

ESWATINI ENERGY REGULATORY AUTHORITY



REQUEST FOR PROPOSALS

APPOINTMENT OF CONSULTANCY SERVICE TO CONDUCT A SKILLS AUDIT AND DEVELOP A COMPREHENSIVE SKILLS AUDIT REPORT

**FOR ESWATINI ENERGY REGULATORY AUTHORITY – TENDER NUMBER
ESERA/RFP/01/2020-2021**

April 2021



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1. Invitation to Tender

REQUEST FOR PROPOSALS FOR THE PROVISION OF CONSULTANCY SERVICES TO CONDUCT A SKILLS AUDIT AND DEVELOP A COMPREHENSIVE SKILLS AUDIT REPORT FOR ESWATINI ENERGY REGULATORY AUTHORITY: ESERA/RFP/01/2020-2021

Tenders are hereby invited from suitably qualified local service providers to provide consultancy services to conduct a skills audit and also to develop a comprehensive skills audit report for Eswatini Energy Regulatory Authority (ESERA).

Terms of Reference of this tender may be accessed from the websites of Eswatini Public Procurement Regulatory Agency (ESPPRA) i.e. www.sppra.co.sz and ESERA, www.sera.org.sz

The closing date for submission of tenders is Thursday, 8th April 2021 at 11H00. Late, incomplete, telephoned or telegraphic tenders will not be considered.

Tenders should be submitted with original receipt as proof of payment of a non-refundable tender fee of E350.00

Completed tenders should be delivered, in a sealed envelope, into the tender box at the Reception of Eswatini Energy Regulatory Authority located at the First floor, RHUS Office Park, Karl Grant Street, Mbabane, Eswatini and should be clearly marked with the words:

ESERA/RFP/01/2020-2021: PROVISION OF CONSULTANCY SERVICES TO CONDUCT A SKILLS AUDIT AND DEVELOP A COMPREHENSIVE SKILLS AUDIT REPORT

The closing date for submission of tenders and opening is **Thursday, 8th April 2021 at 11H00**. Late, incomplete, telephoned or telegraphic tenders will **not** be considered.

Any actions or tendencies that will be interpreted as an attempt to interfere with or influence the tendering process will result in immediate disqualification of the Tenderer. All enquiries relating to this tender may be addressed to the Human Resources Manager on email - zanele@esera.org.sz

ESERA does not bind itself to accepting the lowest or any proposal



2. Introduction

Eswatini Energy Regulatory Authority is a statutory Energy Regulatory Body established through the Energy Regulatory Act, 2007 (Act No.2 of 2007). The Mandate of is the administration of Electricity Act, 2007 (Act No.3 of 2007), with the primary and core responsibilities of exercising control over the Electricity Supply Industry (ESI) and regulation of generation, transmission, distribution, supply, use, import and export of electricity in Eswatini. It is also responsible for the regulation of electricity tariffs and quality of supply and services.

Under the Energy Regulatory Act (the “Act”), ESERA has the following powers, among others:

- a) Issue licences with licence conditions to electricity undertakings
- b) Regulate and approve tariffs, charges and conditions of services provided by licenced entities
- c) Receive, investigate and adjudicate complaints
- d) Set, monitor and enforce quality of supply and service standards in the electricity industry
- e) Promote the interest of consumers whilst maintaining the integrity and sustainability of regulated entities

For profiles of the Authority’s leadership group, please visit ESERA’s official website at <http://www.esera.org.sz>. In terms of the PEU Act, 1989 ESERA has a Nine (9) member Board. The Board has four committees: Technical Committee, Human Resources Committee, Audit & Risk Committee and Finance Committee

There are currently 22 employees within the Authority, all of whom work from ESERA’s office located at First Floor, RHUS Office Park, Karl Grant Street, Mbabane, Eswatini. The Authority will soon be joined by Petroleum team after the announcement of the Petroleum Act of 2021 where ESERA will be responsible to regulate all downstream activities.

