



cooperative  
governance

Department:  
Cooperative Governance  
REPUBLIC OF SOUTH AFRICA

TERMS OF REFERENCE



<b>Tender Ref #:</b>	COGTA (T)23/2022	<b>Tender Description:</b>	Appointment of suitable service providers or Implementing Agents to support the implementation of the Community Work Programme (CWP) for a period of Six (06) months.
----------------------	---------------------	----------------------------	---

**PART A – BID DETAILS**

- The Department of Cooperative Governance (hereunder referred to as the Department or DCOG) invites qualifying bidders for appointment as service providers or Implementing Agents (IAs) of the Community Work Programme (CWP) for a period of six (06) months.
- Closing Date:** The bid closing date and time are indicated in the tender advertisement and bid documents. **Bids received after the closing date and time will not be accepted. It is the responsibility of the bidder to ensure that the bid is submitted on time. The department will not be liable should there be instances of disruption during the closing day and time.**
- Briefing Session:** The briefing session date and time are indicated in the tender advertisement and bid documents. The briefing session is not compulsory. The Department cannot physically accommodate the expected number of bidders and the briefing will therefore be conducted online. Interested bidders must contact the SCM officials indicated below for the MS Teams link.
- Contact information:** Prospective bidders **may not under any circumstances** make contact with or engage any DCOG officials other than the officials indicated below on any matter related to this tender. Enquiries must be directed to all the officials below. Enquiries sent to the DCOG officials below will be routed to the relevant employees and responses will be coordinated and provided by the officials indicated below.

ENQUIRIES		
<b>Name:</b>	Ms. Nomvula Ntuli	Mr. Siviwe Ndaliso
<b>e-mail:</b>	<a href="mailto:t23.2023@cogta.gov.za">t23.2023@cogta.gov.za</a>	

**The Department reserves the right to disqualify any bidder that makes contact with or directly engages any other DCOG employee on matters / enquiries / questions related to this tender.**

- Project duration:** Successful bidders will be appointed for a period of six (06) months. The Department reserves the right, at its sole discretion, to reduce the contract period for one or more provinces by giving the appointed Implementing Agent at least one (01) calendar months' notice.

## 6. Bid / Proposal format

**Package 1:** The following must be submitted **once, regardless of the number of provinces bidding for:**

- a) Check List signed by the bidder.
- b) **Bidder Experience (Annexure A).** Must complete attached summary sheet and provide reference letters with contact details of referees.
- c) SBDs 1, 3.3, 4, 6.1 and all other required SCM documents.
- d) National Treasury Central Suppliers Database (CSD) report, not older than 30 days ([www.csd.gov.za](http://www.csd.gov.za)).
- e) Valid B-BBEE certificate issued by a SANAS accredited verification agency or sworn affidavit. Consortia or joint ventures must take note of the relevant sections of SBD 6.1 regarding requirements for B-BEEE certificates.
- f) Valid proof of registration with UIF from the Department of Employment and Labour.
- g) Valid proof of registration with COID (a letter of good standing from the Department of Employment and Labour).
- h) Audited annual financial statements for the two immediate prior financial years and an audit report expressing audit opinion from an audit firm registered with Independent Regulatory Board for Auditors (IRBA) (a review report will not be accepted).
- i) Approved assets management policy.
- j) Approved procurement policy.
- k) **Proposed project team (Annexure B).** Must complete attached summary sheet and provide detailed CVs that clearly indicate experience and qualifications. Where a project team member occupies two roles, the CV (qualifications and experience) must make reference to the relevant positions or roles.
- l) **Pricing information (Annexure C).** Price proposals must include 15% VAT and must be fully inclusive to deliver all services and outputs indicated in the terms of reference (must use attached Excel template).
- m) A detailed **proposal and project execution** plan covering all provinces bidding for. The proposal and project execution plan must contain all the information required to evaluate the bid against the requirements stipulated in these terms of reference.
- n) A signed Joint Venture/Consortium agreement, where applicable (Special conditions paragraph 9).

### PART B – DETAILED REQUIREMENTS

The current CWP Implementation Policy effective from 1 October 2021 distributed as part of the bid documents and contain the detailed deliverables required of CWP Implementing Agents. Prospective bidders are required to carefully study the CWP Implementation Policy and submit proposals that address all deliverables in the Policy. Successful bidders will be required to fully comply with all legislation, regulations, policies and prescripts and must be able to perform all the functions indicated in the CWP Implementation Policy.

The Department reserves the right to amend the CWP Implementation Policy at any time. Where such amendments have a material impact on bid or contract conditions, the Department will, at its sole discretion, amend contracts or advertise a new tender to appoint IAs.

