

WINNIE MADIKIZELA-MANDELA LOCAL MUNICIPALITY



BID NUMBER: WMM LM 004/ S-EIAS

TERMS OF REFERENCE

NAME OF THE PROJECT: SOCIO-ECONOMIC INFRASTRUCTURE ASSESSMENT STUDY

Issued and Prepared by:

Winnie Madikizela-Mandela Local Municipality

51 Winnie Madikizela Mandela Street

P.O Box 12

Bizana

4800

Manager: Municipal Operations

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TABLE OF CONTENTS

1. BACKGROUND AND OVERVIEW OF THE PROJECT.....	2
2. KEY OUTPUTS/PROJECT MILESTONES/DELIVERABLES	20
3. IMPLEMENTATION PLAN AND TIMEFRAMES (to be completed by consultant)	27
4. ROLE PLAYERS.....	27
5. TRAINING AND CAPACITY BUILDING.....	28
6. PROJECT MANAGEMENT.....	28
7. Project Implementation Plan	28
8. Project Deliverables	29
8.2 DURATION	29
8.3 COST AND PAYMENT MILESTONE.....	29
8.4 SPECIAL CONDITIONS	30
8.5 EVALUATION CRITERIA.....	30
8.6 AWARDING OF POINTS	31
8.7 ENQUIRIES	Error! Bookmark not defined.

WINNIE MADIKIZELA-MANDELA MUNICIPALITY'S SOCIO-ECONOMIC INFRASTRUCTURE ASSESSMENT STUDY TERMS OF REFERENCE

Project Title : Socio-economic infrastructure assessment study

Contract period : 6 months

Contract Type : WMM LM Professional services contract

Location : All 32 Municipal wards

Contracting Authority: Winnie Madikizela-Mandela Local Municipality

1. BACKGROUND AND OVERVIEW OF THE PROJECT

1.1. INTRODUCTION

The Winnie Madikizela-Mandela Local Municipality (MLM) is located in the North-Eastern part of the Eastern Cape Province of the Republic of South Africa, as shown in Figure 1.1 below. The municipality forms part of the Alfred Nzo District Municipality of the Eastern Cape Province's boundary with the Kwa-Zulu Natal province. The municipality borders the Ingquza Hill, Ntabankulu, Umzimvubu, Umuziabantu, Ray Nkonyeni local municipalities and the beautiful Indian Ocean. The MLM is constituted of thirtytwo (32) municipal Wards.



WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY RE-ADVERT

PROJECT NAME	CONTRACT NUMBER	CLOSING DATE
1. Socio-Economic Infrastructure Assessment Study	: WMM 004/ S-EIAS	11 August 2023 @ 12h00

Bid proposals are hereby invited from suitably qualified and accredited service providers who are interested to submit their proposals to tender for the above-mentioned projects for Winnie Madikizela-Mandela Local Municipality.

Bid documents can be downloaded from e-tender portal website. (www.etenders.gov.za)

Bids should score a minimum of 70% in order to be considered for further evaluation.

The bids will be evaluated on the **80/20** preferential points system

Failure to submit the following fully completed document(s) will render the bid null and void:

- A copy of Entity Registration Documents, Certified ID Copy(ies) of Director(s) (not older than 3 months),
- Proof of CSD Registration
- SARS Valid PIN Printout
- Bid documents MBD1, MBD 4, MBD6.1, MBD 8 and MDB 9
- A Statement of Municipal Accounts confirming that no undisputed municipal accounts are overdue by more than 30 days and a signed list of Municipal Accounts that the institution has in the province and proof that they all do not have outstanding amounts more than 30 days on the day of the tender closing
- Evaluation Criteria: 80= Price, 20= Specific Goals as per the attached MBD 6.1 respectively
- In case of a joint venture, an original valid Tax Compliance Document of both partners should be submitted as well as a signed agreement by both parties clearly indicating the lead partner

