



TERMS OF REFERENCE

Tender Ref #:	COGTA (T) 03/2025	Tender Description:	Appointment of a service provider to study and advise on intergovernmental relations related to the current configuration of powers and functions across the three spheres of government and between the two tiers of local government for a period of 24 months
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PART A – BID DETAILS

1. The Department of Cooperative Governance (hereunder referred to as the Department or DCOG) invites qualifying service providers to study and advise on intergovernmental relations related to the current configuration of powers and functions across the three spheres of government, and conduct research on efficacy and efficiency of the decentralised/devolved/assigned/delegated powers and functions to other spheres of government for a period of 24 months.
2. The Department is mandated to develop and monitor the implementation of national policy and legislation on powers and functions aimed at transforming and strengthening key institutions and mechanisms of governance in national, provincial and local government to fulfil their developmental role; develop, promote and monitor mechanisms, systems and structures to enable integrated service delivery and implementation within government; and promote sustainable development by providing support to and exercising oversight of provincial and local government.

PART B –ADMINISTRATIVE REQUIREMENTS

1. BID DOCUMENTS

Only bids that comply with all administrative requirements will be evaluated further onto the Mandatory Requirement stage.

SCM ADMINISTRATIVE COMPLIANCE		
#	Criteria	Yes / No
1.1	Supplier is registered on the National Treasury Central Suppliers Database (CSD) on or before the bid closing date.	
1.2	SBD 1 completed and submitted.	
1.3	SBD 3.2 completed and submitted.	
1.4	SBD 4 completed and submitted.	
1.5	SBD 6.1 completed and submitted.	

2. VERIFICATION OF INFORMATION PROVIDED

No bids will be considered from:

1. Individuals in the service of the State.
2. Organisations with directors (whether remunerated or not) in the service of the State.

This clause does not apply to bidders that are government departments/entities.

NB: The Department may request the bidder to provide information to engage banks, credit rating agencies and the relevant institutions to obtain information on credit records, criminal records, and pending court cases.

3. MANDATORY REQUIREMENTS

Failure to submit the documents listed below will render your bid null and void and will not be considered or will be disqualified.

Mandatory Requirement		
#	Criteria	Yes / No
3.1	Summary of Bidder Experience (Annexure A) attached must be fully completed	
3.2	Governance and IGR Expert (Project Leader): Qualification (NQF: level 7) tertiary qualification in law or public administration	
3.3	Project team member 1: Qualification (NQF: level 7) tertiary qualification in finance	
3.4	Project team member 2: Qualification (NQF: level 7) tertiary qualification in development planning	
3.5	Project team member 3: Qualification (NQF: level 7) tertiary qualification in civil engineering	
3.6	Proposed project team (Annexure B) attached must be fully completed.	
3.7	Proposal and project execution plan submitted	
3.8	Pricing information (Cost Breakdown – Annexure C) attached must be fully completed	

N/B: Only bids that comply with the administrative and mandatory requirements will be evaluated further.

PART C – DETAILED REQUIREMENTS

1. Introduction and background

The Constitution establishes a system of co-operative government in the Republic, constituted as national, provincial and local spheres of government. In terms of the principles of co-operative government set out in Chapter 3 of the Constitution, all spheres of government and all organs of state within each sphere must, amongst others, provide effective, transparent, accountable and coherent government for the Republic as a whole; respect the constitutional status, institutions, powers and functions of government in the other spheres; not assume any power or function except those conferred on them in terms of the Constitution; exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and co-operate with one another in mutual trust and good faith by fostering friendly relations; assisting and supporting one another; informing one another of, and consulting one another on, matters of common interest; and co-ordinating their actions and legislation with one another.

Schedule 4 and 5 of the Constitution allocates powers and functions to the three spheres of government. The allocations are either concurrent or exclusive to the relevant spheres of government. These schedules are both divided into Parts A and B. The part B are the local government matters as would be regulated. Any power or function not allocated in terms of Schedule 4 and 5 of the Constitution, are referred to as residual/plenary powers and functions, and can only be exercised by and are an exclusive domain of the national sphere of government.

