



Province of the
EASTERN CAPE
PROVINCIAL TREASURY

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TERMS OF REFERENCE

**REQUEST FOR AN EXPRESSION OF INTEREST TO BE INCLUDED IN A
PANEL OF RECRUITMENT AGENCIES SERVICES TO CONDUCT A SKILLS
SEARCH ON BEHALF OF THE DEPARTMENT FOR A PERIOD OF
TWENTY-FOUR (24) MONTHS**



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1. OBJECTIVE

The objective is to engage recruitment agencies to do a skills search for potential candidates on behalf of the department when the need arise.

2. BACKGROUND

Section 67 (7) of the Public Service Regulations, 2016 states that if the selection committee is unable to recommend a suitable person for appointment from those who applied in terms of subregulation (5), the executive authority may, after that selection process has been completed, approve the head-hunting of one or more persons with the requisite competencies and subject such person or persons to the same selection process as those who applied.

Furthermore, in terms the Recruitment Policy, Paragraph 6.3 on the Head Hunting process, it states that the method of headhunting shall be used to target specific individuals for positions where difficulty is experienced in recruiting suitable qualified candidates, including candidates from historically disadvantaged groups. It further states on paragraph 6.3.2 that the head hunting will mean actively contacting the suitable person/s to submit their CV's or through utilizing recruitment agencies.

However, this method will only be used if no suitable candidates could be found after following the normal recruitment procedure.

In terms of HR Delegations, Delegations Register –Executive Authority (EA) to Head of Department, (MEC) approves salary level 13 and above. Salary levels 1-12 have been delegated for approval of the HOD.

3. THE RESPONSIBILITY OF THE DEPARTMENT

- 3.1 The department will provide the same advertisement of the vacant post to all the agencies as advertised on print media with the revised closing date.
- 3.2 The advertisement can include the permanent positions or contract positions.
- 3.3 No changes are made in the advertisement wherein no suitable candidate could be found.
- 3.4 The department will conduct its own selection process.



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4. SCOPE OF WORK

- 4.1 The recruitment agencies shall provide the department with the credible CV's that meets the required skills and qualification that the position requires.
- 4.2 Submit the supporting documentation as required in the advert.
- 4.3 All CV's must be submitted to the department on or before the closing date through the provided e-mail address.
- 4.4 The agencies will also send the certified certificates and signed Z83 form as stated in the advert.
- 4.5 The recruitment agencies will communicate with the potential candidate until the finalisation of the process.

5. SPECIAL CONDITIONS

- 5.1. The bidder must provide a company profile with minimum of at least two (2) years of experience in the staffing industry. Bidders must attach three (3) reference letters reflecting the years of experience and fully complete Annexure A below.

6. BID EVALUATION CRITERIA

In terms of the new Preferential Procurement Regulations (PPR)2022, pertaining to the Preferential Procurement Policy Framework Act ,(Act No.5 of 2000) responsive bids will be evaluated using 80/20 preference point system and specific goals. Eighty (80) points will be allocated for the price and twenty (20) points will be allocated for specific goals as tabulated in the table below:

PRICE AND ALLOCATION OF SPECIFIC GOALS

CRITERIA	POINTS
Price and Specific Goals	80 / 20
Price points	80 Points
Specific Goals	20 Points



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Below are the Specific Goals allocated in terms of this tender:	Number of Points	Proof Documentation Required to substantiate claiming of points on SBD 6.1 (<u>Copy of the Documents</u> <u>MUST be certified</u>)
CRITERIA	POINTS	
1. Eastern Cape Based Suppliers: Within the local/ Metro Municipality where the services will be performed = 12 Outside the Metro Municipality where the services will be performed = 8 Outside Eastern Cape- 0	12	Lease agreement/ Municipality bill statement/ Letters from traditional authority in bidder's name or the company director's name.
2. Women owned entities. 100% owned = 5 60% to 99% = 3 59% and below = 2	5	Identity Documents and CIPRO/CIPC for the company Director/s
3. Youth owned entities	2	
4. Entities owned by people with disabilities	1	ID document Confirmation from a registered medical doctor in respect of the Director/s
Total Points for Price and Specific Goals	100	



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7. Joint Ventures, Consortiums and Trusts

A trust, consortium or joint venture, will qualify for points for their Specific Goals as a legal entity, provided that the entity submits their Joint Venture / Consortiums agreement with documentation specified on the table above.

Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements. ECPT will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.

The joint venture and/or consortium agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or consortium party. The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or consortium arrangement.

8. PERMANENT POSITIONS / CONTRACT POSITIONS

8.1 In the event that the successful candidate is obtained from any recruitment agency. The following shall apply;

- The candidate assumes duties.
- The recruitment agency sends an invoice.
- The department pays the recruitment agency a once-off fee.
- If the candidate is not successful or declines the offer of employment, the department does not pay.

9. ONCE-OFF RATE

9.1 The placement flat fee rate is 13.5% of the candidate's per notch or package.

9.2 This is a once off fee. The invoice is sent to the department on the day of assumption of duty and should be paid within thirty (30) days of date of invoice.