Advert Date: 21 July 2023

Closing Date: All tenders must be emailed to tenders.scm@mbizana.gov.za by no later than the date and time stated above after which they will be opened. All tenders must be clearly marked the Name of the project and Reference number indicated above. Failure to do so your quotation may not be considered. There is no tender briefing

No late, hand delivered, incomplete or facsimile bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. Winnie Madikizela-Mandela Local Municipality reserves the right to accept part or full bid. For technical enquiries, please contact Ms. N. Jokweni at (071 484 0193), email: jokwenin@mbizana.gov.za during working hours. For Supply Chain Management related enquiries, please contact Mr. Z. Khala at (079) 886 0942, email: khalaz@mbizana.gov.za during working hours

.....
Mr. L. Mahlaka
Municipal Manager

LETTER OF CONSENT

Name and Domiciliumcitandi of organization

The Municipal Manager
Winnie Madikizela-Mandela Local Municipality
P.O. Box 12
Bizana
4800
Sir/Madam

Granting of authority to request information from any legal entity relevant to this Bid

I/we acknowledge that the information herein contained shall constitute the basis on which my/our Bid is to be considered. I/we grant approval that any source regarding this Bid may be fully investigated and that all such information shall be of material value to Winnie Madikizela-Mandela Local Municipality and directly relevant to the consideration of my/our Bid.

I/we _____ grant my/our consent to such source to provide confidential information.

I/we warrant that all the information herein contained is to the best of my/our knowledge and belief true and correct in all material respects and I/we am /are not aware of any information which, should it become known to the Winnie Madikizela-Mandela Local Municipality, would affect the consideration of my/our Bid in any way. The Winnie Madikizela-Mandela Local Municipality wishes to inform you that all information regarding your personal matters is treated as strictly confidential.

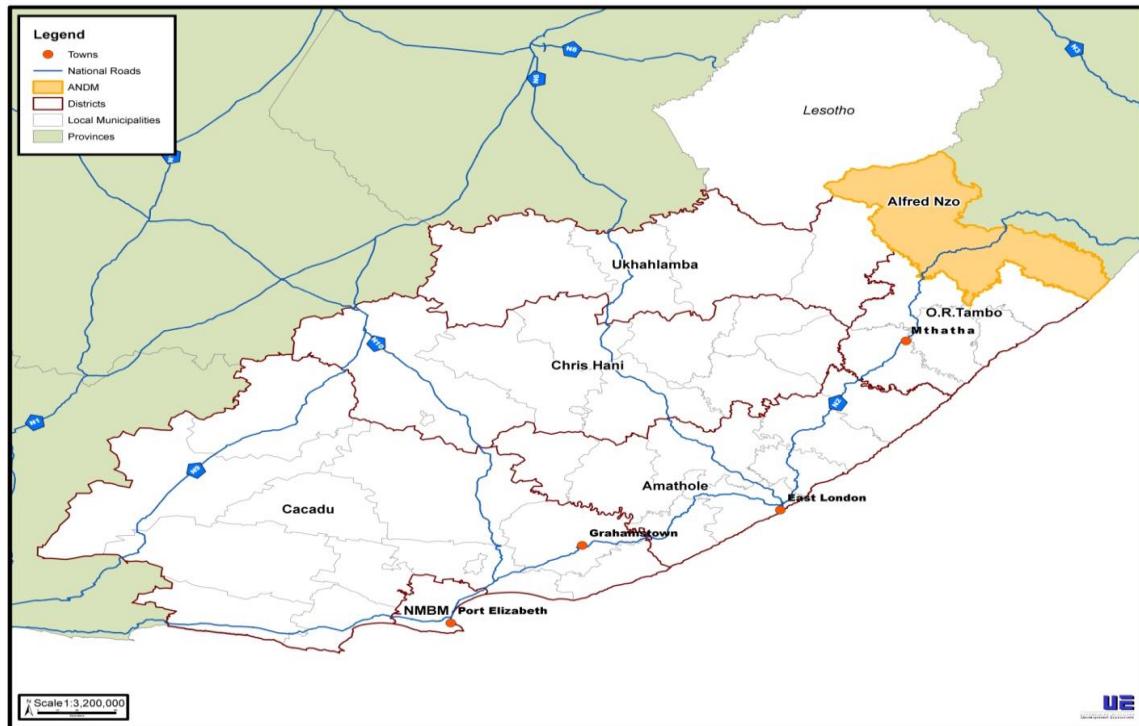
Please tick the appropriate box.