Bidders must note Part E – Contract management and special conditions, in particular par 2.6 related to consortia / joint ventures. **Bidders that submit more than one bid, either individually or as part of a consortium / joint venture will be eliminated. Both individual bids will be eliminated and in case of the consortium/joint venture, both the consortium or joint venture and individual bid will be eliminated.**

### PART C – ADMINISTRATIVE AND FUNCTIONAL REQUIREMENTS

## 1. ADMINISTRATIVE REQUIREMENTS

SCM ADMINISTRATIVE COMPLIANCE CHECKLIST		
#	Criteria	Yes / No
1.1	Checklist	
1.2	Bidder is registered on the National Treasury Central Suppliers Database (CSD) on or before bid closing date.	
1.3	Bidder is Tax Compliant (as indicated on CSD) <sup>1</sup> or verified through SARS <sup>1</sup>	
1.4	Bidder is registered for Value Added Tax (VAT), compliant and registration certificate is attached	
1.5	Bidder has a valid B-BBEE certificate issued by a SANAS accredited verification agency or a sworn affidavit.	
1.6	Supplier completed all SBD Forms (SBD 1, 3.3, 4, 6.1).	
1.7	Bidder is registered as <b>Non-Government Organization (NGO) or Non-Profit Organization (NPO) or Non-Profit Company (NPC) or Community Based Organization (CBO)</b> with the relevant authority (Department of Social Development) (proof of registration certificate must be attached)	
1.8	Valid proof of registration with COID (a letter of good standing from the Department of Labour).	
1.9	Confirmation of UIF registration from the Department of Employment and Labour	
1.10	A valid bank account (as indicated on CSD) with a South African registered bank.	
1.11	A signed Joint Venture/Consortium agreement, where applicable (Special conditions paragraph 9)	

*Note 1: Bidders that are not tax compliant on the closing date for bids or at any time subsequent to the closing date, must rectify their tax compliance status within 7 working days of being requested to do so. Bidders that remain tax non-compliant after 7 working days of being requested to rectify their tax status, will be disqualified.*

### 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.

Where exceptions are allowed in terms of the applicable legislation, the bidder must attach an approved and valid Remunerative Work Outside of the Public Service (RWOPS). This clause does not apply to bidders that are government departments/entities.

The Department reserves the right to use the information provided by bidders to engage banks, credit rating agencies and the relevant government institutions to obtain information on credit records, criminal records, pending court cases, etc. Suppliers that show a history of poor financial/credit management and/or criminal

behaviour will not be considered. The same will apply to the key team members (Executive Manager / Team Leader, Senior Project manager, Finance Manager / CFO) as well as all directors / owners.

The Department reserves the right to apply the following criteria only to shortlisted / recommended bidders. Bidders must meet all four criteria below:

SCM ADMINISTRATIVE COMPLIANCE CHECKLIST		
#	Criteria	Yes / No
1.12	Team members, Director(s)/Owner(s) have not been convicted on charges related to fraud, corruption or violent/abusive behaviour.	
1.13	Bidder and team members, Director(s)/Owner(s) do not have a history of poor financial / credit management.	
1.14	No team members, Director(s)/Owner(s) in the service of the state, or approved RWOPS attached were in the service of the state. This clause does not apply to bidders that are government departments/entities.	
1.16	SBD forms or subsequent enquiries did not reveal any information or past practices that prohibits the supplier and/or director from conducting business with the state.	

## 2. MANDATORY REQUIREMENT

•

MANDATORY REQUIREMENTS		
Criteria		Yes / No
2.1	Approved (signed) assets management policy submitted.	
2.2	Approved (signed) procurement policy submitted.	
2.3	Summary of supplier experience submitted (Annexure A).	
2.4	Summary of project team submitted (Annexure B).	
2.5	Price proposal submitted (Annexure C – must use Excel template) <sup>1</sup>	
2.6	Proposal and project execution plan submitted	
2.7	Audited annual financial statements for the two immediate prior financial years and an audit report from a registered audit firm with Independent Regulatory Board of Auditors (IRBA) expressing an audit opinion (Review Report will not be accepted)	

**NB: FAILURE TO SUBMIT THE ABOVE LISTED DOCUMENTS WILL RENDER YOUR BID NON-RESPONSIVE AND WILL BE DISQUALIFIED.**

*Note 1: **Bidders must use Excel spreadsheet attached.** Costing sheets completed by hand (in writing) or where formulas in the costing sheet were tampered with will not be accepted.*

### 3. SPECIFIC GOALS

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 (90/10 system) (To be completed by the tenderer)
BEE Compliance Based on Section 10 of the BBEE Act (Act 53 of 2003 as amended by Act 46 of 2013)	4	8		
	Level 1-2 = 4 pts Level 3-4 = 3 pts Level 5-6 = 2 pts Level 7-8 = 1 pt Non-compliant contributor= 0	Level 1= 8 pts Level 2 = 7 pts Level 3=6 pts Level 4= 5 pts Level 5= 4 pts Level 6= 3 pts Level 7= 2 pts Level 8= 1 pt Non-compliant contributor= 0		
Black ownership (51% or more)	2	4		
Women ownership (51% or more)	2	4		
Youth	1	3		
Disability	1	1		

### 4. FUNCTIONAL CRITERIA

#### 4.1. Definition of similar project:

Given the scope and size of the Community Work Programme (CWP) it is essential for prospective bidders to provide evidence of having managed at least one project of a similar scope and size in the past. The scope and size of the CWP per province can be measured against the breakdown of the 2023/24 annual budget per province provided in 4.5.2 below. A “similar” project in the context of the CWP refers to a project that required or involved all of the following:

- Engaging and working with local communities and/or community-based organisations.
- Managing large groups of stakeholders and/or beneficiaries (10,000 or more).
- A total project budget of at least R20,000,000.00 (total budget irrespective of the duration of the project).
- Managing of people, assets and inventory.

