

TERMS OF REFERENCE FOR THE APPOINTMENT OF A BUILT ENVIRONMENT RESEARCH EXPERT TO THE CBE FOR A PERIOD OF 18 MONTHS

1. DEFINITIONS

Built Environment Professions	Built environment professions include architecture, engineering, construction project management, landscape architecture, quantity surveying, property valuation, town and regional planning, sustainable development and management, environmental management, geomatics and related.

2. BACKGROUND TO THE CBE

The Council of the Built Environment (CBE) is a statutory body established in terms of the Council for Built Environment Act (No. 43 of 2000) and an entity of the Department of Public Works and Infrastructure (DPWI). The CBE is a schedule 3(a) public entity and is subject to compliance with the Public Finance Management Act (PFMA) Act No. 29 of 1999 and Treasury regulations. Sections 3(c) and (d) of the CBE Act mandate it to promote ongoing human resource development in the built environment, and to facilitate participation by the built environment professions in integrated development in the context of achieving national goals. It is an overarching body that lead, regulate, coordinate and advise the six Professional Councils namely: Architectural Profession, Landscape Architectural Profession, Engineering Profession, Property Valuers Profession, Project and Construction Management Professions, and Quantity Surveying Profession. The CBE also entered into a working relationship with the following professional bodies as part of the built environment family – South African Council for Planners, Environmental Assessment Practitioners Association of South Africa, and South African Geomatics Council. In the main, the central mandate of the Council for the Built Environment is to:

- Transform the Built Environment Industry
- Create skilled Built Environment professionals
- Expedite the empowerment of women, youth and persons with disabilities

The objects of the CBE are to-

- Promote and protect the interests of the public in the built environment
- Promote and maintain a sustainable built environment and natural environment

- promote ongoing human resource development in the built environment
- Facilitate participation by the built environment professions in integrated development in the context of national goals.
- Facilitate participation by built environment professions
- Promote sound governance of the built environment professions
- Promote liaison in the built environment in the field of training, both in the Republic and elsewhere, and to promote the standards of such training in the Republic.
- Serve as a forum where the representatives of the built environment professions may discuss the relevant required qualifications, standards of education, training and competence, promotion of professional status and legislation impacting on the built environment.
- Ensure the uniform application of norms and guidelines set by the councils for the professions throughout the built environment.

3. BACKGROUND TO THE ASSIGNMENT

The CBE Act mandates the CBE to advise Government on any matter that falls within the Built Environment, as well as to create platforms for engagements. The CBE and CBEP have a role to play in proactively identifying, investigating, and informing trends and changes likely to have an impact on the Built Environment Professions and the sector. One of the key strategic priorities of the CBE Strategic plan 2020-2025 is to advise on issues impacting the Built Environment by:

- Providing thought leadership
- Prioritise research that is critical to the sustainability and growth of the sector.
- Making recommendations on built environment issues
- Analysing and forecasting industry trends
- Establishing a repository of data
- Informing national policy

The CBE executes its mandate through the following Programmes:

- i. Programme 1 : Administration
- ii. Programme 2 : Transformation
- iii. Programme 3: Skills and Capacity Development
- iv. Programme 4: Research and Knowledge Management
- v. Programme 5: Regulations and Public Protection

Programme four's mandate: **Research and Knowledge Management** is to coordinate research outputs, provide advice and facilitate knowledge management on built environment matters. As part of the CBE's strategic priority to reposition itself as a thought leader in the built environment, the CBE developed its quality assured inaugural Research Agenda.

The Research Agenda was developed and facilitated through partnerships with various Built Environment stakeholders, including but not limited to the CBEs, Voluntary Associations (VAs) in the built environment, Government institutions, Institutions of higher learning, and the Private sector. The CBE Research Agenda aims to enhance CBE's capacity to deliver on its mandate which is to advise government on any matter falling within the scope of the built environment, including resource utilisation, socio-economic development, public and environmental health and safety, and for this purpose, carry out such investigations as the relevant Minister deems necessary. Additionally, the research agenda seeks to guide the built environment , to align various research efforts from built environment stakeholders; to enable opportunities for collaborative research projects and the enhancement of research capacity in the built environment.

. The CBE current research agenda has identified the following priority themes:

- i. Health and Safety
- ii. Skills and Capacity Development
- iii. Infrastructure Delivery, Quality and Public Employment Practices

- iv. Transformation in the built environment
- v. Sustainable Built Environment
- vi. Fourth Industrial Revolution (4IR) disruptions in the built environment
- vii. Infrastructure Procurement

Research and knowledge management will empower the CBE to adopt its position as the thought leader in the built environment. In order to achieve goal four of the strategic plan which includes providing informed decision-making that impacts the current and future operational requirements of the industry, the CBE intends to work with built environment researchers and built environment experts as and when required, amongst others, to: assist policy and decision-makers to propose, develop, and implement appropriate policies, procedures, and processes for long-term solutions that will improve public safety, reliability, and the value of public infrastructure development.