3. General Information

The terms set forth in this RFP, including all the annexes listed above, will form part of any contract, should the Secretariat accept your proposal. Any such contract will require compliance with all factual statements and representations made in the proposal, subject to any modifications agreed to by the Secretariat in the context of any negotiations entered into it.

ESERA may, at its discretion, cancel the requirement in part or in whole. It also reserves the right to accept or reject any proposal and to annul the selection process and reject all proposals at any time prior to selection, without thereby incurring any liability to proposers/firms.

Proposers may withdraw the proposal after submission provided that written notice of withdrawal is received by ESERA prior to the deadline prescribed for submission of proposals. No proposal may be modified subsequent to the deadline for submission of proposals. No proposal may be withdrawn in the interval between the deadline for submission of proposals and the expiration of the period of proposal validity.

All proposals shall remain valid and open for acceptance for a period of 90 calendar days after the date specified for receipt of proposals. A proposal valid for a shorter period may be rejected. In exceptional circumstances, the ESERA may solicit the proposer's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing.

4. Request for Clarification of RFP Documents

A prospective proposer requiring any clarification of the solicitation documents may notify the ESERA in writing at the ESERA mailing or to the email address zanele@esera.org.sz by the specified date and time mentioned. ESERA will respond in writing to any request for clarification of the solicitation documents that it receives by the due date published. Written copies of the ESERA response (including an explanation of the query but without identifying the source of inquiry) will be posted on the ESERA website. They will also be sent to all prospective proposers that have received the solicitation documents. Request for clarification will be open from date of purchase of RFP document until the 1st April 2021, a week before closing and submission date.



5. Amendments to RFP Documents

At any time prior to the deadline for submission of proposals, ESERA may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective proposer, modify the RFP documents by amendment. All prospective proposers that have received the RFP documents will be notified in writing of all amendments to the RFP documents.

In order to allow prospective proposers reasonable time in which to take the amendment into account in preparing their proposals, ESERA may, at its sole discretion, extend the deadline for the submission of proposal.

6. Language of Proposals

The proposals prepared by the proposer and all correspondence and documents relating to the proposal exchanged by the proposer and ESERA, shall be written in English.

7. Submission of Proposals

Proposers shall submit their proposal in hard and/or soft copy. Technical and financial proposals must be submitted simultaneously in separate sealed envelopes with the RFP reference and the clear description of the proposal (technical or financial) by the 8th April 2021. The two envelopes must be sealed in an outer envelope with the RFP reference and title.

Proposals must be sent ONLY to the address detailed below. Proposals sent to other addresses or to individuals will put proposer's proposals at risk of being rejected. Proposals sent via fax WILL NOT BE ACCEPTED.

Submission in hard copy may be done by post, courier or hand delivered. Both inner envelopes should indicate the name and address of the proposer. The first inner envelope should contain the proposer's technical proposal with copies duly marked "original" and "copy". The second inner envelope should include the financial proposal duly identified as such. If the envelopes are not sealed and marked as instructed, ESERA assumes no responsibility for the misplacement or premature opening of the proposals submitted.



Technical proposals shall be submitted in one (1) original envelope, clearly marked as technical proposal with two (4) additional copies. Technical proposals (original and copies) must be sealed in a specially marked envelope/package labelled:

ESERA/RFP/01/2020-2021 – PROVISION OF CONSULTANCY SERVICES TO CONDUCT A SKILLS AUDIT AND DEVELOP A COMPREHENSIVE SKILLS AUDIT REPORT – TECHNICAL PROPOSAL - (name and address of proposer)

Financial proposals should be submitted in one (1) original envelope on the forms prescribed herein. Financial proposals should be sealed separately in a specially marked envelope labelled:

DO NOT OPEN – ESERA/RFP/01/2020-2021 – PROVISION OF CONSULTANCY SERVICES TO CONDUCT A SKILLS AUDIT AND DEVELOP A COMPREHENSIVE SKILLS AUDIT REPORT – FINANCIAL PROPOSAL (name and address of proposer).