## 4.2. Bidder experience

- 4.2.1. For the purposes of evaluation, the term “Bidder” shall refer to the Bidder as well as consortium of partners (if any). The terms “Bidder”, “Supplier” and “Service Provider” are used interchangeably and has the same meaning for the purposes of this bid.
- 4.2.2. Bidders must have proven ability and experience of managing / implementing at least one similar project (as defined under 4.1 above). The attached Bidder experience summary sheet (**Annexure A**) must be completed. Bidders are required to attach reference letters with contactable references for all projects listed in the summary sheet. The project proposal must contain detailed information related to previous projects to enable the Bid Evaluation Committee (BEC) to evaluate bids against the criteria indicated in these Terms of Reference. DCOG reserves the right to verify experience and to contact references provided, as well as any other third party that could verify the experience and performance of bidders.
- 4.2.3. The past performance of bidders in executing similar projects will be evaluated using the references supplied by bidders as well as any other information available to the Department. Below satisfactory performance on a particular project may only be considered if such performance was communicated to the bidder by the contracting party and the bidder was given a reasonable opportunity to correct any deficiencies highlighted by the contracting party. The Department reserves the right to reject a bid if the bidder failed to perform satisfactorily on similar projects or if inaccurate information is provided in relation to previous projects.
- 4.2.4. Local footprint: Bidders must show evidence of its ability to service the chosen areas of operation (Provinces bidding for). Details of established offices in the province and/or a proposal/implementation model that would enable the bidder to successfully engage communities, local and provincial government across the province. This requirement will not be considered during the bid evaluation process but will be considered during the contracting process with successful bidders.
- 4.2.5. Bidders must propose team members and must have policies and systems in place to ensure that assets and procurement processes are managed in manner that is compliant with the relevant legislation, regulations, instructions and policies. The following criteria will be considered:
- Approved procurement policy (policy signed by the board or similar governing structure / authority). The policy must demonstrate the bidder’s ability to conduct procurement in full compliance with the Public Finance Management Act, Treasury Regulations, Preferential Procurement Policy Framework Act and Regulations, relevant National Treasury Instructions and DCOG policies.
  - Approved assets management policy (policy signed by the board or similar governing structure / authority) demonstrating the bidder’s ability to manage and safeguard departmental assets. The policy must demonstrate the bidder’s ability to manage assets in full compliance with the Public Finance Management Act, Treasury Regulations, Preferential Procurement Policy Framework Act and Regulations, relevant National Treasury Instructions and DCOG policies.
- 4.2.6. Audited financial statements submitted by the bidder will be used to determine the bidder’s record in financial, assets and procurement management (bidders financial health). Bidders that are unable to demonstrate a history of sound cash-flow, financial, assets and procurement management will not be considered (bidder to obtain unqualified audit opinion and must be a going concern).

## 4.3. Team composition

- 4.3.1. The attached summary sheet (**Annexure B**) must be completed for key members of the team responsible for overall implementation and management of the project (regardless of the number of provinces bidding for). Key team members indicated in the proposal must be available for the duration of the project and

must play a meaningful role in the project. Replacement of team members may only be done in consultation with DCOG, and replacement of team members must have the same qualifications / experience as those they are replacing.

4.3.2. The following must be submitted for each of the proposed key team members:

- a) Written confirmation of availability (signed by the proposed team member) for the expected duration of the project.
- b) Detailed CV indicating qualifications, previous experience as well as letters of reference for previous employers (references must be contactable). The attached CV template must be used (Annexure D).
- c) All certified copies of qualifications.

4.3.3. DCOG reserves the right to verify all qualifications through the South African Qualifications Authority and to verify experience indicated on CVs with third parties.

4.3.4. Team members must demonstrate adequate experience through the number, types and geographical spread of projects/assignments undertaken. Detailed CVs that clearly indicate experience and qualifications of all team members must be included in the proposal. Service provider must have knowledge of the Public Finance Management Act (PFMA) and all procurement must be aligned with the Public Sector legislation and the departmental policy.

<b>Roles</b>	<b>Qualifications</b>	<b>Experience</b>
Executive Manager / Team Leader	<b>Minimum:</b> Any 3-year tertiary qualification.	<b>Minimum:</b> Has worked as part of a team on at least two similar projects and was the lead on at least one such project.
Finance Manager / CFO	<b>Minimum:</b> 3-year Tertiary qualification in accounting or with accounting as a subject at third year level.	<b>Minimum:</b> At least 5 years work experience as a Finance Manager / CFO or Senior Accountant. Must demonstrate experience in working with or at PFMA compliant institutions or projects.
Procurement Manager	<b>Minimum:</b> 3-year relevant tertiary qualification in finance or Supply Chain Management.	<b>Minimum:</b> At least 5 years work experience in procurement in a PFMA compliant institution or projects.
Assets Manager	<b>Minimum:</b> 3-year relevant tertiary qualification in finance or asset management.	<b>Minimum:</b> At least 5 years work experience in assets management in a PFMA compliant institution or projects.
Other team members	None	Minimum: At least <b>three (3)</b> team members with experience in implementing similar projects.