The Department seeks to appoint a service provider to study and advise on intergovernmental relations related to the current configuration of powers and functions across the three spheres of government, and conduct research on efficacy and efficiency on such powers and functions that are executed as their executive obligations in terms of the Constitution and legislation; and those powers and functions that have been decentralised/devolved/assigned/delegated to other spheres of government, and this project should be executed over a period of two years. The project is also aimed at determining the efficacy and efficiency of the constitutionally allocated powers and functions when they are assigned and adjusted between the two-tier of local government system.

2. Problem Statement

Whilst the Constitution establishes a system of co-operative government that is constituted of national, provincial and local spheres of government, it also allocates powers and functions to these spheres of government. The current configuration of powers and functions has its own manifested challenges that have been encountered overtime since the advent of the Constitution. There are overlapping responsibilities and confusion in accountabilities, including some level of uncertainty in the multi-level system of government. There are

challenges in clarifying definitional and other uncertainties relating to the distribution of powers and functions across the three spheres of government. Sectors are also caught in the trap of being tempted to define municipal powers and functions in accordance with their own understanding and interpretation. The current distribution of powers and functions, in some areas, is often unclear about where accountability for service delivery lies when functions are shared. This problem is compounded by the fact that the entire system of interlocking powers and functions is convoluted, very complex and difficult to understand, let alone to implement. Also, functional areas are not defined in the Constitution and sometimes overlap, thus creating confusion about the extent of each sphere's authority and accountability. Furthermore, practice is often not consistent with the allocation of functional responsibilities in the Constitution. There are many examples of one sphere of government *de facto* performing a function that is constitutionally allocated to another or not being a functional area in the Schedules at all, such as library function which can be found to be an exclusive function of provincial government but historically fell under local government and still continue to be administered as a local government function. Linked to these challenges is the fact that functional arrangements lead to fragmented or inefficient governance and service delivery in practice. On the other hand, concurrency is viewed at some quarters as "an elusive concept" that creates uncertainty for all spheres of government and undermining government's overall effectiveness.

The aim of the project is to research on the current configuration of powers and functions by the different spheres and tiers of government, and to provide recommendations, propose solutions on the current challenges on the configured powers and functions distributed across the three spheres of government; and conduct research on efficacy and efficiency where powers and functions are decentralised/devolved/assigned/delegated to other spheres of government.

3. Detailed Scope of the assignment

- (a) Study and advise on the configuration of powers and functions across the three spheres of government and conduct research on efficacy and efficiency of the allocated powers and functions in terms of the Constitution or legislation; and those powers and functions that have been decentralised/devolved/assigned/delegated to other spheres of government and between districts and local municipalities.
- (b) Provide analysis and advice on the effectiveness and appropriateness of the provisions of Chapter 3 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and Chapter 5 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), dealing with regulatory principles and provisions on powers and functions;
- (c) Provide analysis and advice on the effectiveness and appropriateness of the allocation of powers and functions as set out in Schedules 4 and 5 of the Constitution;
- (d) Analyse existing research studies and document all national legislation (regulatory framework) that distribute/assign/devolve/decentralise powers and functions to provincial and local governments spheres;

- (e) Research on and test the efficacy and efficiency of the constitutionally allocated powers and functions; and those that have been decentralised/devolved/assigned/delegated to the other spheres of government and within the two tiers of local government;
- (f) Research and analyse the adjustment of powers and functions between the district municipalities across the country;
- (g) Assess, analyse and provide data on which powers and functions are administered by each district and local municipalities across the country; and the efficacy and efficiency thereof;
- (h) Engage all relevant key stakeholders, including Financial and Fiscal Commission, South African Local Government Association, National Treasury, Municipal Demarcation Board, Cities Network, Congress of Traditional Leaders of South Africa (Contralesa), Auditor-General, Chartered Institute of Government Finance, Audit and Risk Officers, and selected few provincial governments, district and local municipalities;
- (i) Provide recommendations on allocation and devolution of powers and functions;
- (j) Analyse fiscal framework on allocation of funds and budget votes over a few financial years; and the allocation of the adjusted powers and functions between district and local municipalities and test on their efficacy and efficiency;
- (k) Consolidate a report on the efficacy and efficiency of the distributed powers and functions across the three spheres of government; and
- (l) Develop a status report on the current configuration and distribution of powers and functions across the three spheres of government and between the two tiers of local government; and provide options and recommendations on the reconfiguration of powers and functions across the three spheres of government.