Proposers are strongly advised to use recycled paper for all printed and photocopied documents related to the submission of this proposal and fulfilment of this contract and shall, whenever practicable, use both sides of the paper.

Hard copies must be delivered to:

Eswatini Energy Regulatory Authority
1st Floor, RHUS Office Park
Karl Grant Street,
Mbabane

Attention: Tender Committee

8. Late proposals

Any proposals received by ESERA after the deadline for submission of proposals may be rejected.



9. Opening of Technical Proposals

Technical Proposals will be opened on the 8th April 2021 in the room designated for this purpose, at the premises of the Secretariat of the ESERA. The purpose of this public opening is to record the names of proposers having submitted proposals by the due date and time. Only technical proposals will be opened at the public opening. The financial proposals will not be opened. Proposers submitting proposals are welcome to send one (1) representative, with proper authorization from their company, to observe the opening and recording of proposals received.

The following compliance documents will be opened during the public opening on the deadline for submissions:

- Original Receipt from ESERA as proof of purchase or tender document
- Certified copy of Valid Trading License
- Certified copy of Form J and Form C
- Power of Attorney
- Copy of Labour Compliance Certificate
- Copy of Employers Compliance Clearance Certificate
- Original and Valid Tax Compliance Certificate
- Certificate of Incorporation
- Police Clearance report or affidavit for Company Directors

10. Opening of Financial Proposals

After the technical evaluation is completed, the ESERA shall notify those Proposers whose Proposals did not meet the minimum qualifying technical score that their Financial Proposals will be returned unopened after completing the selection process and Contract signing.

11. Corrupt, Fraudulent, Coercive, Collusive and other Prohibited Practices.

The ESERA requires that all ESERA staff, proposers/bidders, suppliers, service providers and any other person or entity involved in ESERA-related activities observe the highest standard of ethics during the procurement and execution of all contracts. The ESERA may reject any proposal put forward by proposers, or where applicable,



terminate their contract, if it is determined that they have engaged in corrupt, fraudulent, coercive, collusive or other prohibited practices.

12. Conflict of Interest

In their proposal, proposers must confirm that, based on their current best knowledge, there are no real or potential conflicts of interest involved in rendering Services for the ESERA, and set out their policy on dealing with conflicts of interest should these arise.

13. Confidentiality

Information relating to the evaluation of proposals and recommendations concerning selection of Firms will not be disclosed to Firms that submitted proposals.

14. Terms of Reference

14.1 Introduction

The Eswatini Energy Regulatory Authority (ESERA) acknowledges the importance of skilled human resource within various departments of ESERA. The Authority identified a need to conduct a skills audit and subsequently a comprehensive skills audit report to address the identified skills gap. The Authority would like to appoint an external Consultant to conduct a comprehensive skills plan for the Authority.

14.2 Objectives

The objectives of the skills audit are as follows:

- a. Ascertain the skills base of employees
- b. Develop a 5-year skills development strategy/audit plan
- c. Develop informed skills profile of each individual employee
- d. Assist in the future development of an organizational development plan
- e. Establish the collective and individual academic achievements
- f. Determine the competency level of staff and
- g. Identify the skills gap.

- h. Determine skills, competencies and qualifications required to effectively deliver on the operational requirements of the Authority
- i. Determine critical and scarce skills for ESERA

14.3 Requirements/Scope of Work

ESERA requires a reputable and experienced Consultant to;

a) Assess the Organizational Structure.

- i. Review all job Profiles [Job Description]
- ii. Assess the Supervisory System
- iii. Determine how many vacancies are responsible linked to Skills shortage

b) Conduct a Skills Audit and Prepare a Status quo report.

