



public works
& infrastructure

Department:
Public Works and Infrastructure
REPUBLIC OF SOUTH AFRICA

TERMS OF REFERENCE

APPOINTMENT OF A SERVICE PROVIDER FOR THE DEVELOPMENT OF AN ETHICS MANAGEMENT STRATEGY AND POLICIES, AN ETHICS EDUCATION AND AWARENESS PROGRAMME, AN ETHICS RISK ANALYSIS, TO UNDERTAKE AN ETHICS LEADERSHIP SURVEY FOR THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE (DPWI)

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1. PURPOSE

The National Department of Public Works and Infrastructure (hereinafter referred to as "the Department") is committed to upholding the highest standards of ethics, integrity, and good governance in its operations. Recognising the critical role of ethical conduct in public service, the Department seeks to strengthen its existing ethics framework and foster a culture of integrity amongst its employees and leadership. To achieve this, the Department requires the expertise of a qualified service provider to develop a comprehensive Ethics and Integrity Management Strategy and associated policies, an Ethics awareness programme, and to conduct an ethics leadership survey.

2. CONTEXTUAL BACKGROUND

The Constitution of the Republic of South Africa requires public administration to promote high standards of ethical conduct among employees. Furthermore, employees are required to serve the public in an unbiased and impartial manner in order to create confidence in the public service.

This requirement has been translated into a Code of Conduct for the public service. Reducing the risk of conflict of interest situations is an important issue in enhancing a culture of ethics and integrity within the department. If not appropriately managed, conflict of interest situations can undermine the integrity of officials, decisions, and stakeholders involved. It can also lead to the misuse of public resources and abuse of positions as officials serve their interests.

The department is responsible among other things to establish and mainstream organisational ethical culture in line with the Public Service Regulations, Code of conduct and other relevant prescripts. The department requires an ethics awareness programme to:

- a. Maintain and promote high standard of professional ethics in the workplace; and
- b. Strive to build an organisation that is free of unethical practices and corruption.

The department has a responsibility to improve integrity among employees, promote professional ethics and help to deter unethical conduct. It is based on above-mentioned prescripts that department is expected to develop the Ethics Strategy and implement a comprehensive ethics awareness programme in order to foster a culture of integrity, build trust and a resilient professional department. This will also enhance the reputation of the department.

3. SCOPE OF THE ASSIGNMENT

The work entails four critical areas –

- Development of an Ethics Management Strategy that correspond to the department/government ethical vision with an implementation plan.
- Develop and/or review relevant ethics policies: This may include, but is not limited to, policies on:
 - Code of Conduct and Ethics.
 - Conflict of Interest (Declaration and Management).
 - Gifts, Hospitality, and Benefits.
 - Other Remunerative Work outside DPWI and Outside Activities.
 - Conducting business with organs of the state.
 - Consequence Management for Ethics Breaches.
 - Ethics Risk Management.
- Development of an ethics awareness and educational programme for the department.
- Analysing the department ethics risks and develop a departmental Ethics Risk register.
- Undertake an ethics leadership survey. (develop an ethics leadership survey, analyse survey data, develop a comprehensive report on the findings of the ethics leadership survey, and present the assessment report to the Department's senior management)

4. CONTACT UNITS

The Service Provider will be required to work closely with the following units:

- a. Office of the Deputy Director-General: Governance, Risk and Compliance.
- b. Governance and Compliance Unit (Project Lead).
- c. Other relevant units.
- d. No information **shall** be provided to the Service Provider without the consent of the Project Leader (in this case, Governance and Compliance).

5. CONDITIONS OF CONTRACT

The conditions of contract applicable to this appointment will be the special conditions of contract stipulated in Section 8 of this document.

The suitable service provider will be required to comply with all South African and Public Service laws and regulations.

6. FORMAT OF QUOTATION TO BE PROVIDED

The Service Provider (at own cost) must prepare and submit a quote as outlined below:

- All material submitted should be relevant to the subject matter.
- Proposals shall be submitted in English.