4. Deliverables and time frames

Activities	Milestones	Timeframes	Responsibility
Inception Meeting: meeting between the service provider and DCoG to discuss the submitted proposal and scope of the project.	Providing clarity and understanding of the scope of the project.	October 2025	DCoG and Service Provider (SP)
Project / Inception Report prepared.	Final Inception Report approved by team.	October 2025	SP
Provide analysis and advice on the effectiveness and	Report and presentation	October-November 2025	SP

Activities	Milestones	Timeframes	Responsibility
appropriateness of the provisions of Chapter 3 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and Chapter 5 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), dealing with regulatory principles and provisions on powers and functions			
Provide analysis and advice on the effectiveness and appropriateness of the allocation of powers and functions as set out in Schedules 4 and 5 of the Constitution	Report and presentation	November-December 2025	SP
Analyse existing research studies and document all national legislation (regulatory framework) that distribute/assign/devolve/decentralise powers and functions to provincial and local governments spheres	Report and presentation	October 2025 - September 2027 (Ongoing)	SP
Research on and test the efficacy and efficiency of the constitutionally allocated powers and functions; and those that have been decentralised/devolved/assigned/delegated to other spheres of	Report and presentation	January-March 2026	SP

Activities	Milestones	Timeframes	Responsibility
government and within the two tiers of local government			
Research and analyse the adjustment of powers and functions between the district municipalities across the country	Report and presentation	January-March 2026	SP
Assess, analyse and provide data on which powers and functions are administered by each district and local municipalities across the country; and the efficacy and efficiency thereof	Report and presentation	April-June 2026	SP
Engage all relevant key stakeholders, including Financial and Fiscal Commission, South African Local Government Association, National Treasury, Municipal Demarcation Board, Cities Network, Contralesa, Auditor-General, Chartered Institute of Government Finance, Audit and Risk Officers, and selected few provincial governments, district and local municipalities	Report and presentation	July-September 2026	SP
Provide recommendations on allocation and devolution of powers and functions	Report and presentation	October-December 2026	SP

Activities	Milestones	Timeframes	Responsibility
Analyse fiscal framework on allocation of funds and budget votes over a few financial years; and the allocation of the adjusted powers and functions between district and local municipalities and test on their efficacy and efficiency	Report and presentation	January-March 2027	SP
Consolidate a report on the efficacy and efficiency of the distributed powers and functions across the three spheres of government	Report and presentation	April-June 2027	SP
Development of a status report on the current configuration and distribution of powers and functions across the three spheres of government and between the two tiers of local government; and provide options and recommendations on the reconfiguration of powers and functions across the three spheres of government.	Report and presentation	July-September 2027	SP
Participate/present in a departmental-led seminar/roundtable discussions with identified experts and governance practitioners	Reports/presentations	October 2025-September 2027 (ongoing)	SP

*The above timeframes may be amended upon award to the service provider.

5. Skills, Knowledge and Experience Requirements:

5.1 Competencies and expertise required from the incumbent who will undertake the outputs are:

- (a) Knowledge: Knowledge of the South African constitutional, legislative and policy environment as it relates to the intergovernmental system and allocation of powers and functions;
- (b) Skills: Interpretation of law and policy, research and writing skills, project management and programme planning;
- (c) Experience: Experience and knowledge of the distribution of powers and functions across the three spheres of government, public administration, intergovernmental relations, international relations, and forms and systems of government; and
- (d) Essential qualifications: Tertiary qualification in law or public administration.

