



## **RFQ: BUSINESS CASE FOR EMPLOYEE RELATIONS**

### **1. BACKGROUND**

1.1. The NLSA is a world class African national library and information hub. It is the mission of the NLSA to build, record, preserve, conserve and make available a complete South African documentary heritage fostering a reading nation towards and informed citizenry. For the NLSA to achieve this mandate, The NLSA vision and 5 year strategy stipulates the NLSA to become an Employer of Choice and strives to create a conducive environment for all employees to be engaged and productive, whilst holding them accountable for misconduct and undesirable behaviour. It is thus imperative to instil a sense of accountability, responsibility and discipline for the NLSA to become an Employer of Choice. It is in this context that employees are held accountable through implementation of the Disciplinary Policy.

1.2. Over the years the NLSA has never had a dedicated employee or ER/IR function and relied on law firms to handle disciplinary cases. In light of the complex but necessary Labour Legislation, it has become essential rather than optional to acquire dependable and effective Labour Relations support. It is also evident that these disciplinary cases require seasoned and experienced ER Specialist/Consultants with capacity to advise and assist the NLSA to commence and close ER matters within reasonable time frames. Hence it is deemed necessary to procure the services of an Employee Relations service provider to assist the NLSA with the Employee Relations function. The NLSA seeks to procure the services of Employee Relations Consultants on an ad-hoc basis when required to assist with investigations and advise on addressing Employee Relations cases including grievances lodged by employees,

disciplinary matters and CCMA cases; and to chair disciplinary hearings for a period of 12 months.

## **2. PURPOSE**

NLSA seeks to procure services that will support the management in the implementation of Employee Relations policies and procedures as follows:

- (a) To procure Employee Relations Consultants to advise on disciplinary cases, grievances, incapacity and other employee relations matters; and
- (b) To represent the NLSA in disciplinary hearings at the CCMA within reasonable timeframes.

## **3. SOLUTION DESCRIPTION**

There is no dedicated Employee Relations Specialist to attend to employee relations matters. Therefore, NLSA needs to appoint a service providers that can assist NLSA to address employee relations matters expeditiously. NLSA requires the use of experienced service providers that can provide effective employee relations services. The ER Specialist/Consultant must be able to provide for the following:

- (a) Conduct preliminary investigations to establish the need for formal disciplinary procedures;
- (b) Facilitate the prompt finalisation of misconduct, incapacity hearings and grievance cases within stipulated framework as per NLSA Regulations, Disciplinary Code and Procedure;
- (c) Represent the NLSA at arbitrations and conciliations;
- (d) Analyses and review collective bargaining agreement to develop interpretation of intent, spirit, and terms of contract;
- (e) Give advice to Management, staff and labour/unions on labour related matters, development, applications and interpretations, and evaluate policies and procedures in line with labour legislations based on market practice;
- (f) Coordinate and facilitate Labour Relations Training;

- (g) Implement and maintain strike contingency plans; and
- (h) Ensure and monitor the implementation of the outcome of grievances and hearings.

#### **4. BUSINESS PROBLEMS AND ISSUES**

Business problems and issues associated with the lack of a dedicated Employee Relations Unit/Specialist to assist with the resolution of Employee Relations matters are as follows:

- i. Long cycle timeframes taken to finalise employee relations matters;
- ii. Limited capacity to advise on the investigation of employee relations matters; and
- iii. Lack of capacity to chair disciplinary hearings.

#### **5. OBJECTIVES**

The following strategic benefits will be delivered from the procurement of an Employee Relations Consultants:

- i. Ability to address employee relations matters expeditiously and effectively;
- ii. Capacity to represent NLSA at the CCMA;
- iii. Improved employer-employee relations;
- iv. Engaged and productive employees; and
- v. Reduced cycle times in handling employee relations matters.

#### **6. SCOPE OF WORK**

NLSA has already defined the solution functional requirements under 3 above.

Successful bidders for the Employee Relations Consultants are expected to use the defined functional requirements as basis for solution implementation to cater for the full implementation life cycle which involves attending a briefing meeting with NLSA, investigate the matter, provide advice using case law, initiate and lead evidence in disciplinary hearings, represent NLSA at the CCMA, advise on handling bargaining matters with the union.

#### **7. CONCLUSION**

It is against the above background that the NLSA see a need to contract a reputable service provider specialising and responsible for providing professional ER and/or LR matters. Managing multiple ER cases from initiation to resolution, coaching and managing employee relationships. To offer expert advice in Employee Relations and Labour Management as well as to provide an end-to-end range of multidisciplinary solutions, handling and chairing of disciplinary cases. Advice on all Labour Relations issues such as employment contracts and preparation of disciplinary, grievances and incapacity.