- i. Develop Assessment Tools
- ii. Identify Skills gap in employees' Skills level from Middle Manager to lower post
- iii. Identify and define the Skills requirements of the organization

c) Fill Work Place Skills Plan [use relevant template]

- i. Number of Employees
- ii. Management Positions
- iii. Critical Skills Needed

d) Prepare the Skills Development Report

- i. Succession Plans for the critical positions
- ii. Job profiles improvement
- iii. Status Quo Report [Current Skills]
- iv. Workplace Skills Plan for the Authority

14.4 Process to be followed

The successful Consultant is to conduct introductory workshops with incumbents of the existing positions;

- a) Interview each incumbent together with their respective line manager;
- b) Conduct feedback workshop to all existing incumbents of positions;
- c) Provide feedback to each incumbent with their respective line manager;

- d) An analysed report with results for each job must be presented and report to ESERA
- e) Management.
- f) Must submit a detailed project plan with final outputs and delivery timelines
- g) must indicate what procedures, approach, method will be used in delivering the required services.

14.5 Reporting Relationship

The consultant will report to the General Manager Finance & Administration through the Human Resources Manager. The Human Resources Manager will serve as the first contact person for the consultancy.

14.6 Assignment Period

The assignment will be undertaken within 90 days (3 months).

14.7 Terms of payment

The Proposed Payment Schedule linked to the deliverables is as follows:

- 20% upon submission of acceptable inception report
- 40% upon submission of the draft Job Grading & Evaluation Report
- 40% upon submission of the final Report.

14.8 Qualifications and experience required

The Consultant will have not less than 10 years' experience in Human Resource Management or Public Administration. Educational and professional qualifications will include:

- A Master's degree in either HRM, Management, Organizational psychology, Business administration or any other relevant social sciences.
- Demonstrated experience in conducting skills audits for other organisations
- Knowledge of strategic Human Resource Management and an understanding of organizational theory;
- Excellent skills in project management demonstrated in previous jobs;

14.9 Evaluation of Bids

- a.) The bids will be evaluated using a two-envelope system whereby the Technical proposals will be evaluated first and only those passing will be evaluated on the financial proposal. Financial proposals of bidders who are unsuccessful in the technical evaluation shall be returned unopened.
- b.) To qualify, a Bidder needs to score 70% higher in the technical evaluation.
- c.) The final technical proposal will be allocated 80% whilst the financial proposal will be allocated the remaining 20%.
- d.) The Bidders, short-listed on the basis of the technical evaluation, may be asked to make technical presentation before the evaluation committee. In this regard, a separate communication shall be sent to all the short-listed Bidders.

11.10 Financial Evaluation

All costs must be denominated in Swazi Lilangeni (SZL).

Please note: Financial proposals have to be submitted in separate and sealed envelopes, clearly marked 'Financial Proposal'. Failure to adhere to this requirement will lead to disqualification and the Technical Proposal will not be evaluated.

A summary of charges must be given in the price submission form below.

Price Schedule Form

Item	Cost
Professional Fees	
Reimbursable Costs	
Total (SZL)	

1.11 Evaluation Criteria

In evaluating proposals, ESERA will adopt a two-envelope system and evaluate proposals using a **Quality and Cost-Based Selection Model**. Technical proposals will be evaluated first. It is therefore compulsory to submit a separate technical proposal and separate financial proposal, each wrapped in a separately sealed envelope and clearly marked technical proposal and financial proposal, respectively.

The tenderers must not include any financial information in the technical proposals, otherwise the proposals will be disqualified.

10.1.1 Criteria, sub-criteria, and point system for the evaluation of Technical Proposals are:

(20%)	(i) Specific experience of the Consultants relevant to the assignment:	
	(a) Experience of the firm in the electricity industry	5
	(b) Experience in conducting skills audit with other firms	15
	(ii) Adequacy of the proposed methodology and work plan in responding to the Terms of Reference:	(45%)
	(a) Technical approach and methodology	25
	(b) Work plan	20
	(iii) Key professional staff qualifications, experience and competence for the assignment:	(35%)
	a) Evaluation of Team Leader	20
	b) Evaluation of Support Staff	15
	Total weight:	100%

10.1.2 The minimum technical score required to pass is: **70 points**

10.1.3 Financial proposal evaluation

Financial proposals of bidders attaining the minimal score of 70% will be opened during the evaluation. Financial proposals from consultants that have not attained the minimum technical score required of 70% will be returned to bidders unopened.