5.2 To execute this project, the service provider/s must possess the following knowledge, expertise and skills:

- (a) An understanding of the national political, strategic and policy environment;
- (b) In-depth knowledge of the intergovernmental relations environment and cooperative governance in South Africa;
- (c) Policy and regulatory framework development;
- (d) Extensive technical knowledge and skills in project management, data collection and analysis, synthesis, and research; and
- (e) Good understanding of the Constitution and applicable governance legislation and regulatory environment.

5.3 Skills

- (a) Conceptual skills;
- (b) Communications skills;
- (c) Report drafting and presentation skills;
- (d) Research and survey skills; and
- (e) Analytical thinking.

5.4 Experience

- (a) Data collection and analysis;
- (b) Report writing;
- (c) Policy development and legislative/regulatory framework drafting;
- (d) Creation of presentations;

- (e) Interviewing skills and research methods (quantitative and qualitative); and
- (f) The ability to interact and form relationships across government and with key stakeholders.

6. Communication and Reporting

6.1 Responsibilities of the DCoG. The DCoG will:

- (a) Provide background information, documents, reports that pertain to the distribution of powers and functions and guide on the regulatory instruments on powers and functions;
- (b) Facilitate meetings between different identified stakeholders;
- (c) Engage with the service provider on a constant basis up until the conclusion of the contract; and
- (d) Provide further guidance on the scope of the whole project.

6.2 Responsibilities of the service provider:

- (a) Partner closely with the DCoG team for the duration of the project;
- (b) Attend progress meetings for the duration of the project to review progress;
- (c) Submit records of detailed deliverables undertaken and respective costs when submitting invoices to DCoG based on milestones;
- (d) Lead and conduct engagements with the identified key stakeholders;
- (e) Submit deliverables in accordance with the set time-frames; and
- (f) Execute the project in accordance with the project plan and deliverable time-frames.

7. Monitoring and Evaluation

Oversight committees will be constituted in monitoring and overseeing the performance of the of the project and deliverables.

8. Bid Documents Submission Format

Package 1: The following should be submitted – :

- SBDs 1, 4, and 6.1.
 - National Treasury Central Suppliers Database (CSD) report, not older than 30 days (www.csd.gov.za).
 - **Proposal Format** – Bidders must include a detailed work-plan/methodology, and the implementation plan as per proposal in their bid.
- (a) Project implementation plan must indicate the following:
- Clearly defined milestones that are 100% aligned to each of the key deliverables and the expected outputs as outlined in the scope of work.
 - Well-defined timelines for each of the activities and deliverables.
 - Allocation of Human Resources.

- (b) Proposed Governance Arrangements to support project implementation which may include but not limited to the establishment of a project management oversight team inclusive of the service provider and the DCoG team.
- (c) Previous and current similar contracts awarded to the bidder and client references.

Package 2: Pricing information.

- Separate envelope. Price proposals must include 15% VAT and must be fully inclusive to deliver all goods, services and outputs indicated in the terms of reference.
- *SBD 3.2 (Pricing Schedule)*
- Proposed cost breakdown on the last page of the ToR (Annexure C)

PART D – FUNCTIONAL EVALUATION – TO BE EVALUATED BY THE BEC

Each Bid Evaluation Committee (BEC) member will evaluate acceptable bids based on the proposals and bid documents submitted. The scoring system to be utilized will be from **0 – 4** as per the functional evaluation below

The **Score obtained for each criterion** will be calculated by multiplying the score awarded by a BEC member by the weight for that criterion. The **overall score for a BEC member** will be expressed as a percentage (Total weighted score divided by the maximum possible score, then multiplied by 100). The **overall score obtained by a bidder** will be the average of overall scores awarded by BEC Members (rounded to the nearest whole number). Only Bidders that received **the indicated minimum overall scores** will proceed to Part E – Price Evaluation and Award.

Where functional evaluation is conducted in stages, bidders must meet the minimum overall score for a particular stage to proceed to the next stage and only bidders that met the minimum overall scores for all stages will proceed to Part E – Price Evaluation

The Bid Evaluation Committee may:

- Evaluate and score bids based on the bid documents and proposals submitted; or
- The final evaluation and scoring of bids will be based on the proposals submitted, as well as on information provided by bidders during bid presentations (if applicable). Presentations can be used to summarise and clarify bids and may not substantially depart from the proposals submitted.