7. PROPOSAL SUBMISSION

The proposal **MUST** include the following:

- a. Company Profile: Detailing experience, expertise, and a list of similar projects undertaken (with client references).
- b. Demonstrate experience of work done (**related to the request**) in the public sector/private sector or industry.
- c. Understanding of the Terms of Reference: Demonstrating a clear comprehension of the project objectives and scope.
- d. Abridged Curriculum Vitae (CVs) of the Project Manager and all consultants to be allocated in the different roles required, indicating qualifications and relevant experience.
- e. Provide references that DPWI can contact. DPWI reserves the right to contact these references directly and without prior consent. Reference letters must be on company letterhead, signed and dated.
- f. Proposed Methodology and Work Plan: A detailed description of how the service provider intends to achieve the objectives, including specific activities, timelines, and resources.
- g. Detailed Financial Proposal: Itemised breakdown of costs, including professional fees, disbursements, and any other associated expenses, presented in South African Rand (ZAR) and inclusive of VAT.
- h. Proof of registration on the Central Supplier Database (CSD) with the National Treasury.

Failure to provide this information will be to the disadvantage of the bidder.

Note: *all personal information provided will be used in accordance with the provisions of the Protection of Personal Information Act no 4 of 2013.*

The proposal **must** also consist of the following for purposes of evaluation:

- 7.1 A **schedule of work/project done** by the service provider as per the Technical Quality of the Proposal/Bid must be submitted alongside the proposal.

No.	Type of work/project Completed	Duration of the work/Project	Industry/Public Sector/Private Sector/Consultancy	Name of contact person in the organisation (Project Manager)
1	Scope <ul style="list-style-type: none"> Identify the project needs by explaining what must be done and why. Project scope explaining how the project will be implemented and resources. Identify possible challenges, limitations and solutions. 			
2	Clear Project implementation plan <ul style="list-style-type: none"> Team composition and expertise. Clear timeframes. Methodology. Milestones. 			
3	Presentation of the report of the work done.			
4	Close out report .			

7.2 A well-documented **Project Execution Plan** including the time frames that have been specified in the table as well as taking into account the critical areas highlighted in section 3 (Scope).

7.3 Detailed **Project Costing Schedule** outlining the following:

Deliverable	Item/Output	Unit of measure	Quantity	Rate	Total

Deliverable 1					
Deliverable 2					
Deliverable 3					
Deliverable 4					
Deliverable 5					
Total Cost					

All costs must be inclusive of value-added tax where applicable.

8. SPECIAL CONDITIONS OF CONTRACT

The special conditions applicable to this project are outlined in the table below. Service Providers must indicate if they concur with the conditions by clearly completing the table. **Failure to complete the table will lead to disqualification. Proposals that do not reflect concurrence with any of the conditions will not be considered.**

Condition	Concurrence		Reason / Comment (If any)
	YES (X)	NO (X)	
8.1 Entry meeting with project lead at least 5 working days after receipt of the appointment letter from the Department to carry out the project. This entry meeting will discuss and draft a project plan.			
8.2 Final/Approved Project plan to be presented to the Department 5 working days after the entry meeting.			
8.3 Provide company profile and demonstrate knowledge of the assignment (Analytical skills and practical experience)			
8.4 The project should be completed within 6 months after appointment.			

8.5 The successful service provider shall continually be engaged until the conclusion of the project.			
<p>8.6 Copyright: All information generated, communication produced, and data acquired, and any other material produced under the auspices of this project remains the intellectual property of the Department.</p> <p>The DPWI shall become the owner of developed work, including documents, advisory, plans, models, and reports produced, which must be handed over to the DPWI after completion of the project.</p>			
8.7 Confidentiality: The Service Provider will be bound by the same clause of confidentiality and code of ethics as applicable to officials of the Public Service.			
8.8 All information, documents and reports not currently in the public domain and used during or generated from the project must be regarded as confidential and may not be made available to any unauthorised person or institution without written permission from the DPWI.			
8.9 The Department will not be held responsible for any costs incurred by the bidder/s in the preparation and submission of the quotations.			
8.10 Travelling costs and time spent or incurred between home and office of service providers and the Department's Head Office will not be for the account of the Department.			
8.11 <u>For risk assessment purposes</u> , the Department may contact department(s)/companies where work/services were previously rendered. The Department reserves the right to neither make any appointment nor issue prior notice of any contact with the department where work/services were previously rendered. Furthermore, the department may request bidder(s) to provide samples of work previously completed in the areas of the assignment (Analytical report). Failure to respond as stipulated by the department may lead to disqualification.			

