



**nhc**  
National Heritage Council  
SOUTH AFRICA

an agency of the  
Department of Arts and Culture

# Organisational Structure Review, Benchmarking & Establishment Terms of Reference



## SUMMARY OF TENDER

1. Assignment:	The National Heritage Council (NHC) requires a suitable and experienced service provider to Review Organisational Structure, Benchmarking and Establishment.
2. Name of the responsible office:	Supply Chain Management (SCM)
3. Address for submitting bid proposals & other correspondence:	The Supply Chain Manager, National Heritage Council, 57 Kasteel Road, Domus Building, Room 201, Lynnwood Glen, Pretoria, 0081
4. Telephone:	(012) 348 1663
5. Email:	procurement@nhc.org.za
6. Attention:	Ms Zimbini Mtimde
7. Closing Date & Time for Submission of Bid Proposals:	21 July 2015 at 11h00
8. Bid Description:	Review of Organisational Structure, Benchmarking and Establishment
9. Bid Number:	NHC/01/2015/16

## **1. BACKGROUND**

### **1.1 NATIONAL HERITAGE COUNCIL**

The National Heritage Council of South Africa is a government institution that is responsible for the preservation of the country's heritage. The important areas that the NHC focuses on are policy development for the sector to meet its transformation goals, public awareness and education, knowledge production in heritage subjects that were previously neglected, as well as making funding available to projects that place heritage as a socio-economic resource.

The National Heritage Council (NHC) is a Schedule 3A public entity that came into existence through an amendment of the Cultural Laws Second Amendment Act 69 of 2001, and was officially constituted through the National Heritage Council Act 11 of 1999.

### **1.2 BACKGROUND TO THE BID**

The NHC recognises that there is an opportunity to improve its organisational structure and to increase organisational efficiency and effectiveness, ensuring the best use of staff and NHC resources. The NHC is committed to building a more focused, responsive, and resource-conscious and results oriented organisation. An organisational review will be helpful in this process.

The organisational review will be based on the following principles:

- The NHC will make final decisions on any changes to the current organisational structure processes.
- The current level of service will not be compromised and should improve.
- The administrative organisation should foster the efficient and effective delivery of services to the nation
- The organisational review will incorporate fiscal responsibility

The successful bidder will be expected to finish the project within two months after signing the Service Level Agreement.

## 2. GENERAL GUIDELINES

Completed Tender submissions should be hand-delivered in sealed envelopes and deposited in a Tender Box at the NHC Offices at the address on page 1 of this document. All envelopes should be sealed and clearly marked.

All enquiries should be in writing and must be directed to: [procurement@nhc.org.za](mailto:procurement@nhc.org.za) for the attention of Ms Zimbini Mtimde at Tel: (012) 348 1663. Enquires will be allowed from the date of invitation until 16 July at 11h00.

In line with the requirements of the Public Finance Management Act No. 1 of 1999 (PFMA) and Treasury Regulations, the NHC seeks to engage the services of a duly qualified service provider to NHC.

### 2.1 PURPOSE OF THE TERMS OF REFERENCE (TOR)

The purpose of this bid is to appoint a suitable and experienced service provider with requisite capacity and expertise for the review of the existing organisational structure, benchmarking, establishment and outline the benefits and challenges relating to the division of labour, span of control, chain of command, authority and responsibility, delegation and accountability.

The service provider should have knowledge and dynamics in Organisational Development and Design to review the phase in of Human Resources components for future re-engineering of the organisation. In addition the service provider should review the current NHC status and make recommendations for its organisational level or status as a result of its legislative mandate.

### 2.2 PROJECT OBJECTIVES

Summary of objectives for the project are as follows:

- i) Review and provide a detailed report on the correctness of the level of the NHC;
- ii) Organizational Structure review and alignment taking into account the mandate and strategy of the NHC. The structure to be fully costed and be futuristic.

### 2.3 SUBMISSION OF PROPOSALS

2.3.1 The bid should be hand delivered or couriered to the address specified below in six (6) sets each. One original, four copies of the proposals plus one CD (i.e. six sets in total) should be clearly marked:

**“ORGANISATIONAL STRUCTURE REVIEW, BENCHMARKING AND ESTABLISHMENT NUMBER: NHC/01/2015/16”**

2.3.2 Completed proposals should be hand delivered / couriered in sealed envelopes and should be deposited during working hours (08h00 to 16h30) in a tender box at the address specified above. All envelopes should be sealed and clearly marked.