1. FUNCTIONAL EVALUATION STAGE 1

EVALUATION OF THE PROPOSAL AND PROJECT EXECUTION PLAN

1.1	Organization's experience in the Public Administration (contactable reference letters of similar projects executed in the past)	Weight	5
Evaluation			Score
Zero (0) similar project			0
One (1) similar project			1
Two (2) similar projects			2
Three (3) similar projects			3
Four (4) or more similar projects			4
1.2	<p>Experience of the governance and IGR expert: Project leader (attach CV and certified copies of qualifications and highlighting expertise)</p> <p>The BEC will only consider where all required information was submitted</p> <p>Experience:</p> <ul style="list-style-type: none"> (a) Knowledge of the South African constitutional, legislative and policy environment; (b) Interpretation of law and policy, research and writing skills and programme planning; (c) Experience and knowledge of the public service, intergovernmental relations, international relations, and forms and systems of government; and (d) Technical knowledge and skills in project management, data collection and analysis, synthesis, and research. 	Weight	5
Description			Score
Does not meet any of the elements listed above			0
Meets one (1) of the minimum requirements			1
Meets two (2) of the minimum requirements			2
Meets three (3) of the minimum requirements			3
Meets all the above requirements			4

1.3	Experience of the proposed finance team member.	Weight	3
	The BEC will only consider where all required information was submitted.		
	Experience:		
	(a) Good understanding of the Constitution and applicable governance legislation and regulatory environment;		
	(b) An understanding of the national political, strategic and policy environment;		
	(c) Providing advisory on fiscal allocations and context of annual allocation of budgetary votes and sources of revenue for the spheres and tiers of government; and		
	(d) Must have at least one (1) signed reference letter with similar work undertaken.		
Evaluation			Score
Does not meet any of the elements listed above			0
Meets one (1) of the minimum requirements			1
Meets two (2) of the minimum requirements			2
Meets three (3) of the minimum requirements			3
Meets all the above requirements			4
1.4	Experience of the proposed development planner team member	Weight	3
	The BEC will only consider where all required information was submitted		
	Experience:		
	(a) Good understanding of the Constitution and applicable governance legislation and regulatory environment;		
	(b) An understanding of the national political, strategic and policy environment;		
	(c) Providing advisory on reviewing the existing planning policy and regulatory framework and socio-economic impact on the distributed powers and functions across the three spheres of government; and		
	(d) Must have at least one (1) signed reference letter with similar work undertaken.		
Evaluation			Score
Does not meet any of the elements listed above			0
Meets one (1) of the minimum requirements			1
Meets two (2) of the minimum requirements			2
Meets three (3) of the minimum requirements			3
Meets all the above requirements			4

1.5	<p>Experience of the proposed civil engineering team member</p> <p>The BEC will only consider where all required information was submitted</p> <p>Experience:</p> <p>(a) Good understanding of the Constitution and applicable governance legislation and regulatory environment;</p> <p>(b) An understanding of the national political, strategic and policy environment;</p> <p>(c) Providing advisory services to the state entity on built environment infrastructure development projects; and</p> <p>(d) Must have at least one (1) Signed reference letter with similar work undertaken.</p>	Weight	4
Evaluation			Score
Does not meet any of the elements listed above			0
Meets one (1) of the minimum requirements			1
Meets two (2) of the minimum requirements			2
Meets three (3) of the minimum requirements			3
Meets all above the requirements			4
1.6	<p>Bidder's understanding of Terms of Reference and quality of the proposed methodology (Execution Plan/ approach to delivery identified outputs/deliverables):</p> <p>(a) Detailed project plan with timeframes on each deliverable and roles and responsibilities of each project team member;</p> <p>(b) Risk mitigation plan on projects deliverables;</p> <p>(c) A tool on collection and storing of primary data; and</p> <p>(d) Stakeholders' consultation plan</p>	Weight	5
Evaluation			Score
Does not meet any of the minimum requirements			0
Meets one (1) of the minimum requirements			1
Meets two (2) of minimum requirements			2
Meets three (3) requirements			3
Meets all the above requirements			4