Expertise and Qualifications of the Service Provider

The service provider must demonstrate proven experience and expertise in the following areas:

- Extensive experience in developing ethics, integrity, and governance frameworks, strategies, and policies, preferably within the South African public sector.
- Demonstrated understanding of the South African legal and regulatory framework governing public service ethics (e.g., Public Service Act, Public Finance Management Act, Prevention and Combating of Corrupt Activities Act).
- Proven expertise in organisational development, change management, and cultural transformation initiatives.
- Experience in conducting surveys, data analysis, and report writing, particularly in relation to organisational culture or leadership assessments.
- A team of qualified professionals with relevant academic qualifications (e.g., in ethics, public administration, law, psychology, organisational development) and certifications.
- Strong facilitation, communication, and report-writing skills.
- Knowledge of current trends and challenges in ethics and integrity management globally.

ACCEPTANCE OF THE SPECIAL CONDITIONS AND SPECIFICATIONS

Name of Bidder: _____

Name of authorized signatory: _____

Signature of authorized signatory: _____

By signing the bidder hereby accept terms and conditions (general and special conditions) of this quotation and confirm full understanding of the requirements and specifications of this tender.

9. MONITORING PROGRESS ON THE PROJECT

- 9.1 The Department's Governance and Compliance Unit will be responsible for regular and ongoing monitoring and management of the contract with the Service Provider.
- 9.2 The Service Provider is to report progress as and when required to do so (This will be guided by the approved/agreed Project Plan). This can be in a form of meetings. Minutes of the review meetings should be made available to the DPWI within five working days after the meeting.

10. PAYMENT TERMS

The Department undertakes to pay all valid claims for work done to its satisfaction within 30 days of presentation of a substantiated claim. No payment will be made where there is outstanding information/work by the Service Provider.

11. EVALUATION CRITERIA

11.1 The minimum functionality score

The minimum functionality score to qualify for further evaluation is **70%**. Bidders that score less than **70%** will be disqualified. Five Main categories (of which are further broken down in the evaluation criteria) are determined in the table below:

	Category	Description	Weighting factor
1	Company profile	The company must have existed in the relevant area – Ethics Policy Development and Workplace Ethics Training and Development.	10
2	Individual Experience	The service provider must prove that it has the experience, expertise, qualifications required/expected to ensure proper/quality execution of the assignment. Years of experience of the individual(s) in the Policy Development and Workplace Ethics training and development with relevant experience and exposure in project management, analysis and expert advice (CV with a focus on Qualifications, Institutions worked for and experience)	20
3	Company Deliverables	Experience and expertise of the Company. Evidence of previous work within Workplace/Organisational Ethics with relevant experience and exposure in project management. The work should have been done in the last 10 years) ¹ Be able work under pressure and deliver within tight deadlines.	20
4.	Technical Quality of the Proposal/Bid	Technical Quality of the Proposal/Bid. The technical quality of the proposal will be assessed using the following criteria (3 criteria and 9 sub items): 1. Clear understanding of the scope <ul style="list-style-type: none"> Project scope explaining how the project will be implemented and resources Identify possible challenges, limitations and solutions. 2. Clear Project implementation plan <ul style="list-style-type: none"> Systematic approaches to be used Specific methodologies and techniques to be used 3. Proposed methodology to achieve required deliverables <ul style="list-style-type: none"> Team composition Technical requirements Milestones Risk assessment Outputs 	30

¹ This takes into account the possible of none or less work completed during the Covid-19 pandemic period.