## **8. FUNCTIONAL REQUIREMENTS**

The functional requirements defined below:

8.1 Employee Relations Specialist/Consultants Team leader;

- i. Must have initiated and led evidence in disciplinary hearings;
- ii. Must have provided advice on ER matters for over 10 years;
- iii. Must have represented organisations at the CCMA for over 10 years;
- iv. Must have investigated allegations and advised on formulation of charges for disciplinary hearings and incapacity;
- v. Must have advised on grievance matters;
- vi. Provide proof of previous projects executed, submitted in the form of reference letters;
- vii. Provide samples of the previous reports; and
- Viii. Provide a detailed project plan with timelines.

## **9. GENERAL TERMS AND CONDITIONS**

9.1. The Respondent is responsible for all costs incurred in the preparation and submission of the proposal.

9.2. A copy/ies of any affiliations, memberships and/or accreditations that support your submission must be included in the proposal.

9.3. Kindly note that NLSA is entitled to:

9.3.1. Amend any RFQ conditions, validity period, specifications, or extend the closing date and/or time of RFQ's before the closing date. All respondents, to whom the RFQ documents have been issued, will be advised in writing of such amendments in good time;

- 9.3.2. Verify any information contained in a proposal;
- 9.3.3. Not appoint any bidder;
- 9.3.4. Vary, alter, and/or amend the terms of this RFQ, at any time prior to the finalisation of its adjudication hereof;
- 9.3.5. Disqualify proposals that contain an omission of disclosure of material information, that is factual inaccurate, and/or contains a misrepresentation of facts. This could also lead to the cancellation of any subsequent contracts;
- 9.3.6. Not accept the lowest proposal or any proposal in part or in whole. NLSA awards the contract to the Bidder who proves to be fully capable of handling the contract and whose proposal is technically acceptable and/or financially advantageous to NLSA. Appointment as a successful contractor shall be subject to the parties agreeing to mutually acceptable contractual terms and conditions. In the event of the parties failing to reach such agreement within 30 (thirty) days from the appointment date, NLSA shall be entitled to appoint the contractor who was rated 2nd (second), in that order;
- 9.3.7. Award this RFQ as a whole or in part without furnishing reasons;
- 9.3.8. Cancel or withdraw from this RFQ as a whole or in part without furnishing reasons and without attracting any liability;
- 9.3.9. The Bidder hereby offers to render all of the services described in the attached documents (if any) to NLSA on the terms and conditions and in accordance with the specifications stipulated in this RFQ documents (and which shall be taken as part of, and incorporated into, this proposal at the prices inserted therein);
- 9.3.10. This proposal and its acceptance shall be subject to the terms and conditions contained in this RFQ document; and
- 9.3.11. The respondent shall prepare for a possible presentation should NLSA require such and the respondent shall be notified thereof no later than 4 (four) days before the actual presentation date.

## **10. EVALUATION CRITERIA**

- 10.1. Tenders for the panel of *Employee Relations Service Provider* will be evaluated based on the criteria requirements listed below.

| No | Evaluation criteria   | Scoring guide  | Weight |
|----|---|--|--------|
| 1. | <p><b>Experience:</b><br/>The service provider, as part of the submission must prove that they have previously managed and presented employee relations cases on behalf of the employer internally and at the CCMA. CVs of ER Specialist/Consultants required.</p>      | <p>The Employee Relations Specialist/Consultant has 10 years or more experience in handling ER matters and presenting cases on behalf of the employer at the CCMA = <b>20</b></p> <p>The Employee Relations Specialist/Consultant has between 8 and 10 years' experience in handling ER matters and presenting cases on behalf of the employer at the CCMA = <b>10</b></p> <p>The Employee Relations Specialist/Consultant has between 5 and 7 years' experience in handling ER matters and presenting cases on behalf of the employer at the CCMA = <b>5</b></p> <p>The Employee Relations Specialist/Consultant has between 0 and 4 years' experience in handling ER matters and presenting cases on behalf of the employer at the CCMA = <b>0</b></p> | 20     |
| 2. | <p><b>Capability to handle diverse and complex Employee Relations matters.</b></p> <p>Provide contactable reference letters from clients, including scope of work, phone number and email address of referee. Reference letters that are not older than five years.</p> | <p>The Employee Relations Specialist/Consultant provided five (5) contactable reference letters demonstrating experience in handling disciplinary, grievances and incapacity matters on behalf of the employer internally and at the CCMA = <b>15</b></p> <p>The Employee Relations Specialist/Consultant provided three (3) contactable reference</p>   | 15     |