#### 4.4. Project proposal / execution plan

4.4.1. The bid proposal submitted by the bidder must include a detailed project execution plan. The bid proposal and project execution plan must address all the deliverables and requirements indicated in the CWP Implementation Policy. The following key indicators will be evaluated:

- Overall alignment of the proposal and project execution plan to the objectives and requirements of the Department.
- Compiling and implementation of relevant site plans.

- Engaging local communities, provincial and local authorities, and reference committees.
- Registration of participants.
- Supervision of participants.
- Financial Management.
- Assets management.

4.4.2. The proposal and project execution plan should further outline how the bidder will utilise the CWP to address social challenges and support economic upliftment relevant to the particular province, including but not limited to:

- Creating meaningful work and training opportunities – opportunities which will promote self-reliance amongst participants and a developmental agenda within communities.
- Aligning useful work to municipal developmental plans / DDM 1-Plans.
- Prioritise unemployed youth, women and people with disabilities.
- Focused and relevant training.
- Adopting exit strategies that introduce business models for CWP participants.
- Enhance and adopt technology.

#### 4.5. Costing Methodology

4.5.1. The total budget allocated to the CWP programme per financial year (1 April to 31 March) will be determined by the Department in consultation with National Treasury. The budget information provided in the tables below is provided to guide bidders in determining the size and scope of the project. **The actual total budget and budget per province will differ:**

4.5.2. The breakdown of the provisional 2023/24 annual budget per province (six months) is as follows (Excluding Agrarian programme):

Provisional Budget Per Province / year	Target Participants	A: Participant wages (Excl. COID / UIF)	B: Goods / Services / Equipment	TOTAL	IA % Project Management fee	Bidder Quoted PM Fee (Incl. 15% VAT)
Eastern Cape	47 000	591 155 025	72 231 000	663 386 025	0,0%	-
Free State	24 800	311 103 288	38 008 500	349 111 788	0,0%	-
Gauteng	22 600	287 723 738	35 158 500	322 882 238	0,0%	-
KwaZulu-Natal	45 000	601 972 025	73 527 000	675 499 025	0,0%	-
Limpopo	29 000	379 024 563	46 309 500	425 334 063	0,0%	-
Mpumalanga	26 900	349 869 375	42 753 000	392 622 375	0,0%	-
North West	21 200	273 947 913	33 463 500	307 411 413	0,0%	-
Northern Cape	21 000	239 876 938	29 278 500	269 155 438	0,0%	-
Western Cape	17 500	204 642 450	24 966 000	229 608 450	0,0%	-
<b>TOTAL</b>	<b>255 000</b>	<b>3 239 315 315</b>	<b>395 695 500</b>	<b>3 635 010 815</b>		-

4.5.3. Bidders should note that:

- **The Department may consider appointing experienced government departments in specific provinces. The Department reserves the right not to award this bid for such provinces.**

- **The Department reserves the right to appoint any other service provider to implement Agrarian Programme.**

4.5.4. Project management fees shall be utilised by the implementing agents/implementing partners for all overheads and operational expenses related to the implementation of the CWP as specified in the CWP Implementation Policy. The project management fee must be **sufficient to cover all overheads and all operational expenses, including Site Management Staff (Provincial Manager, District Managers, Site Managers, Site Administrators, Technical Officers, MIS Administrators, Asset Managers, Occupational & Safety Officers and any other position to assist in the administration of the project) and site operational costs, site operational tools and stationery, audit fees, rental of site offices, insurances etc** to be incurred by the service provider in the provision of the services as stipulated in the CWP Implementation Policy. Ensure adequate alternative office space for site management where necessary. No additional costs / disbursements will be considered by the Department.

4.5.5. Bidders are required to submit a detailed costing methodology to enable the Department to assess the Bidder's ability to successfully manage the project. **The costing must distinguish between compensation of employees (stating the positions) and other operational costs.**

4.5.6. If a service provider is at any stage unable to meet its operating / running cost from the Project Management Fee, the Department reserves the right to cancel the contract and to allocate the affected site(s) to another service provider.

4.5.7. The project management fee is based on a fixed rand amount per participant (variable component) and a fixed rand amount per site (fixed component). **The total variable cost component must constitute at least 20% of the total PM Fee.**

4.5.8. The project management fees (PM Fees) due by the Department to the implementing agents/implementing partners will be calculated as follows:

- **Variable Component (VC) Wage Component:** Actual number of eligible participants paid (regardless of number of days worked) during the particular month (number of unique and valid identity numbers that worked at least one day during the month) multiplied by the variable cost amount indicated in the SLA. Ineligible participants are excluded from this calculation.
- **Variable Component (VC) Non-Wage Component:** Actual expenditure incurred on procurement of goods and services multiplied by the variable cost amount indicated in the SLA. Irregular expenditure is excluded from this calculation.
- **PM Fee Due (PMD) = VC (WC)+ VC (NWC)** for the financial year or contract period if less than a year.
- **PM Fee Payable (PMP) = PM Fee due (PMD) less 5% retention fee.** Retention Fee is payable at the end of the contract.