	Category	Description	Weighting factor
5	Referrals	<p>The service provider/individual to provide reference letters on relevant work previously done/completed in both private and public sector (international reference will be an added advantage) (Provide reference – last 5 years)²</p> <p>In case of a subcontract, a letter from the principal contractor detailing the allocation of work or work completed must be provided.</p>	20

11.2 Evaluation of Service Provider and Scoring methodology

	Category	Description	Evaluation criteria	Weighting factor:
1	Company profile	The company must have existed in the relevant area – Ethics Policy Development and Workplace Ethics training and development for a period (registration to be specific in relation to Organisational Ethics/Training and Development)	9 years and more = 5 points 7 – 8 years = 4 points 5 – 6 years = 3 points 3 – 4 years = 2 points 1 – 2 years = 1 point 0 year = 0 points	10
2	Individual Experience	Years of experience of the individuals in Policy Development and Workplace/organisational Ethics Training and Development with relevant experience and exposure in project management, analysis and expert advice (CV with a focus on Qualifications, Institutions worked for and experience)	9 years and more = 5 points 7 – 8 years = 4 points 5 – 6 years = 3 points 3 – 4 years = 2 points 1 – 2 years = 1 points 0 year = 0 points	20
3	Company/ Individual Deliverables	Be able work under pressure and deliver within tight deadlines.	9 completed projects and more = 5 points 7 – 8 projects = 4 points 5 – 6 projects = 3 points	20

² This takes into account the possible of none or less work completed during the Covid-19 pandemic period.

	Category	Description	Evaluation criteria	Weighting factor:
		Evidence of previous work within Ethics Policy Development and Workplace/organisational Ethics Training and Development with relevant experience and exposure in project management. The work should have been done in the last 10 years)³	3 – 4 projects = 2 points 1 – 2 projects = 1 point 0 projects = 0 point	
4.	Technical Quality of the Proposal/Bid	<p>Technical Quality of the Proposal/Bid. The technical quality of the proposal will be assessed using the following criteria (3 criteria and 9 sub items):</p> <ol style="list-style-type: none"> 1. Clear understanding of the scope <ul style="list-style-type: none"> Project scope explaining how the project will be implemented and resources Identify possible challenges, limitations and solutions. 2. Proposed Ethics Awareness methodology <ul style="list-style-type: none"> Systematic approaches to be used Specific methodologies and techniques to be used 3. Clear Project implementation plan <ul style="list-style-type: none"> Team composition Technical requirements Milestones 	<ul style="list-style-type: none"> Proposal covers all three criteria and at least 5 sub items within the criteria = 5 points Proposal covers all three criteria and at least 4 sub items within the criteria = 4 points Proposal covers all three criteria and at least 3 sub items within the criteria = 3 points Proposal covers at least two criteria and at least 3 sub items within the criteria = 2 points Proposal covers at least two criteria and at least 2 sub items within the criteria = 1 points Proposal covers only one criteria and at least 2 sub items within the criteria = 0 points 	30

³ This takes into account the possible of none or less work completed during the Covid-19 pandemic period.

	Category	Description	Evaluation criteria	Weighting factor:
		<ul style="list-style-type: none"> • Risk assessment • Outputs 		
5	Referrals	<p>The service provider/individual to provide reference letters on relevant work previously done/ completed in both private and public sector (international reference will be an added advantage) (Provide reference – last 5 years)⁴</p> <p>In case of a subcontract, a letter from the principal contractor detailing the allocation of work or work completed must be provided.</p>	<ul style="list-style-type: none"> • 5 or more reference letters/ recommendations = 5 points • 4 reference letters/ recommendations = 4 points • 3 reference letters/ recommendations = 3 points • 2 reference letters/ recommendations = 2 points • 1 reference letter/ recommendation = 1 point • 0 reference letter/ recommendations = 0 points 	20

12. FURTHER INFORMATION

CONTACT DETAILS

Supply Chain Management (SCM) Enquiries

All SCM related enquiries should be directed at SCM.

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⁴ This takes into account the possible of none or less work completed during the Covid-19 pandemic period.