Minimum qualifying score is 70%

PART E – PRICE EVALUATION AND AWARD– TO BE EVALUATED BY THE BEC

Only bids that meet all administrative requirements and the minimum functional requirements will be evaluated in terms of the provisions of the Preferential Procurement Framework Act and related regulations – see attached bid documents. The evaluation method (80/20 or 90/10) and preference points allocation applicable to this bid are indicated in the attached SBD 6.1.

1. SPECIFIC GOALS

Specific Goals	Points	
	80/20	90/10
Black ownership	7	4
Women ownership	6	3
Youth ownership	4	2
Disability ownership	3	1

SPECIFIC/PREFERENTIAL GOALS FOR 80/20	80/20	SPECIFIC/PREFERENTIAL GOALS FOR 90/10	90/10
<u>Black Ownership (51% or more)</u> a) (0%) b) (1% - 10%) c) (11% - 25%) d) (26% - 50%) e) (51% -100%)	7 a) 0 b) 1 c) 3 d) 5 e) 7	<u>Black Ownership (51% or more)</u> a) (0%) b) (1% - 10%) c) (11% - 25%) d) (26% - 50%) e) (51% -100%)	4 a) 0 b) 1 c) 2 d) 3 e) 4
<u>Women Ownership (51% or more)</u> a) (0%) b) (1% - 10%) c) (11% - 25%) d) (26% - 50%) e) (51% -100%)	6 a) 0 b) 1 c) 2 d) 4 e) 6	<u>Women Ownership (51% or more)</u> a) (0%) b) (1% - 20%) c) (21% - 50%) d) (51% - 100%)	3 a) 0 b) 1 c) 2 d) 3
<u>Youth Ownership (51% or more)</u> a) (0%) b) (1% - 10%) c) (11% - 25%) d) (26% - 50%) e) (51% -100%)	4 a) 0 b) 1 c) 2 d) 3 e) 4	<u>Youth Ownership (51% or more)</u> a) (0%) b) (1%-50) c) (51% -100%)	2 a) 0 b) 1 c) 2
<u>Disability (51% or more)</u> a) (0%) b) (1% - 25%) c) (26% 50%) d) (51% 100%)	3 a) 0 b) 1 c) 2 d) 3	<u>Disability (51% or more)</u> a) (0%) b) (1% -50%) c) (51% -100%)	1 a) 0 b) 0.5 c) 1

The below documents must be submitted as POE in order to claim points for specific goals:

- Disability Ownership – Doctor`s Certificate or SAPS Sworn Affidavit
- Ownership (Certificate issued by CIPC)

PART F – SPECIAL CONDITIONS AND CONTRACT MANAGEMENT

1. SPECIAL CONDITIONS APPLICABLE TO THIS BID

- 1.1. The Department may, at its sole discretion, cancel this bid.
- 1.2. The period of thirty days (30 days) referred to in the General Conditions of Contract paragraph 27.2 applies. If the service provider is found to have engaged in fraudulent activities or caused the Department to incur irregular expenditure, the Department reserves the right to cancel the bid and any subsequent SLA with immediate effect. Repercussions for the conduct of the Service Provider referred to above may include blacklisting of the Service Provider thus preventing them from doing business with government for 10 years.
- 1.3. The Department may, at its discretion, require that each employee of appointed service providers, each contractor or other participants, sign a code of conduct to promote ethical behaviour. The Department may, at its sole discretion, prohibit any person found to be in breach of such code of conduct from further participation or involvement in the project.
- 1.4. Additional conditions for an applicant who would like to apply as a Consortium / Joint Venture. It is recognised that applicants may wish to form consortia or joint ventures to respond to this bid. The following guidelines apply:
 - Bidders are prohibited from being part of more than one consortium / joint venture and to submit an individual bid and a bid as part of a consortium / joint venture.
 - One of the members shall be nominated by the others as authorised to be the lead applicant and this authorisation shall be included in the agreement entered between the consortium members.
 - The lead applicant in the Consortium or Joint Venture must satisfy all the administrative requirements contained in the ToR and submit all the relevant documents necessary to meet the minimum requirements of the applications.
 - Other members of a consortium or a joint venture must comply with the requirements in line with Service Provider Funding Policy prescripts for the respective Service Provider categories.
 - The consortium/joint venture submission must be signed-off by each institution/organisation to be legally binding on all consortium members.
 - The lead applicant shall be the only authorised party to make legal statements, communicate with the department, and receive instructions for and on behalf of all the members of the consortium.
 - The lead applicant shall be held responsible for the delivery of services and meeting conditions outlined in this bid.
 - A copy of the agreement entered into and signed by all members of the consortium or joint venture shall be submitted with the consortium proposal indicating the respective responsibilities of each party.
 - Indicate how the joint venture/ consortium will be managed in case of a dispute arising during the programme's implementation period (Provide a contingency plan of managing any possible conflicts).