4.5.9. The monthly amount to be paid to IAs/IPs will be calculated as follows: PM Fee Payable (PMP) for the entire contracting period less PM Fees already paid during the contracting period.

4.5.10. **The bid amount to be used for the purposes of the PPPFA Evaluation will be the total PM Fee cost per province**, based on the provincial budget, number of sites and number of participants as indicated in Annexure C (Excel). This provisional budget is provided for the purposes of equitable bid price comparison only – The actual budget allocated per site / province will be determined by the Department during the contracting process.

4.5.11. All prices must be inclusive of 15% VAT (if VAT registered) and must include all costs to fully execute all deliverables indicated in this ToR and the CWP Implementation Policy.

## PART D – BID EVALUATION PROCESS

5. **General principle:** In cases where bidders submitted insufficient evidence or where evidence is ambiguous, bidders may be requested to provide additional evidence and may be re-scored based on this information. Additional information submitted may only be used as evidence to substantiate what is already contained in the proposal. **The costing and content of proposals may not be amended under any circumstances.**

- **ADMINISTRATIVE EVALUATION**

Only bids that comply with all mandatory administrative requirements (See Part C-1) and that submitted all required bid documents (**acceptable bids**) will be considered during the functional evaluation phase. Only acceptable bids will therefore be scored by the Bid Evaluation Committee against the functional criteria indicated below.

- **FUNCTIONAL EVALUATION**

### 5.1 Functional Evaluation Stage 1: Bidder experience, policies and financial statements

The Bid Evaluation Committee (BEC) will evaluate all acceptable bids based on the proposals (including supporting documents) and bid documents submitted. Only Bidders that meet all five (5) of the criteria below (deemed to meet each criterion by at least 51% of BEC members) will proceed to functional evaluation stage 2. Bidders that did not meet these requirements will be eliminated.

Functional Evaluation Criteria Stage 1		Yes / No
1.1	The bidder has <b>experience</b> in implementing at least one similar project. The bidder provided evidence of meeting of all the following three (3) criteria: (4.2.2) a) Engaging and working with local communities and/or community-based organisations and/or local government b) Managing large groups of stakeholders and/or beneficiaries (10,000 or more). c) Managing of people, assets and inventory	
1.2	The bidder has <b>experience</b> in implementing at least one similar project (See 4.1 and 4.2.2). The bidder provided evidence of having managed a similar project with a total project budget of at least R20,000,000.00 (total budget irrespective of the duration of the project).	
1.3	The bidder has an approved <b>assets management policy</b> (policy signed by the board or similar governing structure / authority or accounting officer) demonstrating the bidder's ability to manage and safeguard departmental assets in full compliance with applicable legislation, regulations, and policies. (See par 4.2.5). ( <b>bidders to submit their approved asset management policy</b> )	

Functional Evaluation Criteria Stage 1		Yes / No
1.4	The bidder has an approved <b>procurement policy</b> (policy signed by the board or similar governing structure / authority or accounting officer) demonstrating the bidder's ability to conduct procurement in full compliance with the Public Finance Management Act, Treasury Regulations, Preferential Procurement Policy Framework Act and Regulations, relevant National Treasury Instructions and the DCOG procurement policy. (See par 4.2.5).	
1.5	The audited annual <b>financial statements</b> submitted do not indicate any material deficiencies related to financial or assets management and must have obtained an unqualified audit opinion and is a going concern. (See par 4.2.6). (Review Report will not be accepted)	

## 5.2 Functional Evaluation Stage 2: Team composition

The BEC will evaluate acceptable bids that met the minimum requirements during functional evaluation stage 1 based on the proposals and bid documents submitted. The overall score will be expressed as a percentage (Total score obtained divided by the maximum possible score (20), then multiplied by 100). The overall score obtained by a bidder will be the average of overall scores awarded by BEC Panel Members. Only Bidders that received **an overall score of at least 70%** will proceed to functional evaluation stage 3. All criteria carry equal weight.

Each Bid Evaluation Committee (BEC) member will evaluate acceptable bids based on the proposals and bid documents submitted. The following scoring system will be applied to the evaluation of all functional criteria:

Scoring system
0– Does not comply with the requirements.
1 – Compliance with 1 requirement.
2 –compliance with 2 requirements.
3 –compliance with 3 requirements.
4 – Exceeds requirements (where applicable).