	I/We hereby consent to the above
	I/We hereby withhold consent and fully understand the implications and ramifications of my/our decision and will not hold the Winnie Madikizela-Mandela Local Municipality responsible for not considering my/our Bid.

Signature: Date:

Witness: Signature:

Figure 1: Mbizana in the Alfred Nzo of the Eastern Cape Province



Urban Econ EC GIS Maps

The Local Municipality of Mbizana is faced with a high number of socio-economic challenges. The community is characterized by high poverty and unemployment levels and low education and skills level. Due to low levels of income and job scarcity, the community is struggling to make ends meet and as a result, they are unable to afford the basic services provided at a very low cost to the end consumer, as they also have to travel long distances to acquire essential services.

Amongst some of the critical economic challenges facing the municipality, it has been observed and established through research that there exists an economic leakage which is occurring within the various sectors of the local economy.

The decision to undertake and document a social and economic infrastructure assessment study is attributable to the fact that the municipality has to produce a credible situational analysis as the first phase of developing a credible Integrated Development Plan (IDP). A credible situational analysis phase enables the Municipal Council to develop responsive strategies in changing the status quo.

When conducting the study the professional service provider must take into account that the Alfred Nzo District and the Eastern Cape Province have developed the District Development Plan and Eastern Cape Provincial Development Plan (EC-PDP), which are aligned to the National Development Plan (NDP), Vision 2030, all to be implemented using the District Development Model.

The municipality needs a thoroughly researched study on the existing social and economic infrastructure per ward, the study must also indicate the state of each existing infrastructure and what is needed in order to enhance socio-economic development.

It is worth noting that the province has indicated that there needs to be clear plans for its development initiatives; for inclusion in the integrated development plans of municipalities. It is against this background that WMMLM wishes to develop a real time socio-economic infrastructure status as part of the new IDP generation for the 5th municipal administration.

1.2 OVERALL AND SPECIFIC OBJECTIVES OF THE PROJECT

1.2.1 Purpose of the Socio-economic infrastructure assessment study project

The purpose of the project is to develop and document a municipal wide socio-economic infrastructure assessment study in each of the 32

municipal wards. The study shall enhance the situational analysis phase of the IDP for the period 2022 – 2027 and enable the municipal authorities to understand the existing situation better and therefore decide on the responsive strategies and project priorities. The project shall establish community participation approaches and tools/ platforms in order to enhance the ownership of the study by all the responsible bodies/players (public and private sectors). The ultimate goal of this study is to contribute in developing a credible IDP for the period 2022 – 2027. This therefore necessitated a contract with a reputable firm or company to support the promotion of the planned socio-economic infrastructure assessment study for improved and responsive strategies and projects.

1.2.2 Overall objective

The study or research will document socio-economic infrastructure profile of each ward for enhanced situational analysis. This is meant to gather ward based social and economic infrastructure baseline data in order to inform the required development interventions that are designed to reduce poverty and unemployment.