4. PURPOSE

The purpose of appointing the Built Environment Research Expert is to improve the research capabilities which are essential for the sustainability and growth of the built environment sector and to ensure that identified policy proposals and interventions are supported by evidence derived from scientific rigour.

5. SCOPE OF WORK

The Built Environment Research Expert is expected to assist the CBE in delivering on the research, advisory and knowledge management strategy through:

- Provide advice and support on the development of the scope, processes, and data collection instruments for research.
- Conduct research aligned to the CBE Research Agenda.
- Contribute to the development of research reports, discussion documents and policy briefs.

- Provide support in the development of interventions proposed by research.
- Provide peer review and quality assurance services on CBE research outputs.
- Participate and or present research in stakeholder engagements under the CBE umbrella.
- Mentoring of the CBE research team.

6. TIMEFRAMES

The Built Environment Research Expert will be appointed for a period of 18 months.

7. COMPETENCY AND EXPERTISE REQUIREMENT

The Built Environment Research Expert must have the following:

- *Qualifications:* A minimum of a master's degree in one of these disciplines listed i.e. (architecture, engineering, construction project management, landscape architecture, quantity surveying, property valuation, environmental management, town planners, sustainability development and management, geomatics and related. A PHD qualification will be an added advantage.
- A demonstrated grounding in both qualitative and quantitative research methodologies.
- *Specific professional research experience:* Demonstrate a minimum of 7 years' experience in managing technical skills research in built environment.
- Have a minimum of three publications on technical skills research within the built environment published in the public domain either as a book, journal article, conference paper or a policy brief.

8. RENUMERATION

The Built Environment Research Expert will be remunerated based on the DPSA hourly fee rate for consultants. Kindly see section 12 (heading: important conditions). Travel and accommodation could be required for this assignment. The CBE could also request the Built Environment Research Expert to participate in stakeholder engagements under the CBE umbrella. The CBE will approve the travel and accommodation requests for the Built Environment Research Expert.

The local travel expenses will be covered by the CBE. The Built Environment Expert will be required to provide the local travel expenses (km) in order to execute the assignment together with the signed claim form detailing the make and model of vehicle used as well as the extent, purpose, and date of travel – in line with the Department of Transport approved rates.

9. LOCATION OF ASSIGNMENT

The CBE offices are in Pretoria, Gauteng and the majority of key stakeholders reside in Gauteng. The CBE will not provide office space or any equipment for the completion of the assignment.

10. REPORTING

The Built Environment Research Expert will report to the CBE Research Unit.

11. MONITORING AND EVALUATION

The Built Environment Research Expert will be expected to meet timelines set out in the project work plan and agreed with the CBE during the finalisation of the inception report. Indicators and targets will be determined and stipulated during the inception phase of the

assignment. The CBE will be responsible for quality control of the research process and the quality assurance research outputs produced by the Built Environment Industry Research Expert.

12. EVALUATION PROCESS

After the closing date, an evaluation panel will evaluate the proposals received. The following evaluation process shall be followed:

a. Pre-qualification Criteria:

Bidders will be required to meet the following pre-qualification criteria. Failure to meet these requirements will result in the disqualification of your proposal.

- a) Potential service providers must be registered on the National Treasury Central Supplier Database (CSD). The CSD registration report must be submitted. Prospective bidders must be tax compliant. **This proposal will not be awarded to any bidder who is not registered on the CSD, whose tax matters are not in order and/or is a restricted supplier.**

**** The CBE reserves the right to verify the authenticity of the information submitted. The results of the verification will take precedence.**

b. Evaluation Phases:

- Phase 1: Technical Evaluation

The bidders' proposal will be evaluated against the set criteria indicated under section (c) below. A form will be used which will reflect the name of the bidder, the different criteria, with space provided to record the points awarded and motivation for points awarded. The allocation of points will not be affected on a basis of consensus.

The following scoring matrix will be used:

Unable to evaluate	Does not comply with the requirements	Partially complies with the requirements	Fully complies with requirements	Exceeds requirements	Exceptionally exceeds requirements
0	1	2	3	4	5

The following formula will be used to convert the points scored against the weight:

$$Ps = \left(\frac{So}{Ms} \right) \times 100$$

Where:

- Ps = Percentage scored for functionality by proposal under consideration
- So = Total score of proposal under consideration
- Ms = Maximum possible score

Bidders will be expected to achieve a minimum threshold score of 60% in order to proceed further in the evaluation process. A due diligence process will be conducted in respect of all short-listed bidders to determine the capability and ability of short-listed bidders to execute this contract.