2.1	<b>Executive Manager / Team Leader</b> provided evidence of (See Part C, par 4.3.4) The BEC will only consider team members where all required information was submitted (CV, copies of qualifications and written confirmation of availability for this project).	<b>Weight</b>	<b>5</b>
<b>Evaluation</b>			<b>Score</b>
0 = The Executive Manager/team leader meets neither the qualification nor the experience requirements.			0
1 = The Executive Manager/team leader has a 3-year tertiary qualification but does not meet the experience requirement.			1
2 = The Executive Manager/team leader has 3-year tertiary qualification and was the lead on one similar project.			2

	3 = The Executive Manager/team leader has 3-year tertiary qualification and was the lead on two similar projects.		3
	4 = The Executive Manager/team leader has 3-year tertiary qualification and was the lead on more than two similar project.		4
<b>2.2</b>	<p><b>Finance Manager / CFO</b> provided evidence of (See Part C, par 4.3.4) The BEC will only consider team members where all required information was submitted (CV, copies of qualifications and written confirmation of availability for this project)</p> <ul style="list-style-type: none"> <li>• a 3-year Tertiary qualification in accounting or with accounting as a subject at third year level.</li> <li>• at least 5 years work experience as a Finance Manager / CFO or Senior Accountant position.</li> <li>• experience in working with or at PFMA compliant institutions or projects.</li> <li>• Has worked on a similar project.</li> </ul>	<b>Weight</b>	<b>5</b>
<b>Evaluation</b>			<b>Score</b>
	0 = The Finance Manager / CFO meets none of the requirements above		0
	1 = The Finance Manager / CFO meets one (1) of the requirements above		1
	2 = The Finance Manager / CFO meets two (2) of the requirements above.		2
	3 = The Finance Manager / CFO meets three (3) of the requirements above.		3
	4 = The Finance Manager / CFO meets all four (4) of the requirements above		4
<b>2.3</b>	<p><b>Assets Manager</b> provided evidence of (See Part C, par 4.3.4) The BEC will only consider team members where all required information was submitted (CV, copies of qualifications and written confirmation of availability for this project).</p> <ul style="list-style-type: none"> <li>• a relevant 3-year tertiary qualification in finance or asset management.</li> <li>• at least 5 years work experience in assets management</li> <li>• experience in working with or at PFMA compliant institutions or projects.</li> <li>• Has worked on a similar project.</li> </ul>	<b>Weight</b>	<b>5</b>
<b>Evaluation</b>			<b>Score</b>
	0 = The Assets Manager meets none of the requirements above.		0
	1 = The Assets Manager meets one (1) of the requirements above		1
	2 = The Assets Manager meets two (2) of the requirements above.		2
	3 = The Assets Manager meets three (3) of the requirements above.		3
	4 = The Assets Manager meets all four (4) of the requirements above.		4

<b>2.4</b>	<b>Procurement Manager</b> provided evidence of (See Part C, par 4.3.4) The BEC will only consider team members where all required information was submitted (CV, copies of qualifications and written confirmation of availability for this project)	<b>Weight</b>	<b>5</b>
	<ul style="list-style-type: none"> <li>• a relevant 3-year tertiary qualification in finance.</li> <li>• at least 5 years work experience in procurement</li> <li>• experience in working with or at PFMA compliant institutions or projects.</li> </ul>		
<b>Evaluation</b>			<b>Score</b>
<b>0</b> = The Procurement Manager meets none of the requirements above.			<b>0</b>
1 = The Procurement Manager meets one (1) of the requirements above.			1
2 = The Procurement Manager meets two (2) of the requirements above.			2
3 = The Procurement Manager meets three (3) of the requirements above.			3
4 = The Procurement Manager meets three (3) of the requirements above and has worked on a similar project.			4
<b>2.5</b>	<b>Other team members</b> provided evidence of (See Part C, par 4.3.4) The BEC will only consider team members where all required information was submitted (CV, copies of qualifications and written confirmation of availability for this project)	<b>Weight</b>	<b>5</b>
<b>Evaluation</b>			<b>Score</b>
<b>0</b> = No other team members with experience in implementing similar projects.			<b>0</b>
1 = One team members with experience in implementing similar projects.			1
2 = Two team members with experience in implementing similar projects.			2
3 = Three team members with experience in implementing similar projects.			3
4 = Four or more other team members with experience in implementing similar projects.			4

Bidders may propose one person that performs up to two functions indicated under 2.2, 2.4 and 2.5 above. The Executive Manager can perform a role of a team leader but must not perform any other roles. There must be a dedicated Asset Manager who must not perform any other role except that of an Asset Manager.

**STAGE 2 SCORING SUMMARY**

Criterion	Weight	Score	Weighted score	Maximum possible score
2.1	5		4	20
2.2	5		4	20
2.3	5		4	20

2.4	5		4	20
2.5	5		4	20
<b>TOTAL</b>		-		<b>100</b>
<b>Overall Score (Total Weighted Score / 100)</b>			%	--
<b>Minimum qualifying overall score</b>			<b>70%</b>	

### 5.3 Functional Evaluation Stage 3: Proposal, project plan and costing methodology

The BEC will evaluate acceptable bids that met the minimum requirements during functional evaluation stage 1 and 2 based on the proposals and bid documents submitted. The overall score will be expressed as a percentage (Total score divided by the maximum possible score, then multiplied by 100). The overall score obtained by a bidder will be the average of total scores awarded by BEC Panel Members. Only Bidders that received **an overall score of at least 70%** will proceed to the Price Evaluation Stage.