2.3.3 Technical and Financial proposals should be submitted in two separate sealed envelopes.

The submission should be as follows:

<b>Technical</b>	<b>Financial</b>
One (1) original	One (1) original
Four (4) copies	Four (4) copies
One (1) electronic copy (CD)	One (1) electronic copy (CD)
Total submission of copies including original & CD = Twelve (12)	

Bidders are requested to indicate on the cover of each document whether it is the original or copy.

2.3.4 Bidders should adhere to the following:

- 2.3.4.1 All proposals must be costed in South African Rand, inclusive of VAT;
- 2.3.4.2 If the bid does not include all the information required or is incomplete therefore non-compliance with this requirement will invalidate the bid;
- 2.3.4.3 Any submission received after the deadline will be rejected; and
- 2.3.4.4 The costing must remain valid and open for evaluation for a period of at least three (3) months from the time of submission.

## **2.4 INFRASTRUCTURE**

It is expected that bidders will be able to provide basic facilities, systems, software and capital equipment needed for effective and efficient delivery of the service / project without any upfront payment by the NHC.

## **2.5 COSTS TO BE BORNE BY SERVICE PROVIDER**

All costs and expenses incurred by the bidders in any way associated with the development, preparation and submission of responses and providing any additional information required by the NHC, will be borne entirely and exclusively by the service provider.

## **2.6 NO LEGAL RELATIONSHIP**

No binding legal relationship will exist between any of the bidders and the NHC until the execution of a signed contractual Service Level Agreement (“SLA”). The Terms of Reference (“ToR”) document will not form part of any such contract or arrangement.

## **2.7 EVALUATION OF OFFERS**

Each bidder acknowledges and accepts that the NHC may, at its absolute discretion, apply selection criteria specified in this document for the evaluation of proposals for short listing/ selecting the eligible bidder(s).

## **3. INSTRUCTIONS FOR PROPOSALS**

### **3.1 FORMAT OF YOUR PROPOSAL**

The proposal should be presented in two sections i.e. Technical Proposal and Financial Proposal.

#### **3.1.1 Technical Proposal format**

Bidders are at liberty to structure their Proposals according to any format, as long as it covers all areas specified in this document. The Technical proposals will be evaluated against the criteria detailed below.

### 3.1.2 Technical Approach

The bidders should adhere to the Terms of Reference (ToR) by elaborating on the services required, and demonstrating whether the proposed process meets the requirements.

The bidder should demonstrate adherence to the Terms of Reference (ToR) by elaborating on the services required, and demonstrating whether the proposed process meets the requirements.

Bidders must, at a minimum, cover the under-mentioned in their technical approach and return as part of their submission:

- How they propose to carry out the requirements to achieve the outcomes identified in the terms of reference including any possible problems that might hinder delivery and how they will avoid, or overcome, such problems.
- The position(s) involved in the direct delivery of the service to be provided and in the overall management of the work and the names of the people who will fill these positions. Provide information in a table format e.g.:

Name	Position	Duties/ activities	Turnaround time to complete task

## 3.2 CAPACITY AND EXPERIENCE

### 3.2.1 Capacity

The bidder is required to provide a company profile on its size, staff complement, infrastructure, location etc.

### 3.2.2 Company Experience

3.2.2.1 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.

3.2.2.2 Failure to submit at least three letters of reference for similar services will lead to a 0 scoring for references.

### 3.2.3 Individual Experience

3.2.3.1 Bidders are required to submit abridged CV's of key personnel that demonstrates prior experience and qualifications.

#### **4. SCOPE OF SERVICE**

4.1 The NHC will require the successful bidder to review the organisational structure, benchmarking and establishment in a cost effective manner as follows:

- To assess the current organisational structure in light of both the NHC's goals and service requirements as well as sound organisational principles.
- To identify options and make recommendations designed to improve the efficiency and effectiveness of the organisational structure.
- To benchmark the structure and remuneration packages against comparable organisations to identify best practises and to make recommendations as to whether best practises can and should be integrated into the NHC structure.
- To review and identify whether staffing levels are appropriate to meet workloads in each division.
- Conduct a detailed skills audit
- Design a leadership and management style framework to support the newly designed structure
- Design an organisational culture framework
- Develop job and competency profiles for all jobs and the evaluation of all the jobs using a recognised system
- Design career pathing streams
- Match and place the impacted employees
- To evaluate current decision making processes and make recommendations that foster corporate based decisions.