The CBE reserves the right to utilise any one or more of the below due diligence methods:

- presentation by bidders with pre-determined questions being posed by the CBE. A set of pre-determined questions based on the submitted proposal will be posed. This will be evaluated based on a grading scheme of either consistent or not consistent with the proposal. Should more than 20% of the responses not be consistent to the bidder's proposal their proposal will be disregarded or
- an investigation by the CBE of the bidder's previous contracts carried out, availability of skills or knowledge, existing workload or

- confirmation of the authenticity and content of the reference letters submitted (bidders must provide a minimum of two signed reference letters of the same/similar work undertaken even if this method is not selected for due diligence. Failure to submit the letters will result in the disqualification of your proposal). Purchase orders will also be accepted, subject to the CBE verifying the authenticity of the information submitted.
- Should negative feedback be obtained from the aforementioned, that will render the bidder unsuitable to execute the assignment, their proposal will be disregarded at this point and they will not proceed for further evaluation.

It must be noted that if a service provider has previously undertaken work for the CBE to which a positive report is on record, such report may be used for the purpose of due diligence if the selected method(s) above is/are unsuccessful. Should the bidder meet the requirements of due diligence, their proposal will proceed to Phase 2.

- Phase 2: Calculation of points

Please note that the proposals will be evaluated using the 80/20 preference points system where:

- a) 80 points are allocated for price and 20 points are allocated for the service provider's Broad-Based Black Economic Empowerment (B-BBEE) Level of Contribution.
- b) An original or originally certified copy (it must be fresh ink and not a copy) of a correct and valid B-BBEE certificate (only SANAS accredited certificates will be accepted) OR valid original affidavit (whichever is applicable) must be submitted to confirm your B-BBEE Level. Failure to submit a B-BBEE certificate or sworn affidavit will result in the forfeiture of points. Failure to submit a correct and valid certificate or affidavit will result in the forfeiture of B-BBEE points. Only points for price will be allocated. Any enquiries in respect of B-BBEE Status Level Verification Certificates may be directed to the B-BBEE Commission at 012-649 0918. Bidders must note that affidavits must adhere to

the requirements set out in The Broad Based Black Economic Empowerment Practice Guide 1 of 2022, Determining the validity of a Broad-based Black Economic Empowerment verification certificate, B-BBEE certificate and affidavit, paragraph 17. (Please ensure that your affidavit complies with the requirements set out under this paragraph. If one or more requirements are not met, it will render the affidavit invalid).

- c) **Special note: Bidders must please ensure that affidavits indicate the title of the deponent i.e. director or member or owner (please circle/underline the relevant title applicable to you); and the full financial year must be stated i.e. date, month and year (not only the calendar year).**

During phase 2, points for price will be calculated for all shortlisted bidders in accordance with the following formula:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where:

P_s = Points scored for price of proposal under consideration
 P_t = Rand value of proposal under consideration
 P_{\min} = Rand value of lowest acceptable proposal

- The final points will be calculated as follows:

Points for price:	80 points
B-B BEE Status Level of Contribution:	<u>20 points</u>
Final points:	<u>100 points</u>

A recommendation for award will then be formulated for approval by the relevant delegated authority. In accordance with section 2(1)(f) of the Preferential Procurement Policy Framework Act, 2000, the CBE reserves the right to apply the following objective criteria, based on current case law, in determining the final outcome of the award irrespective of which bidder scores the highest final points:

- (1) the rotation of contracts amongst suppliers following 2 awards by the CBE to the same supplier within a period of 12 months.
- (2) protection of the environment
- (3) the receipt of an abnormally low or high price i.e. more than 10% below the estimated price or more than 5% above the estimated price

A recommendation for award will then be formulated for approval by the relevant delegated authority.

c. Evaluation Criteria

The following criteria and weights shall apply when considering the proposals:

CRITERIA FOR FUNCTIONALITY	WEIGHT	SCORING GUIDELINES
<p>Experience of the Service Provider Relevant to this Specific Assignment</p> <p>Bidders must provide a CV demonstrating a minimum of 7 years' experience in managing research on technical skills in the built environment. (Please list the number of years of experience in managing research projects related to technical skills and list the projects worked on).</p>	40	<p>0 = Bidder did not provide evidence of experience in managing research projects. 1 1 = Bidder provided a CV or a profile with 1-2 years' experience in managing research projects related or not related technical skills research in the built environment. 2 = 3-6 years of experience 3 = 7 years of experience. 4 4 = 8-10 years of experience. 5 = 11+ years' experience.</p>