All criteria carry equal weight. The following scoring system will be applied to the evaluation of all functional criteria:

Scoring system Guide			
0– Does not comply with the requirements.			
1 – Compliance with 1 requirements.			
2 –compliance with 2 requirements.			
3 –compliance with 3 requirements.			
4 – Exceeds requirements (where applicable).			
Functional Evaluation Criteria Stage 3			
<b>3.1</b>	<p><b>The proposal and project execution plan should outline how the service provider will utilise the CWP to address social challenges and support economic upliftment relevant to the particular province, including but not limited to:</b></p> <ul style="list-style-type: none"> <li>• Creating meaningful work and training opportunities – opportunities which will promote self-reliance amongst participants and a developmental agenda within communities.</li> <li>• Aligning useful work to municipal developmental plans / DDM 1-Plans.</li> <li>• Focus on prioritised unemployed youth, women and people with disabilities.</li> <li>• Focused and relevant training.</li> <li>• Adopting exit strategies that introduce business models for CWP participants.</li> <li>• Enhance and adopt technology.</li> </ul>	<b>Weight</b>	<b>10</b>
Description			Score
<b>0 = Addresses less than three (3) of the elements listed above</b>			<b>0</b>
1 = Adequately addresses three (3) of the elements listed above.			1
2 = Adequately addresses four (4) of the elements listed above.			2

3 = Adequately addresses five (5) or six (6) of the elements listed above		3
4 = Adequately addresses all six (6) elements listed above. In addition, the proposal contains innovative ideas that will significantly enhance the impact of the programme.		4
3.2	<p><b>The proposal and project execution plan should indicate how the service provider will engage multiple stakeholders in the implementation of the CWP. Stakeholders include but is not limited to:</b></p> <ul style="list-style-type: none"> <li>• Local Reference committees (LRC) or similar structures.</li> <li>• Provincial CoGTAs.</li> <li>• Local and district Municipalities / Metros.</li> <li>• Local Communities and CBOs.</li> <li>• Sector government departments.</li> </ul>	Weight 10
<b>Description</b>		<b>Score</b>
0 = Addresses none of the elements listed above		0
1 = Adequately addresses one (1) of the elements listed above.		1
2 = Adequately addresses two (2) or three (3) of the elements listed above.		2
3 = Adequately addresses four (4) or five (5) of the elements listed above.		3
4 = Adequately addresses all five elements listed above. In addition, the proposal contains innovative ideas that will significantly enhance the impact of the programme.		4
3.3	<p><b>The proposal and project execution plan should indicate how the service provider will:</b></p> <ul style="list-style-type: none"> <li>• Manage participants.</li> <li>• Manage CWP Asset.</li> <li>• Manage participants documents (ID, contract, verification form, registration form, skills audit, proof of account, bank statement and timesheets)</li> </ul>	Weight 5
<b>Description</b>		<b>Score</b>
0 = Addresses none of the elements listed above.		0
1 = Adequately addresses one (1) of the elements listed above.		1
2 = Adequately addresses two (2) of the elements listed above.		2
3 = Adequately addresses three (3) of the elements listed above.		3
4 = Adequately addresses all the elements listed above. In addition, the proposal contains innovative ideas that will significantly enhance the impact of the programme.		4

### STAGE 3 SCORING SUMMARY

Criterion	Weight	Score	Weighted score	Maximum possible score
3.1	10		4	40
3.2	10		4	40
3.3	5		4	20
<b>TOTAL</b>		-		<b>100</b>
<b>Overall Score (Total Weighted Score / 100)</b>			<b>%</b>	<b>--</b>
<b>Minimum qualifying overall score</b>			<b>70%</b>	

## 6. PRICE EVALUATION

Only bids that met all administrative requirements and the minimum functional requirements for all three functional evaluation stages will be evaluated in terms of the provisions of the Preferential Procurement Framework Act and related regulations – see attached bid documents. The price and BBEE evaluation (see SBD 6.1) **will be conducted separately for each province.**

## 7. AWARD

7.1. The bidder with the highest score (price points, B-BBEE contribution level points and specific goals) for a province will be the recommended bidder for the particular province.

## PART E – CONTRACT MANAGEMENT AND SPECIAL CONDITIONS

## 8. CONTRACT MANAGEMENT

8.1. The successful bidder will be required 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.

8.2. If the parties (the Department and the appointed service provider) are unable to reach agreement on the special conditions of contract (SLA) after a period of 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 the next successful bidder.

8.3. Bidders should note that:

- All information related to this bid, or information provided to the service provider subsequent to 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 right, 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 the course of 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 for the purpose of performing 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.

8.4. 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.