2. CONTRACT MANAGEMENT

- 2.1. The successful bidder will be expected to enter into a service level agreement (SLA) with the Department of Cooperative Governance. The National Treasury General Conditions of Contract (GCC) will form part of the SLA to be concluded between DCOG and the successful bidder.
- 2.2. The SLA will include project assignments that will address each of the project deliverables. The SLA may further establish a Project Steering Committee to manage, monitor and oversee the project such as:
 - Ensure that services are rendered timeously;
 - render a quality assurance function; and
 - ensure that the project remains within the allocated budget.
- 2.3. The SLA will include a detailed payment schedule. Payments will therefore only be approved and processed based on the achievement of deliverables as per the implementation plan and/or project plan and related performed project tasks.
- 2.4. If the parties (the Department and the appointed service provider) are unable to reach agreement on the special conditions of contract (SLA) after 14 calendar days of the date on which the bid award is communicated to the service provider, then the Department reserves the right to cancel the award to the service provider and to appoint another service provider.
- 2.5. Bidders should note that:
 - All information related to this bid, or information provided to the service provider after the award of this bid, must be treated as confidential and may not be disclosed in any way to third parties without the explicit written consent of DCOG.
 - All rights, title and ownership of any Intellectual Property developed by or for the Service Provider or DCOG independently and outside of execution/production of the Deliverables related to this bid and provided during this project (“Background IP”) shall remain the sole property of the party providing the Background IP.
 - To the extent that the Service Provider utilises any of its Background IP in connection with the Deliverables, such Background IP shall remain the property of the Service Provider and DCOG shall acquire no right or interest therein. Service Provider shall grant DCOG a non-exclusive, royalty-free, non-transferable licence to use such Background IP strictly for purposes of making beneficial use of the Deliverables into which such Background IP has been incorporated.
 - All Intellectual Property rights in Bespoke Deliverables are or will be vested in and owned by DCOG unless specifically agreed otherwise in writing. The Service Provider agrees that it shall not, under any circumstances, question or dispute the rights and ownership of DCOG in and to the Bespoke Deliverables. DCOG shall grant the Service Provider a non-exclusive, royalty free, non-transferable licence to use the Bespoke Deliverables to perform its obligations under this project.
 - The Service Provider may not publish or sell, in whole or in part, any Bespoke Deliverables emanating from this project without the explicit written consent of DCOG.
 - The Copyright of any Bespoke Deliverables shall vest in DCOG.

- 2.6. No amendments to the SLA or any variation, waiver, relaxation or suspension of any of the provisions thereof shall have any force or effect, unless reduced to writing and signed by both parties.

ANNEXURE A: BIDDER EXPERIENCE SUMMARY

Contracting party (Company/entity name)	Project title and description	Start date	End date	Budget

Above annexure must be fully completed and failure might lead to disqualification

Bidders must ensure that their proposals contain details of how the projects listed above are relevant to the objectives.

Bidders must attach reference letters and/or contactable references for projects listed above.

Bidders must not deviate from this table as prescribed above.