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- 9.3 The recruitment agency refund the department certain percentage in the event of the following;
- The candidate leaves the department within 30 days i.e. 1 month of after assumption of duty date
 - The candidate leaves the department within 60 days i.e. 2 months after assumption of duty date
 - The candidate leaves the department within 90 days i.e. 3 months after assumption of duty date
- 9.4 The rate is in terms of an agreed payment terms between the department and the recruitment agency for a period of contract.

10. COMMUNICATION BETWEEN THE DEPARTMENT AND THE RECRUITMENT AGENCY

- The Communication with regards to inviting the candidates to shortlisting or interviews is only between HR and the agencies.
- The shortlisting/ interviews takes place.
- On the day of the interview the agency may have to provide HR with the contact details of the candidate due to the virtual platform challenges.
- The success or failure of the candidate will be communicated with the service provider.

11. COMPETENCY AND EXPERTISE REQUIRED

- The bidder must have a minimum of two (2) years of experience in staffing industry and required to fill in the Annexure A.
- The bidder must submit a company profile indicating the number of years in the staffing industry.

12. CONDITIONS OF THE CONTRACT

- The recruitment agencies must register on Centralised Supplier Database (CSD) for government.
- The service provider's tax status must be compliant. All recruitment agencies on CSD under the Eastern Cape must be invited.



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- The service provider/s will sign up a service level agreement for a period of twenty-four (24) months.

13. LEGISLATIVE FRAMEWORK OF THE BID

13.1 Tax Legislation

- 13.1.1 Bidder(s) must be compliant when submitting a proposal to ECPT and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).
- 13.1.2 It is a condition of this bid that the tax matters of the successful bidder be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.
- 13.1.3 The Tax Compliance status requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 13.1.4 It is a requirement that bidders grant a written confirmation when submitting this bid that SARS may on an ongoing basis during the tenure of the contract disclose the bidder's tax compliance status and by submitting this bid such confirmation is deemed to have been granted.
- 13.2 Bidders are required to be registered on the Central Supplier Database and the National Treasury shall verify the bidder's tax compliance status through the Central Supplier Database.
- 13.3 Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.
- 13.4 All prices must be inclusive of VAT whether or not the bidder is registered for VAT. Where suppliers are VAT registered, all rate proposed must be VAT inclusive and presented in accordance with the stipulations of the VAT Act (Act no 89 of 1991). In the event that the bidder does not include VAT, such bidder must absorb any cost escalations, with the contractually agreed prices not allowed to increase. No payment of VAT will be made to a supplier that quoted VAT that cannot prove its VAT registration at the point of invoicing. All the above costs must be offered as a total bid price and must reflect in the ECBD 3.1. The total bid price will remain valid for the duration of the thirty-six (36) months contract.



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14. POPIA STATEMENT

ECPT will process all information by the Respondent in terms of the requirements contemplated in Section 4(1) of the POPIA:

Accountability; Processing limitation; Purpose specification; Further processing limitation; Information quality; Openness; Security safeguards and Data subject participation.

The Parties acknowledge and agree that, in relation to personal information that will be processed pursuant to this BID, the Responsible party is "ECPT" and the Data subject is the "Respondent". ECPT will process personal information only with the knowledge and authorisation of the Respondent and will treat personal information which comes to its knowledge as confidential and will not disclose it, unless so required by law or subject to the exceptions contained in the POPIA.

ECPT reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this BID and the Respondent is required to comply with all prescripts as detailed in the POPIA relating to all information concerning ECPT.

In responding to this bid, ECPT acknowledges that it will obtain and have access to personal information of the Respondent. ECPT agrees that it shall only process the information disclosed by Respondent in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law.

ECPT further agrees that in submitting any information or documentation requested in this BID, the Respondent is consenting to the further processing of their personal information for the purpose of, but not limited to, risk assessment, assurances, contract award, contract management, auditing, legal opinions/litigations, investigations (if applicable), document storage for the legislatively required period, destruction, de-identification and publishing of personal information by ECPT and/or its authorised appointed third parties.

Furthermore, ECPT will not otherwise modify, amend, or alter any personal data submitted by the Respondent or disclose or permit the disclosure of any personal data to any third party without the prior written consent from the Respondent. Similarly, ECPT requires the Respondent to process any personal information disclosed by ECPT in the bidding process in the same manner.



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15 LATE BIDS

Bids received after the closing date and time, at the address indicated in the bid documents, will not be accepted for consideration and where practicable, be returned unopened to the Bidder(s).

16 COMMUNICATION

Should there be any enquiries, please submit them to the following:

With regards to Terms of Reference	With Regards to SCM Information
Ms A. Guga	Ms L. Garishe
Amanda.guga@ectreasury.gov.za	Lelethu.garishe@ectreasury.gov.za



MR.Z. BOBANI

CHAIRPERSON: QUOTATIONS COMMITTEE

22 July 2024

DATE



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ANNEXURE A – BIDDERS MUST COMPLETE THE FOLLOWING TABLE INDICATING THEIR TRACK RECORDS AND REFERENCES

No.	Company / Clients Name	Contract value	Start Date of each contract (yyyy/mm/dd)	End Date of each contract (yyyy/mm/dd)	Contactable Reference		
					Name of contact persons	Work E-Mail address	Work telephone numbers
1.							
2.							
3.							
4.							
5.							

Bidders Name: _____

Date: _____

Signed by: _____

Signature: _____