| No | Evaluation criteria  | Scoring guide   | Weight |
|----|--|---|--------|
|    |  | <p>letters demonstrating experience in handling disciplinary, grievances and incapacity matters on behalf of the employer internally and at the CCMA = <b>10</b></p> <p>The Employee Relations Specialist/Consultant provided two (2) contactable reference letters demonstrating experience in handling disciplinary, grievances and incapacity matters on behalf of the employer internally and at the CCMA = <b>5</b></p> <p>The Employee Relations Specialist/Consultant did not provide contactable reference letters demonstrating experience in handling disciplinary; grievances and incapacity matters on behalf of the employer internally and at the CCMA = <b>0</b></p> |        |
| 3. | <b>Service Provider to submit project plans that will indicate turnaround times to handle employee relations matters</b> | <p>Proposal includes:<br/>Detailed project plan demonstrating steps on handling disciplinary hearing, grievance and incapacity. Every step should have timelines = <b>15</b></p> <p>A project plan not demonstrating steps on handling disciplinary hearing, grievance, incapacity and timelines = <b>0</b></p>   | 15     |
| 4. | <b>Service Provider to submit previous work samples of disciplinary hearing, grievance, incapacity report without</b>    | Service provider submitting previous work samples in three (3) fields (disciplinary hearing, grievance and incapacity) = <b>20</b>  | 20     |

| No  | Evaluation criteria   | Scoring guide  | Weight |
|---|---|--|--------|
|   | <b>mentioning the name of the employer. The service provider is expected to submit one report for each field: disciplinary hearing, grievance and incapacity.</b> | <p>Service provider submitting previous work samples in two (2) fields (disciplinary hearing, grievance and incapacity) = <b>10</b></p> <p>Service provider submitting previous work sample in one (1) field (disciplinary hearing, grievance and incapacity) = <b>5</b></p> <p>Service provider not submitting previous work samples = <b>0</b></p> |        |
| <b>Minimum qualifying score (expressed as percentage)</b> |   |  | 70%    |
| <b>B-BBEE status level Contributor</b>                    |   |  | 20%    |
| <b>Points for Price</b>                                   |   |  | 80%    |
| <b>Maximum Points</b>                                     |   |  | 100%   |

## 11. REPORTING REQUIREMENTS

11.1. The service provider shall:

11.2. Prepare a project plan for every matter;

11.3. Provide reports on every case;

11.4. Prepare and submit bundles for disciplinary cases: CCMA;

11.5. Submit transcript of disciplinary hearings, grievance sessions and any other meeting facilitated by the service provider;

11.5. Submit findings when chairing disciplinary hearings, grievances or incapacity matter; and

11.6. Provide reports on investigations.

## 12 MANDATORY REQUIREMENTS

12.1. Proposals will be disqualified or excluded under the following conditions:

12.1.1. Submission after the deadline;

12.1.2. Service providers not registered on Central Supplier Database ([www.csd.gov.za](http://www.csd.gov.za));

12.1.3. Service providers whose tax matters are not in order when NLSA appoints;

12.1.4. Submission of reference letters that are older than 5 years, without contactable referees; and

12.1.5. Uncompleted SBD 4, SBD 8, SBD 9 or SBD 6.1.

### **13. DEADLINE FOR SUBMISSION**

13.1. Quotations must be sent exclusively by emailed to [quotations@nlsa.ac.za](mailto:quotations@nlsa.ac.za). Please use the quotation number/ref number as the subject of your email.

For more information please contact Ms Patience Shiburi by email:

[patience.shiburi@nlsa.ac.za](mailto:patience.shiburi@nlsa.ac.za) or telephone: 012 401 9700/9700.

**Closing date: Monday, 16 August 2021.**

### **14. COSTING**

Bidder to provide detail cost breakdown for the following:

| <b>Solution description</b> | <b>Resource (Team members)</b> | <b>Rate per hour</b> |
|-----------------------------|--------------------------------|----------------------|
|                             |                                |                      |

### **15. PERIOD OF APPOINTMENT**

15.1. This bid will be for a period of 12 months, subject to performance measures. Agreements will be signed on a case-to-case basis.

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