ANNEXURE B: PROJECT TEAM SUMMARY

Role	Surname, Name	Highest Qualification	Current Employer	Total Year of Experience	Total Year of Experience in similar projects
Executive Manager/ Team Leader					
Team member: Finance					
Team member: Development Planner					
Team member: Civil Engineering					
Any other supportive and administrative team member(s)					

Above annexure must be fully completed and failure might lead to disqualification

Attach detailed CV

Attach copies of qualifications for each person listed above,

Information obtained from the CSD report will be used to verify the criminal records and credit status of directors/owners of the supplier, where applicable.

Bidder must not deviate from this table as prescribed above.

ANNEXURE C: COST BREAKDOWN INFORMATION

Deliverables and time frames

The following table reflects the key project areas and timeframes which should be adhered to for purposes of undertaking the whole project:

Steps/ Stages	Milestones	Activities	Timeframes	Total costs for each step (Including VAT)
Step 1	Final Inception Report approved by team.	Inception Meeting: conduct a first meeting with the service provider and DCoG to discuss the submitted proposal and scope of the project.	October 2025	R
Step 2	Report and presentation	Project / Inception Report prepared.	October 2025	R
Step 3	Report and presentation	Provide analysis and advice on the effectiveness and appropriateness of the provisions of Chapter 3 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and Chapter 5 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), dealing with regulatory principles and provisions on powers and functions	October-November 2025	R
Step 4	Report and presentation	Provide analysis and advice on the effectiveness and appropriateness	November-December 2025	R

Steps/ Stages	Milestones	Activities	Timeframes	Total costs for each step (Including VAT)
		of the allocation of powers and functions as set out in Schedules 4 and 5 of the Constitution		
Step 5	Report and presentation	Analyse existing research studies and document all national legislation (regulatory framework) that distribute/assign/devolve/decentralise powers and functions to provincial and local governments spheres	October 2025-September 2027 (Ongoing)	R
Step 6	Report and presentation	Research on and test the efficacy and efficiency of the constitutionally allocated powers and functions; and those that have been decentralised/devolved/assigned/delegated to other spheres of government and within the two tiers of local government	January-March 2026	R
Step 7	Report and presentation	Research and analyse the adjustment of powers and functions between the district municipalities across the country	January-March 2026	R
Step 8	Report and presentation	Assess, analyse and provide data on which powers and functions are administered by each district and	April-June 2026	R

Steps/ Stages	Milestones	Activities	Timeframes	Total costs for each step (Including VAT)
		local municipalities across the country; and the efficacy and efficiency thereof		
Step 9	Report and presentation	Engage all relevant key stakeholders, including Financial and Fiscal Commission, South African Local Government Association, National Treasury, Municipal Demarcation Board, Cities Network, Contralesa, Auditor-General, Chartered Institute of Government Finance, Audit and Risk Officers, and selected few provincial governments, district and local municipalities	July-September 2026	R
Step 10	Report and presentation	Provide recommendations on allocation and devolution of powers and functions	October-December 2026	R
Step 11	Report and presentation	Analyse fiscal framework on allocation of funds and budget votes over a few financial years; and the allocation of the adjusted powers and functions between district and local municipalities and test their efficacy and efficiency	January-March 2027	R

Steps/ Stages	Milestones	Activities	Timeframes	Total costs for each step (Including VAT)
Step 12	Report and presentation	Consolidate a report on the efficacy and efficiency of the distributed powers and functions across the three spheres of government	April-June 2027	R
Step 13	Report and presentation	Development of a status report on the current configuration and distribution of powers and functions across the three spheres of government and between the two tiers of local government; and provide options and recommendations on the reconfiguration of powers and functions across the three spheres of government.	July-September 2027	R
Step 14	Reports/presentations	Participate/present in a departmental-led seminar/roundtable discussions with identified experts and governance practitioners	October 2025-September 2027	R
Total bid price				R

***The above annexure must be fully completed, and failure will lead to disqualification**

***The above timeframes may be amended upon award to the service provider.**

***Bidder must not deviate from this table as prescribed above.**