Bidder must provide a minimum of three publications on technical skills research within the built environment published in the public domain either as a book, journal article, conference paper or a policy brief. (Please provide links /copies or/abstracts/ excerpts of the book, journal article, conference paper, policy brief related to technical skills in the built environment)	20	<p>0 = Bidder did not provide copies of research publication or submitted a copy not related to technical skills research in the built environment.</p> <p>1 = Bidder provided one publication related to technical skills research in the built environment.</p> <p>2 = Bidder provided copies of two publications related to technical skills in the built environment.</p> <p>3 = Bidder provided copies of three publications related to technical skills in the built environment.</p> <p>4 = Bidder provided four to six publications related to technical skills in the built environment.</p> <p>5 = Bidder provided seven or more publications related to technical skills in the built environment.</p>
Qualifications A minimum of a master's degree in one of the disciplines within the built environment. A PHD will be an added advantage. (Submit copies of certified qualifications or supporting documents. Certified copies should not be older than six months)	30	<p>0 = Bidder has a Diploma.</p> <p>1 = Bidder has a bachelor's degree.</p> <p>2 = Bidder has an Honours qualification.</p> <p>3 = Bidder has a master's qualification.</p> <p>4 = Bidder has a PHD qualification.</p> <p>5 = Bidder has a Professorship status.</p>
Empowering Supplier	10	<p>5 = 100% black female/ youth owned entity</p> <p>4 = 100% Black owned entity</p> <p>3 = More than 51% black owned entity</p> <p>0 = No information submitted</p> <p>An additional point will be allocated if an entity has demonstrated that it has a disabled employee(s) or is owned by disabled persons.</p>
Total	100	
Minimum Threshold Score	60	

12. Important Conditions

- i. Protection of Personal Information - All bidders agree that personal information of persons related to or linked with bidders or respondents to this request for quotations/request for proposals or tender document is/may be required to fulfil the requirements for submitting a bid. All bidders agree that the CBE may collect, keep and process such information provided that the aforesaid uses shall be for purposes of evaluating the bid submitted. Where the information is sought to be used for other purposes, further and specific consent shall be obtained.
- ii. Bidders shall note that any personal information that they may disclose to or share with the CBE pursuant to this request/Bid may be processed by the CBE in terms of the Protection of Personal Information Act, No.4 of 2013 and Regulations promulgated thereunder ("POPI Act"). By disclosing or sharing any personal information, the bidder is unconditionally consenting to the processing thereof by the CBE, its stakeholders or partners of such personal information for purposes related to this request/Bid. Further, the bidder declares All consents required by the POPI Act or any other law applicable in respect of all personal information disclosed has been duly and legally obtained. Thus, the bidder hereby indemnifies the CBE against any civil or criminal action, administrative fine or other penalty or loss that may arise as a result of the processing of any personal information disclosed to the CBE pursuant hereto.
- iii. **Bidders must quote using rate per hour aligned to Department of Public Service and Administration (DPSA) Hourly Fee Rates for Consultants (effective 1 July 2020). This fee structure is available at www.dpsa.gov.za.** The rate for the specialist consultant must fall within the 13-14 public service salary band outlined in the DPSA hourly rates for consultants.

Rates quoted must not exceed the DPSA Hourly Fee Rates for Consultants. Please provide a breakdown of the rate per hour. Rates quoted must be inclusive of VAT (if VAT registered). For pricing evaluation purposes only, the rate per hour for the Built Environment Research Expert will be multiplied by an estimated 40 hours per assignment to provide a total price. The actual number of hours to be spent on upcoming assignments will be determined on a case by case basis.

- iv. Rates must be fixed over the 18 months contract period.
- v. Pricing must be inclusive of VAT (if VAT registered); and clearly outlined.
- vi. All Supply Chain Management compliant (required) documents must be completed in full and submitted. These include: SBD 1, 4 and 6.1.
- vii. Any award made to a Bidder under this RFP is conditional upon the Bidder accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which the CBE is prepared to enter into a contract with the successful Bidder.
- viii. The General Conditions of Contract (GCC) are to be acknowledged and returned with your proposal.
- ix. Bidders must submit the company registration documents (CIPC), share certificate and ID documents of all Directors.
- x. All parties forming a Joint Venture/Consortium for the purpose of this assignment must submit a separate CSD report for each party; and all SBD forms and GCC must be completed by each party to the Joint Venture/Consortium and submitted accordingly.
- xi. Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements (where applicable). The CBE will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.
- xii. 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. A Bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if

any) and personnel of its sub-contractors comply with all terms and conditions of this RFP. In the event that the CBE allows a Bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the Bidder and the CBE will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.