The lowest cost financial proposal of a bidder who passed the technical evaluation will be awarded maximum points of 100, and then the following formula will be applied to remaining Bidders:

Financial Score (Sf) = Lowest Bid Price/Bid Price under consideration * 100

Proposals will be ranked according to their combined technical (St) and financial (Sf) scores using the weights (T = the weight given to the

Technical Proposal; P = the weight given to the Financial Proposal; T + P = 1).

$$S = S_t \times T\% + S_f \times P\%.$$

10.1.4 The technical proposal shall carry 80% of the total weighting and the financial proposal shall carry 20%.

1.12 DECLARATION OF ELIGIBILITY

[The Consultancy firm must provide a signed declaration on its company letterhead in the following format. If the Proposal is being presented by a joint venture or consortium all members must each sign their own declaration.]

[>>>Name of Consultancy firm, Address, and Date>>>]

To: Chief Executive Officer,
Eswatini Energy Regulatory Authority
First Floor, RHUS Office Park,
Karl Grant Street,
Mbabane

Dear Sir

ESERA/RFP/01/2020-2021 – APPOINTMENT OF CONSULTANCY SERVICE TO CONDUCT A SKILLS AUDIT AND DEVELOP A COMPREHENSIVE SKILLS AUDIT REPORT FOR ESWATINI ENERGY REGULATORY AUTHORITY”

We hereby declare that: -

- a) I/We, including any joint venture partners or consortium partners, are a legal entity and have the legal capacity to enter into the contract;
- b) I/We are not insolvent, in receivership, bankrupt or being wound up, our affairs are not being administered by a court or a judicial officer, our business activities have not been suspended, and we are not the subject of legal proceedings for any of the foregoing;
- c) I/We have fulfilled our obligations to pay taxes and social security contributions;
- d) I/We have not, and our directors or officers have not, been convicted of any criminal offence related to our/their professional conduct or the making of false statements or misrepresentations as to their qualifications to enter into a



contract within a period of five years preceding the commencement of the procurement proceedings; and

- e) I/We do not have a conflict of interest in relation to the procurement requirement.
- f) I/We do not have any of its directors or officers, have not been convicted of any criminal offence relating to professional conduct or the making of false statements or misrepresentations as to its qualifications to enter into a procurement contract within a period of five years preceding the commencement of procurement proceedings;
- g) I/We are not subject to suspension in accordance with section 55, and none of its directors or officers have been involved in a tenderer or supplier currently subject to suspension.

Signed

Authorized Representative

Date

11.13 The Bid Submission Form

The bid form below shall be filled and submitted with the technical proposal.

Bid Submission Form

The documents provided here demonstrates adherence to clause 11.12 of this RFP Document.

Eligibility Condition (as per clause 11.12)		
Condition	Document Provided	Issuing Authority/ Entity
A		
B		
C		
D		
E		
F		
G	Trade Reference 1	
H	Trade Reference 2	
I	Trade Reference 3	



14.10 References

The respondent is required to provide relevant reference relating to work of a similar nature and or comparable in size to this project.

Each reference should contain the following information as a minimum:

- i. Project name
- ii. Project cost in SZL
- iii. Length of project and whether contractual completion date was met
- iv. Name, address and other relevant particulars of the client
- v. Name, position and contact details of client principal contact
- vi. Nature and scope of the assignment
- vii. Personnel involved in the project and their roles.

14.11 Closing Date

- a.) The closing date for submission of proposals is the 8th April 2021 at 11H00
- b.) No proposals received after the deadline will be accepted.
- c.) No electronic submissions will be accepted. Late, incomplete, telephoned or telegraphic tenders will not be considered.