The above is informed by the fact that all IDP development plans must align to the NDP which highlights its overall objective as being the development of an economy that will create more jobs, more inclusive, more dynamic and in which the fruits of growth are shared equitably and poverty is eliminated. The plan envisages an economy that serves the needs of all South Africans and proposes the creation of 11 million jobs by 2030 by means of:

- Realising an environment for sustainable employment and inclusive economic growth;
- Promoting employment in labour-absorbing industries;
- Raising exports and competitiveness;

- Strengthening government's capacity to give leadership to economic development, and
- Mobilizing all sectors of society around a national vision

Moreover, the EC-PDP has identified four catalytic flagships that will establish a sound foundation for other developments to flourish. These catalytic initiatives cut across sectors and integrate the efforts of many role-players. The provincial catalytic flagships include:

- Ilima Lethu: an agricultural development initiative that aims to revive the rural economy and encourage other areas of development in the province.
- Ematholeni (Children first): aims to give all children a quality start to development and learning, providing a solid foundation for a future of equal opportunity
- Infrastructure: (Social and Economic Infrastructure) Focusing on the provision and maintenance of infrastructure for spatially equitable social and economic development.
- Building Human and Institutional Capabilities for Local Development Action: in keeping with the NDP's goals and the Back-to-Basics campaign, aims to build human and institutional capabilities for inclusive and meaningful local development action

Whereas the overall objective of the Mbizana Development Plan as well as Alfred Nzo District Development Plan are to stimulate district economic growth and development through the revival and development of the rural economy, the development of social and economic infrastructure and the development of human capacity which will in turn attract investment and reduce unemployment within Mbizana and the ANDM region.

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)			
BID NUMBER:	CLOSING DATE:	CLOSING TIME:	
DESCRIPTION			
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).			
BID RESPONSE DOCUMENTS MAY BE SENT VIA EMAIL TO THE EMAIL ADDRESS PROVIDED BELOW OR AS PER TENDER REQUIREMENTS			
<p>TENDERS.SCM@MBIZANA.GOV.ZA for tenders above R200 000 inclusive of VAT</p> <p>OR</p> <p>QUOTES.SCM@MBIZANA.GOV.ZA for quotations below R200 000 but above R30 000 inclusive of VAT</p>			
SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER			
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX COMPLIANCE STATUS	TCS PIN:	OR	CSD No:
PEOPLE LIVING WITH DISABILITY [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		MILITARY VETERAN <input type="checkbox"/> Yes <input type="checkbox"/> No
[DOCUMENTARY PROOF/ SWORN AFFIDAVIT (FOR PEOPLE LIVING WITH DISABILITIES) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR TARGETED GOALS]			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No <small>[IF YES ENCLOSE PROOF]</small>		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>[IF YES, ANSWER PART B:3]</small>
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE
SIGNATURE OF BIDDER		DATE
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	CONTACT PERSON		
CONTACT PERSON	TELEPHONE NUMBER		
TELEPHONE NUMBER	FACSIMILE NUMBER		
FACSIMILE NUMBER	E-MAIL ADDRESS		
E-MAIL ADDRESS			

PART B

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
- 3 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars.
.....

¹MSCM Regulations: “in the service of the state” means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

3.9 Have you been in the service of the state for the past twelve months?
.....**YES / NO**

3.9.1 If yes, furnish particulars.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?**YES / NO**

3.10.1 If yes, furnish particulars.

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

3.11.1 If yes, furnish particulars

.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.

.....

3.13 Are any spouse, child or parent of the company's directors trustees, managers, principle shareholders or stakeholders in service of the state?

YES / NO

3.13.1 If yes, furnish particulars.

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....
.....

- 4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	State Employee Number

CERTIFICATION

I, THE UNDERSIGNED (FULL NAMES)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE MUNICIPALITY MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

•

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20 or

90/10

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right) \text{ or } Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

or

90/10

$$P_S = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } P_S = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
South African	1.5	3		
Black	1.5	3		
Women	1.75	3.5		
Youth	1.75	3.5		
Leaving with disability	1.75	3.5		
Military Veterans	1.75	3.5		
Total Points Allocated	10	20		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole proprietor
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

1.2.2 The specific objectives and scope of works of the project are as follows:

- To gather information and review relevant documents about socio-economic infrastructure of each municipal ward.
- To draft a detailed assessment of the existing development infrastructure in each municipal ward area.
- To draft the socio-economic profile outline, key questions for intervention and survey including an identification of key respondents and contributors to the baseline study.
- Conduct interviews and survey on socio-economic situation including community awareness on natural resources management.
- Data analysis and formulate conclusions and recommendations for future assessment/ study.
- Conduct validation of information collected in each municipal ward before a report write-up.
- Prepare, conclude and submit a consolidated socio-economic infrastructure assessment study/ baseline profile report to the municipality/ contracting authority.

