



THE KWAZULU NATAL LIQUOR AUTHORITY

BUSINESS UNIT: OFFICE OF THE CEO

KZNLA BOARD AND ITS COMMITTEES REVIEW

TERMS OF REFERENCE (TOR)

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1. Background Overview

The KwaZulu Natal Liquor Authority (Herein after referred to as KZNLA) was established on 01 August 2012, with a legislative mandate to control and regulate the retail sale and micro manufacture of liquor in the province of KwaZulu-Natal. The liquor regulatory function in the past resided directly with the Department of Economic Development and Tourism. However, all matters pertaining to liquor policy and legislation still remain with the Department whilst the Liquor Authority is the implementing Agency.

The mandate of the KwaZulu Natal Liquor Authority is to ensure that the objectives of the KZN Licensing Act are accomplished. The KZN Liquor Licensing Act lists the following as objectives:

- To provide for the regulation of the micro-manufacturing and retail sale of liquor;
- To reduce the socio-economic and other costs of alcohol abuse;
- To provide for public participation in the consideration of applicants for registration; and
- To promote the development of a responsible and sustainable retail and micro-manufacturing liquor industry in a manner that facilitates:
 - The entry of new participants into the industry;
 - Diversity of ownership in the industry; and
 - An ethos of social responsibility in the industry

The entity requires the services of a service provider with understanding of the Corporate Governance and Companies Act to conduct a Board and Board Committees Assessments. The KZNLA consists of the following Board Committees:

- i. Audit and Risk Committee
- ii. Board Adjudication Committee
- iii. Social and Ethics Committee
- iv. HR and Remuneration Committee
- v. Finance Committee

2. Scope of the Board and Board Committee Evaluation

The service provider is expected to provide the requested service including but not limited to the following unit standard:

- i. Undertake a formal review of the Board's performance and that of its Committees
- ii. Assess the performance of each Board member to ensure they adequately fulfill their role and mandate of the entity
- iii. Assess the effectiveness of each Committee
- iv. Document findings, analysis and make recommendations to improve the effectiveness and efficiency of the work of the Board and Board Committees into the final report
- v. Review current terms of reference of each committee
- vi. Board decisions mandating actions to a committee
- vii. The Secretariat's liaison for each committee
- viii. Make use of the KZN Department of Economic Development, Tourism and Environmental Affairs Board Assessment Framework to conclude the project

3. Projected Deliverables

Project should be concluded in two months

4. Reporting

- An inception Report – The consultant must produce an Inception Report (7days) after the contract is signed. The report must provide a clear picture of how the consultant understands the Terms of Reference and intends to achieve the expected tasks. The report should include a work plan with timelines for all the tasks that the consultant will undertake during the assignment.
- In addition, work outputs should be shared on a weekly basis to ensure alignment between the TORs and the actual work completed

5. Implementation Arrangements

The consultant will work closely with the Board`s Chairperson and Chairpersons of Board Committees.

6. Required skills and Experience

- i. The Consultant will have the demonstrated capability of developing performance evaluation instruments particularly for Boards in Public Entities.
- ii. The Consultant will be required to provide evidence of successfully completed similar work and have the following minimum qualifications:
- iii. Graduate Degree in Governance, Strategic Human Resource Management, MBA with working knowledge of Performance Management Systems.
- iv. A minimum of five years' experience working in the area of Performance Management Systems with at least two major projects of similar scope successfully implemented within the last five years
- v. Experience in analysing and developing Performance Evaluation Instruments for Board of Directors particularly in Public Entities the past five

7.EVALUATION CRITERIA

Bid for the appointment of the Service Provider will be evaluated on price, functionality and BBBEE preferential points in accordance with the Supply Chain Management Procurement policies, the Treasury Regulations, the Preferential Procurement Policy Framework Act 5 of 2000 and the B-BBEE Act and with its regulations amendments.

Name of project: TERMS OF REFERENCE FOR A BOARD ASSESSMENT	Weight	Maximum Score	Final Assessment
FIRM PROFILE		20	
Profile of matters handled in the last 12 months.			
Team Profile			
CV of Project leader Requirements Graduate Degree in Governance or Management, Monitoring & Evaluation, or MBA with working knowledge of Performance Management Systems. A minimum of five years' experience working in the area of Performance Management Systems with at least two major projects of similar scope successfully implemented within the last five years		15	
CV of Project Support Team		15	
Turnaround Time			
3 months		10	
The Consultant will have the demonstrated capability of developing performance evaluation instruments particularly for Boards in Public Entities. The Consultant will be required to provide evidence of successfully completed similar work (reference letters)		15	
Demonstration of experience in the Public sector (Public Entities)		10	
Total		100%	