#### **5. PROJECT DELIVERABLES**

- Consultation with all relevant stakeholders
  - Review positions in all departments/divisions
  - Identify the effectiveness of the current organisational structure and make recommendations on changes that might be required
  - Review and identify whether current staffing levels are appropriate to carry the workloads in each department/division.
  - Job and competency profiles developed for all jobs and all the jobs evaluated using a recognised system.
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- Develop an implementation plan for recommended changes
- Impacted employees matching and placed
- Present the report to the NHC Management in digital and hard copy format

## **5 DURATION OF THE PROJECT**

The successful bidder will be appointed for a period of two months from the date of signing the Service Level Agreement (SLA).

## **6. STANDARD REQUIREMENT OF THE BID**

### **6.1 DISCLOSURES**

6.1.1. The bidder must disclose:

- If they are or have been the subject of any proceedings or other arrangements relating to bankruptcy.
- If they have been convicted of, or are the subject of any proceedings, relating to:
  - A criminal offence or other offence, involving the activities of a criminal nature in its organisation or found by any regulator or professional body to have committed professional misconduct.
  - Corruption, including the offer or receipt of any inducement of any kind in relation to obtaining any contract with any contracting authority.
  - Failure to fulfil any obligation in any jurisdiction relating to the payment of taxes and other legal obligations.

6.1.2. If a bidder or related company or any individual discloses details of any previous misconduct or complaint, the NHC will seek an explanation and background details from them. At the sole discretion of the NHC, an assessment as to whether the bidder will be allowed to continue to the next phase of the evaluation phase will then be made.

6.1.3 Disclosure extends to any company in the same group of the bidder, including but not limited to parent, subsidiary and sister companies, companies with common shareholders (whether direct or indirect) and parties with whom the bidder is associated in respect of this tender.

## **6.2 DISCLAIMER**

6.2.1 The NHC reserves the right not to appoint a service provider.

6.2.2 The NHC also reserves the right to:

6.2.2.1 Award the contract or any part thereof to one or more service providers;

6.2.2.2 Reject all bids;

6.2.2.3 Decline to consider any bids that do not conform to any aspect of the bidding requirements;

6.2.2.4 Request further information from any bidder after the closing date for clarity purposes;

6.2.2.5 Cancel this tender or any part thereof at any time; and

6.2.2.6 Should any of the above occur, it will be communicated in writing to the bidders.

## **6.3 CONFIDENTIALITY**

6.3.1 Bids submitted will not be revealed to any other bidders and will be treated as contractually binding;

6.3.2 All information pertaining to the NHC obtained by the bidder as a result of participation in this RFB is confidential and must not be disclosed without written authorisation from the NHC; and

6.3.3 The successful bidder will be expected to sign a SLA with the NHC.

## **6.4 DISQUALIFICATION**

6.4.1 Any form of canvassing/lobbying/influence regarding the short listing will result in disqualification;

6.4.2 Any non-disclosure of any other information pertaining to this bid will result in disqualification;

6.4.3 Non-compliance with the bid requirements will invalidate the bid; and

6.4.4 Non-compliance with all the applicable Acts, Regulations and by-laws will result in disqualification of the bid.

## 7. ORAL PRESENTATION

The NHC reserves the right to request presentation from the short-listed bidders, which may include, but not limited to, an equipment/service demonstration of their bid to the NHC. This provides an opportunity for the bidder to clarify or elaborate on the proposal. This is a fact finding and explanation session only and does not include negotiation. The NHC shall schedule the time and location of these presentations.

## 8. EVALUATION CRITERIA

The criteria to be used in the adjudication process will be in accordance with the NHC Supply Chain Management policy, which incorporates, amongst others, the provisions of the Preferential Procurement Policy Framework Act of 2000 and Regulations of 2011. A three (3) phase evaluation process will be considered in evaluating the proposals:

### 9.1 PHASE 1: PRE-QUALIFICATION CRITERIA (MANDATORY REQUIREMENTS)

Bidders must submit all the mentioned below requirements. The following mandatory requirements must be met to qualify for this bid:

- 9.1.1 Current and valid **original** SARS Clearance Certificate;
- 9.1.2 Certified Company/Agency registration certificate (CK/CM) and/or Proof of ownership of the company i.e. Shareholders Certificates; certified copy/ies of Directors or member's ID's;
- 9.1.3 Certified Copy of valid B-BBEE Certificate
- 9.1.4 The bidder must provide minimum of three (3) references with contact details from the clients confirming that the bidder has the capacity to deliver at any given time.
- 9.1.5 Certified Copy of the Latest Annual Financial Statements