2. KEY OUTPUTS/PROJECT MILESTONES/DELIVERABLES

Key outputs for the Socio-economic infrastructure assessment study Project include:

- An inception report (which includes study methodology) will serve as project plan for the implementation of the project
- Draft the recommended assessment/ study packaging in order to meet the IDP situational analysis phase minimum standards, in terms approach and information depth.
- Produce the draft Socio-economic infrastructure assessment study report for consideration by the contracting authority.
- Produce a final consolidated socio-economic infrastructure assessment study in a digital and hard copies.

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<input type="checkbox"/>	<input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	<input type="checkbox"/>	<input type="checkbox"/>

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAMES)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS
DECLARATION FORM TRUE AND CORRECT.

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT,
ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION
PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf

of _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

(a) has been requested to submit a bid in response to this bid invitation;

- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js9141w 4

3. IMPLEMENTATION PLAN AND TIMEFRAMES (TO BE COMPLETED BY CONSULTANT)

No.	Activity	Expected output/s	Number of days
1.	Review of available data. This will include review of data from other organisations.	Inception report	Within 30 days
2.	Methodology preparation, work team formation, and questionnaire testing with community.	Inception report Final research/study tools	Within 30 days
3.	Team preparation and actual field work	Data collection	Three Months
4.	Data analysis and report writing	Preliminary report compilation	1 Month
5.	Validation meeting and draft report and reviews	Draft socio-economic infrastructure study report	1 Month
6.	Finalise socio-economic assessment study	Final report	1 Month

NB: this is only a guide on activities, the consultant is encouraged to propose additional activities

4. ROLE PLAYERS

Stakeholder [and as per IDP Representative Forum]	Reason for involvement in the project Proposed responsibilities
Council	Owner and ultimate decision maker
Executive committee	Political Management
Mayor	Project Champion
Municipal Manager	Project Management
Manager: Operations	Project Process Owner

Service Provider	Project Manager
Alfred Nzo DM	Guidance, technical support & resources (optional)

5. TRAINING AND CAPACITY BUILDING

The appointed service provider will be required to transfer skills and share knowledge regarding the implementation approaches/ systems recommended during the project execution:

- Training on digital approaches and systems
- Support institutionalisation of data collection and assessment systems
- Integration and Monitoring & Evaluation system

6. PROJECT MANAGEMENT

In cases where the appointed service provider appoints the services of other consultants or sub-contractors, the appointed service provider will take responsibility of the work of the sub-contractors. The client will deal with the contracted service provider and not with sub-contracted consultants. The project is to be coordinated and managed by an operational team led by Winnie Madikizela-Mandela Local Municipality.

7. PROJECT IMPLEMENTATION PLAN

The appointed service provider will be required to present a detailed Project Implementation Plan to the Project Manager and the Project Steering Committee as the first task and deliverable at the start of the project.

8. PROJECT DELIVERABLES

The digital and hard copy documents of the Socio-economic infrastructure assessment study of Winnie Madikizela-Mandela Local Municipality shall be submitted by the Service Provider at the end of the project. Such a report must include all the components stated in these Terms of Reference.

8.1 REPORTING

Service providers shall submit monthly reports to the Project Manager and the Steering Committee within 4 days after the end of each month and at each scheduled project steering committee meeting. A Project Steering Committee meeting shall be scheduled at the end of each phase and any additional meetings shall be agreed upon during the course of the project.

