***Appointment of a service provider for the provision of compliance universe
and the maintenance thereof for a period of three (3) years***

RFP Number	ASA 01/01/2023
Date of issue	09 January 2023
Closing date & time	23 January 2023 at 12:00 noon
Submissions	Mmosha@agrement.co.za

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BACKGROUND

Agreement South Africa (ASA) is an entity of the Department of Public Works and Infrastructure responsible to undertake the technical assessment and issuing of fit for-purpose certificates for non-standardised construction products. These are the official terms of reference (TORs) commissioned by ASA for the appointment of a service provider to provide a compliance universe and the maintenance thereof to ASA.

1. INVITATION FOR PROPOSALS

ASA wishes to appoint a service provider for a period of three (3) years to provide a compliance / regulatory universe and the monitoring thereof.

1.1.1. Key performance areas will include, inter alia:

- a. Performing a compliance / regulatory universe audit on all statutes that have an impact on the day-to-day business activities of ASA. This should not only include the identification of the Regulatory Universe but also the risk rating of the compliance / regulatory universe. The review of the compliance / regulatory universe should be conducted annually;
- b. Assisting ASA with the configuration and setup of the identified compliance / regulatory universe checklist database from which monitoring and reporting will be conducted. This includes providing training to the relevant staff members as and when required;
- c. Regular updates regarding proposed changes to statutes that would have an impact on the day-to-day operations of ASA.
- d. Providing the necessary software to perform the following:
 - Provide an overview of each Act as well as the penalty clauses so that the ASA can easily understand it
 - Provide a rating system to determine the priority of each act in the regulatory universe.
 - Includes a dashboard or overview page which provides compliance information by Act. The information should include percentage compliance, status, previous year status and progress as well as reasons for non-compliance.

1.2 Provides task management functionality for all corrective action including required

ASA wishes to appoint a service provider for a period of three (3) years to provide a compliance / regulatory universe and the monitoring thereof.

1.2.1. Key performance areas will include, inter alia:

- a. Performing a compliance / regulatory universe audit on all statutes that have an impact on the day-to-day business activities of ASA. This should not only include the identification of the Regulatory Universe but also the risk rating of the compliance / regulatory universe. The review of the compliance / regulatory universe should be conducted annually;
- b. Assisting ASA with the configuration and setup of the identified compliance / regulatory universe checklist database from which monitoring and reporting will be conducted. This includes providing training to the relevant staff members as and when required.
- c. Regular updates regarding proposed changes to statutes that would have an impact on the day-to-day operations of ASA.
- d. Providing the necessary software to perform the following:
 - Provide an overview of each Act as well as the penalty clauses so that the ASA can easily understand it
 - Provide a rating system to determine the priority of each act in the regulatory universe.
 - Includes a dashboard or overview page which provides compliance information by Act. The information should include percentage compliance, status, previous year status and progress as well as reasons for non-compliance.
 - Provides task management functionality for all corrective action including progress tracking and email notification of overdue and due tasks.
 - Provide interactive graphs and comprehensive reporting functionality.

2. PROPOSAL REQUIREMENTS

2.1 Submission of proposals and qualifying criteria

2.1.1 Pre-qualification criteria (Failure to submit may result in disqualification)

- a) Potential service providers must ensure that they are registered on the National Treasury Central Supplier Database (CSD).
- b) Valid BBBEE Certificate or Sworn Affidavit (Copy must be certified) failure to submit will result in no points awarded however you will not be disqualified.
- c) All Supply Chain Management compliant (required) documents have been submitted. These include SBD 4, 6.1 and General Conditions of Contract.
- d) Price/quotation (Amount must include all taxes)

ASA requires the Proposal to be in the following format:

2.2 Detailed proposal

2.2.1 Detailed approach

Information containing the specific steps, resources and timing associated with the approach for the delivery of the services should be detailed in this section.


2.2.2 Deliverables and turnaround times

This section should include a list of deliverables and the associated turnaround times that are aligned to the services required as set out in paragraph 1 above.

2.1 Track record

2.3.1 Quality

The proposal should provide details of how to ensure and measure quality service delivery. It should provide details of any industry-recognized quality



standard (if applicable) to which it is, or will become, compliant (including a timeframe for compliance, if not already achieved), as well as awards received over the last two years.

2.3.2 References

The proposal should include contactable references from clients who received similar services over the past 36 months. This should include clients having a similar scope of services, industry, and scale as ASA.

The Proposal should include a brief description of the services provided for each client. The Service Provider must ensure that ASA has access to the clients listed.

The referees must be contactable, and the contact details provided must include the following:

- Contact Person
- Organisation / Company name
- Phone Number
- E-mail address
- Cell number (if possible)

2.3.3 Project participants' experience

The Service Provider should submit details describing the relevant experience of its proposed project participants. The information should include a description of the education, knowledge, relevant experience, certifications, or other professional credentials that clearly show that the Service Provider is and/or its representatives are qualified to perform the required work. The CVs of the proposed project participants should be submitted. The documentation should thoroughly describe how the proposed program manager has provided expertise for similar contracts and projects. The Service Provider may include any supporting documentation supporting its descriptive narrative.

2.4 Price

2.4.1 The Service Provider should provide a pricing schedule that sets out the cost of providing the required services, together with any other charges as per the services required to set out in paragraph 1.1 above. All other charges should be explained.

2.4.2 The terms provided and the fees quoted for the proposed services should include a proposed escalation in prices over the period of the contract.

2.4.3 All assumptions made in drafting the proposal must be detailed.

2.4.4 The prices quoted should indicate whether they include or exclude value-added tax (VAT).

2.4.5 Prices quoted must be valid for at least 90 (ninety) days from the closing date of this bid.

3. TERMS OF CONTRACT AND SERVICE LEVEL AGREEMENT

Before the bid is awarded, the successful bidder must enter into a Service Level Agreement (SLA) with the ASA. The SLA shall form the contractual basis for the delivery of the service as well as how performance shall be measured. Contract extensions are at the sole discretion of ASA.

4. EVALUATION

The bids shall first be evaluated for functionality. A minimum score of 70% must be obtained on functionality before a proposal is considered for further evaluation.

Details of the functionality scoring and how the points shall be allocated are as follows:

Functionality	Weighting
Technical – Services offered and technical approach and deliverables, including turnaround times	30
No technical approach, no deliverables provided by the service provider = 0 points	30
The service offerings and turnaround times will be sufficient but only address some of the scopes of work/deliverables in detail. However, the bidder aligned the approach with the requirements of the Terms of reference. = 3 points	
The service offerings and the turnaround times are discussed in detail and adequately address the entire scope of work/deliverables required. The bidder has fully aligned the approach with the requirements in terms of reference section 1.1 = 5 points	
Track record and Experience – The prospective should submit documentary proof of similar projects undertaken with contactable references	
Experience as a Project Manager	30
Experience in completing similar work = 0 points.	
Two or more years of experience in completing similar work = 3 points	
Five or more years of experience in completing similar work. = 5 points	
Company Track Record	40
One or more similar projects conducted with contactable references = 1 point	
Three or more similar projects conducted with contactable references = 3 points	
Five or more similar projects conducted with contactable references = 5 points	
Total for Functionality	100



Important Notes:

- I. Contract will be for a period of 3 years.
- II. Pricing must be inclusive of VAT.
- III. **Proposals must be emailed to Mmosha@agrement.co.za**
- IV. The closing date for submission of proposals is **23 January 2023 at 12:00 noon.**
- V. **NO LATE SUBMISSIONS WILL BE ACCEPTED**