### 9.2 PHASE 2: FUNCTIONAL/TECHNICAL EVALUATION

- 9.2.1 "Functionality" means the measurement according to predetermined norms of a service or commodity designed to be practical and useful, working or operating, taking into account quality, reliability, viability and durability of a service or commodity. The need to invite and evaluate bids on the basis of functionality depends on the nature of the required commodity or service.
  - 9.2.2 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 bidders' responses in respect of the bid proposal (evaluated on the minimum functional specifications). Prospective bidders who score a minimum of 80 points or more will be considered for the next phase 3 (Price and B-BBEE status level contributor).
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## 10.3 Scoring and selection

### 10.3.1 Technical Score

The specific technical evaluation criteria, with weightings, are given below

<p><b>Company Experience</b></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)</p>	<p>30</p>
<p><b>Team Leader &amp; Members Experience</b></p> <p>Considers the technical and professional skills of the project team. Abbreviated Curriculum Vitae</p> <p>Resume's of personnel to be involved in the implementation of the project shall be included in the proposal as a Table of the Project team members, their qualifications and experience in doing similar jobs.</p>	<p>10</p>
<p><b>Project Plan / Methodology</b></p> <p>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.</p>	<p>20</p>
<p><b>Quality Management Systems</b></p> <p>The bidder is required to describe, in detail, the quality management control system (system or software to be used) on how to carry out the activities to achieve full customer satisfaction at all times.</p>	<p>20</p>

Ability and flexibility to provide required solutions without subcontracting	10
<p><b>Contactable References</b></p> <p>*Note: References should be presented in a form of a written signed letter on official letterhead and from clients where similar services have been provided/rendered.</p> <p># Three or more (10) # Less than three (5)</p> <p>Failure to submit written signed reference letters on official letterhead will result in 0 scoring.</p>	10
<b>Total:</b>	<b>100</b>

### 10.3.2 PHASE 3: THE 80/20 PRINCIPLE BASED ON PRICE AND B-BBEE STATUS LEVEL CONTRIBUTOR.

The following bid requirement must be met to qualify for B-BBEE Points:

- Current and valid original or certified B-BBEE Certificate from **SANAS** or **IRBA** accredited verification agencies or proof of exemption from registered auditors. (Failure to submit a certificate will result in scoring **0** for B-BBEE.)

*Points will be awarded to a bidder for attaining the B-BBEE status level of contributor in accordance with the table below:*

B-BBEE Contributor	Status	Level of	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

#### 10.4 FINAL SELECTION

The proposal having the highest combined scores (Price and B-BBEE) will be declared as the successful bidder and eligible for award.

The highest combined score (HCS) will be calculated as follows:

$$PS = 80 (1 - Pt - Pmin / Pmin)$$

Where

Ps = Points scored for price of tender

Pt = Rand value of offer tender

Pmin = Rand value of lowest acceptable tender

10.4.1 A maximum of 20 points may be awarded to a bidder for being a B-BBEE;

10.4.2 The points scored by a bidder in respect of B-BBEE must be added to the points scored for price;

- 10.4.3 Points scored will be rounded off to the nearest 2 decimals;
- 10.4.4 Only the tender with the highest number of points scored may be selected;
- 10.4.5 A bid may, on reasonable and justifiable grounds, be awarded to a bid that did not score the highest number of points; and
- 10.4.6 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 B-BBEE points. Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

## **11. OTHER CONDITIONS:**

- 11.1 Only bidders who obtain at least 80 points under Functional/Technical Evaluation will be considered for further evaluation on phase 2.
- 11.2 Bidders are further requested to provide separate financial and technical proposals.
- 11.3 Bidders are requested to provide a clear agreement regarding joint venture/consortia. The percentage involvement of each company in the joint venture agreement should be indicated on the agreement. A trust, consortium or joint venture must submit a consolidated B-BBEE Status Level Verification Certificate for every separate bid. iv. Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims.
- 11.4 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 11.5 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- 11.6 Fraudulent practices shall result in immediate disqualification.
- 11.7 NHC is under no obligation to accept any bid and reserves its right not to proceed with the appointment of any service provider that responded to the invitation to submit proposals, for whatever reasons it may consider appropriate.

## **12. OTHER REQUIREMENTS**

### **12.1 PRICES**

12.1.1 Only fixed prices will be accepted.

12.1.2 Prices should be inclusive of all taxes, duties etc. and payment shall be made in South African Rand;

12.1.4 The NHC may require a breakdown of rates on any of the items priced and the bidders are to provide same without any additional cost.