- xiii. The CBE reserves the right to disregard a bidders' proposal should it be found that work was previously undertaken for the entity to which poor performance was noted during the execution of such contract that subsequently lead to the cancellation of said contract in the last five years. Documentary evidence of poor performance without a cancellation of the contract may also result in the disqualification of the bidders' proposal.
- xiv. Any communication between the closing date and the award of the proposal by Bidders is discouraged.
- xv. Whilst all due care has been taken in connection with the preparation of this RFP, the CBE makes no representations or warranties that the content of the RFP or any information communicated to or provided to Bidders during the bidding process is, or will be, accurate, current or complete. The CBE and its employees and advisors will not be liable with respect to any information communicated which may not be accurate, current or complete.
- xvi. If a Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFP or any other information provided by the CBE (other than minor clerical matters), the Bidder(s) must promptly notify the CBE in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the CBE an opportunity to consider what corrective action is necessary (if any).
- xvii. Any actual discrepancy, ambiguity, error or inconsistency in the RFP or any other information provided by the CBE will, if possible, be corrected and provided to all Bidders without attribution to the Bidder(s) who provided the written notice.
- xviii. Bidders' attention is drawn to the fact that amendments to any of the Bid Conditions or setting of counter conditions by Bidders or qualifying any Bid Conditions will result in the invalidation of such proposals.

- xix. The CBE supports the spirit of broad based black economic empowerment and recognises that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the CBE condemns any form of fronting.
- xx. The CBE, in ensuring that Bidders conduct themselves in an honest manner may, as part of the evaluation process, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the Bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the proposal / contract and may also result in the restriction of the Bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the CBE may have against the Bidder / contractor concerned.
- xxi. Bidders who want to claim Preference points will have to comply fully with regulations 11(8) and 11(9) of the Preferential Procurement Policy Framework Act (PPPFA) with regard to sub-contracting.
- xxii. The following is an extract from the PPPFA Act:
 - I. 11(8) "A person must not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer 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 tenderer qualifies for, unless the intended sub- contractor is an Exempted Micro Enterprise (EME) that has the capability and ability to execute the sub-contract."
 - II. 11(9) "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.”

- xxiii. If a Bidder breaches the conditions of this RFP and, as a result of that breach, the CBE incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the Bidder indemnifies and holds the CBE harmless from any and all such costs which the CBE may incur and for any damages or losses the CBE may suffer.
- xxiv. Proposals must be emailed electronically to both sthembile@cbe.org.za and Afika@cbe.org.za.
- xxv. The original or originally certified BBBEE Certificates or sworn affidavits must be hand delivered to the 2nd floor, Lourie Place, Hillcrest Office Park, 179 Lunnun Rd, Hillcrest, Pretoria and deposited into the bid box before the closing date and time stipulated below.
- xxvi. It is the responsibility of prospective bidders to ensure that their proposals are submitted before the closing date and time of the RFP.
- xxvii. Proposals received after the closing time and date will not be considered for evaluation.
- xxviii. The CBE reserves the right not to award this contract.
- xxix. Any change of information provided in the bid document that may affect delivery by the successful bidder must be brought to CBE's attention as soon as possible. Failure to comply may result in the contract being terminated.
- xxx. The CBE will enter into a formal contract with the successful bidder.
- xxxi. Should the bidder present information intentionally incorrectly/fraudulently their proposal will be disqualified.
- xxxii. It must be noted that payment will be made upon satisfactory delivery of the service and receipt of an invoice.
- xxxiii. The invoice will be paid within 30 days of receipt thereof. No deposit and advance payments will be made. A shorter payment period may be agreed upon by the CBE and the successful service providers and a supplier development agreement will

be signed in this regard. To be considered for the shorter payment period the service provider must meet the following requirements:

- Be at least 51% black owned.
- Be an Exempt Micro Enterprise (EME) (Turnover under R10 million) or a Qualifying Small Enterprise (QSE) (Turnover less than R50 million), subject to the specific Sector Code.

□

xxxiv. The closing date for submission of proposals is **22 March 2023 at 11:00.**

xxxv. Proposals will be valid for a period of 30 days after the closing date of the proposal.

**** Special Note: The CBE reserves the right not to award two contracts that are in direct conflict with each other to the same service provider.**

Written enquiries:

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