8.2 DURATION

Service providers must complete the project within a maximum period of **six (6)** months from the date of appointment.

8.3 COST AND PAYMENT MILESTONE

The following milestones are proposed: -

Percentage	Milestone
5%	Pre- planning
25%	Phase 1 & 2
40 %	Phase 3 & 4
30%	Phase 5 and submission of the Final product

The Service Providers must include details of cost breakdown on professional fees, Disbursements and VAT, and the municipality will undertake all necessary procurement procedures to award the winning service provider and make payments according to a signed Service Level Agreement.

8.4 SPECIAL CONDITIONS

In the event of a bidder being appointed in term of this invitation to bid, then the following special condition will apply to the contract between the bidder and the client:

- Certified copies of qualifications and CV's signed by designated key officials should be attached.
- No replacing of key individuals following the awarding of the contract unless agreed in writing by the municipality.
- The appointed service provider will be required to submit reports to the municipality and attend any meeting related to the project.
- The municipality undertakes to pay on the agreed upon deliverables within (30) days of the approval of such invoices by the project manager.

8.5 EVALUATION CRITERIA

- Bids will be evaluated on an 80/20-point system within the ambit of the Preferential Procurement Regulations, 2001 which is derived from Preference Procurement Policy Framework Act No.5 of 2000 and Municipal Finance Management Act 56 of 2003.
- The evaluation will be carried out in two phases, namely, price and functionality.
- According to the evaluation criteria to be used by the municipality, 70% will be allocated for functionality and 80% for price and 20% for specific goals. Weights for functionality in the aforesaid criteria will be valued.
- The minimum qualifying percentage that will be accepted for functionality will be **70%**.
- The combined percentages allocated for functionality and price will total up to **100%**.

NB: The Municipality will not be obliged to award the bidder with the highest points.

8.6 AWARDING OF POINTS

The following values will apply in the evaluation of all proposals submitted on or before the closing date.

1=Poor,2=Acceptable,3=Good,4=Very Good,5=Excellent

Points for functionality will be scored according to the underlined criteria and table:

CRITERION	WEIGHT	POINTS
1. Company Director to possesses NQF Level 7 Degree in Development Planning/Economic Sciences qualification in the area of development planning studies	30	
2. Proven Track Record of conducting similar projects / programmes, at least 2 projects. Appointment letters and reference to be attached. (at least 2 appointment letters of similar projects and traceable reference letters to be attached). It will be 20 points for each project.	40	
3. Accuracy and relevance of methodology i.e. How the project will be carried out showing milestones and timeframes	20	
4. Ability to transfer skills	10	
Total	100	



8.7 OFFER AND ACCEPTANCE

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for:

SOCIO- ECONOMIC INFRASTRUCTURE ASSESSMENT STUDY

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS

..... Rand (in words);

R..... (in figures) (or other suitable wording)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature(s)

Name(s)

Capacity

for the
tenderer

(Name and address of organization)

Name and
signature of
witness

Date

8.8 ACCEPTANCE

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the employer shall pay the contractor the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offer shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

Deviations from and amendments to the documents listed in the tender data and any addenda thereto as listed in the returnable schedules as well as any changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this form of offer and acceptance. No amendments to or deviations from said documents are valid unless contained in this schedule.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the tenderer (now contractor) within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature(s)

Name(s)

Capacity

for the

Employer Winnie Madikizela Mandela Local Municipality
 Winnie Madikizela Street
 Bizana
 4800

Name and

signature

of witness

Date

8.9 ENQUIRIES

The service provider can request and obtain the relevant terms of reference from SCM at Winnie Madikizela-Mandela Local Municipality, for any other enquiry please contact Ms. N. Jokweni at 039 2510230 (ext 205) during office hours.

Winnie Madikizela-Mandela Local Municipality
51 Winnie Madikizela Mandela Street
Bizana
4800