12.1.5 The total fee amount should be carried out on the Standard Bidding Form (SBD1).

### **12.2 PRICES ADJUSTMENTS**

Prices submitted for this bid will be regarded as non-firm subject to the following price adjustments:

12.2.1 Annual price adjustment.

12.2.2 Exchange rates e.g. adjustments of price increases due to fluctuations of the exchange rate in excess of 5%; and

12.2.3 Index escalation e.g. CPIX and fuel prices.

12.2.4 Application for price adjustments must be accompanied by documentary evidence in support of any adjustment on an annual basis.

Bidders are encouraged to utilise the Reserve Bank published rates for foreign currency.

### **12.3 PAYMENT TERMS**

12.3.1 The NHC undertakes to pay valid tax invoices in full within thirty (30) days from statement date for services rendered;

12.3.2 All supporting documents for services rendered should be submitted together with the tax invoices ;

12.3.3 Valid Tax Invoices for all services rendered are to be submitted to the CFO at the NHC's Finance Division at the address on page 1 above.



## **12.4 VALIDITY**

12.4.1 A Proposal shall remain valid for ninety (90) days after the closing date of the submission for proposals. A Proposal which is valid for a shorter period may be rejected by the NHC for non-responsiveness.

12.4.2 In exceptional circumstances, the NHC 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. A bidder that has been granted the request will neither be required nor permitted to modify the Proposal.

## **12.5 SIGNATORIES**

All responses to this RFB should be signed off by the authorised signatories of the bidder.

## **13. SPECIAL TERMS AND CONDITIONS**

13.1 The NHC reserves the right to accept or reject any submission in full or in part, and to suspend this process and reject all proposals or part thereof, at any time prior to the awarding of the contract, without thereby incurring any liability to the affected bidders;

13.2 This bid and the contract will be subject to the General Conditions of Contract issued in accordance with Treasury Regulation 16A published in terms of the PFMA. The special terms and conditions of contract are supplementary to that of the general conditions of the contract;

13.3 Where, however, the special conditions of contract are in conflict with the general conditions of contract, the general conditions of contract will prevail.

13.4 The NHC is the sole adjudicator of the suitability of the venue for the purpose for which it is required. Therefore, the NHC's decision in this regard will be final.

13.5 No bids sent by the facsimile or email will be accepted.

13.6 Bids must only be submitted at the NHC Office Tender Box in Pretoria by the specified date and time.

13.7 Bidders are welcome to be present at the opening of bids.

13.8 The annexures are part of the bid documentation and must be signed by the bidder and attach to the bid document.

13.9 The bid forms must not be retyped or redrafted but copies may be used. Additional offers may be made but only photocopies of the original documents. Additional offers/submissions are regarded as separate and must be treated as such by the bidder. The inclusion of various offers as part of a single submission in one envelope is not allowed and will not be considered. Additional bid offers must be submitted separately in separate sealed envelopes.

- 13.10 The original valid Tax Clearance Certificate should be submitted together with the completed bid.
- 13.11 Failure to comply with the above-mentioned conditions will invalidate the bid.
- 13.12 Certified copies of the company registration documents or proof of ownership of the company or agency i.e. Shareholders Certificates.
- 13.13 Certified copy of B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA must be submitted.

#### **14. LATE BIDS**

Bids received late shall not be considered. A bid will be considered late if it arrived one second after 11:00 am or any time thereafter. The tender (bid) box shall be locked at exactly 11:00 am and bids arriving late will not be considered under any circumstances. Bidders are therefore strongly advised to ensure that bids are dispatched allowing enough time for any unforeseen events that may delay the delivery of the bid.

The official Telkom time (Dial 1026) will be used to verify the exact closing time.

#### **15. CLARIFICATIONS / ENQUIRIES**

Telephonic request for clarification will not be considered. Any clarification required by a bidder regarding the meaning or interpretation of the Terms of Reference or any other aspects concerning the bid is to be requested in writing (letter, facsimile email) from the below contact persons. The bid reference number should be mentioned in all correspondence.

## 15.1 BID ENQUIRIES

Name and Surname: Zimbini Mtimde

E-mail: [procurement@nhc.org.za](mailto:procurement@nhc.org.za)

Fax: 086 260 4684

15.1.1 All enquiries must be forwarded in writing via email [to procurement@nhc.org.za](mailto:procurement@nhc.org.za) not later than 12h00 on 16 July 2015. Enquiries received will be responded to within two (2) working days of receiving the enquiry.

15.1.2 Enquiries received after this date and time (16 July 2015 at 12h00) will not be responded.

15.1.3 All questions should reference specific paragraph numbers, where appropriate.

**THE NHC IS NOT OBLIGED TO ACCEPT THE LOWEST OR ANY BID AND RESERVES THE RIGHT TO ACCEPT ANY BID IN WHOLE OR PART**