## **9. SPECIAL CONDITIONS APPLICABLE TO THIS BID**

- 9.1. The Department may, at its sole discretion, cancel this bid.
- 9.2. The Department intends to award the bid per province (one service provider per province). The Department however reserves the right to appoint the same service provider to more than one province.
- 9.3. In the event of one bidder being the recommended bidder for more than one province, the Department reserves the right to appoint bidders that obtained the second or third highest PPPFA scores and to consider total scores for functional criteria in the final decision-making process.
- 9.4. The period of thirty days (30 days) referred to in the General Conditions of Contract paragraph 27.2 applies (attached as annexure). 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 agreement 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 a period of 10 years.
- 9.5. In order to improve the efficiency and effectiveness of the Programme, the Department is continuously reviewing the CWP model and may therefore from time to time require the implementation of additional or revised operational procedures and policies.
- 9.6. The Department may, at its own discretion, require that each employee of appointed services providers as well as each contractor or other participant or beneficiary of the CWP, 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 Programme.

- 9.7. Additional conditions for an applicant who would like to apply as a Consortium / Joint Venture. It is recognized that applicants may wish to form consortia or joint ventures to respond to this bid. The following guidelines apply:
- a) A bidder must not submit a bid as a sole bidder and as part of a consortium/joint venture and must also not submit a bid as part of different consortium/joint venture.
  - b) A bidder must not submit multiple bids for a single province either as sole bidder or a consortium/joint venture or both.
  - c) It is the responsibility of the members or parties in a consortium/joint venture to verify that no individual bids have been submitted.
  - d) A Consortium or Joint Venture must appoint a lead applicant and attach signed resolution letter.
  - e) 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.
  - f) 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.
  - g) 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.
  - h) The consortium/joint venture submission must be signed-off by each institution/organisation to be legally binding on all consortium members.
  - i) 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.
  - j) A copy of the agreement entered 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.
  - k) The lead applicant shall be held responsible for the delivery of services and for meeting conditions outlined in this bid.
  - l) Indicate how the joint venture/ consortium will be managed in the event of a dispute arising during the implementation period of the programme (Provide a contingency plan of managing any possible conflicts).

## **10. SERVICE STANDARDS/DELIVERABLES APPLICABLE TO THIS BID**

### 10.1. The IA shall

- a) implement the CWP at the identified sites.
- b) effectively manage the implementation of the CWP and execute all functions while adhering to the norms, standards, procedures and timeframes as stipulated in the CWP Implementation Policy.

### 10.2. Without detracting from the ambit and extent of the functions and services contained in the CWP Implementation Policy it is specifically noted that the IA shall:

- a) Recruit participants in accordance with applicable policies and guidelines and enrol qualifying participants on the applicable system (s).
- b) Procure, distribute, and keep safe protective gear/clothing, site inventory and equipment, tools and consumables necessary for participants to perform the useful work at each CWP site.
- c) Ensure adequate tools (printers etc) and materials for site staff to undertake their administrative work effectively.
- d) Ensure effective asset management towards a complete and accurate asset register for each site.
- e) Ensure effective stakeholders relation management in each province especially with respect to provincial management committee.
- f) Ensure effective oversight especially with respect to LRC functionality (inclusive of secretariat services)
- g) Ensure effective monitoring and reporting and implementation at site level.
- h) Ensure effective site business planning and implementation at site level.

- i) Ensure effective data management with respect to participants information and wage payments and elimination of ghost participants.
- j) Ensure effective public participation with respect to useful work implemented at site level.
- k) Ensure effective implementation of audit remedial actions for the benefit of the programme.
- l) Ensure innovative training to facilitate participants exit strategies.
- m) Ensure effective compliance with National Occupational Safety Act; this relates to participants getting Personal Protective Equipment.
- n) Facilitate effective proper close out processes to enable effective handover.
- o) Comply with all applicable legislation, regulations, Ministerial determinations, policies and procedures.
- p) Prepare training plans taking into consideration the useful work projects identified in Site Business Plans and the participants' skills profiles and procure and facilitate technical support and the training of participants to equip them with the required skills and capacity to do CWP useful work.
- q) Conduct all procurement in accordance with a system which is fair, equitable, transparent, competitive and cost-effective and in compliance with all laws and prescripts governing procurement in government.
- r) Ensure effective document management with respect to monthly payments, registers for all active participants for the month as per the signed work/attendance registers and submit same to The Department within agreed time periods.
- s) Facilitate, manage and monitor financial and non-financial performance (including training and useful work activities) of CWP sites assigned to the IA and report thereon.
- t) Ensure the safekeeping of all assets, protective gear, equipment, tools and consumables and ensure that the applicable record keeping is undertaken.
- u) Ensure that all site records and all documents related to the CWP are kept safe and that such records and documents are available and easily retrievable for inspection at all times and for audit purposes.
- v) Participate in periodic performance and compliance assessments undertaken by the Department.
- w) Implement all interventions identified by the Department and report on progress within agreed time frames.
- x) Comply and ensure compliance by all participants and IA staff with the provisions of the Occupational Health and Safety Act and related regulations and prescripts.
- y) Prepare and submit to the Department all the reports and documents that will be required from time to time.
- z) Ensure effective administration of the UIF and COID for all participants.
- aa) Ensure effective Standard Operating Procedures relating to the implementation of the CWP.
- bb) Ensure adequate tools (printers etc) and materials for site staff to undertake their administrative work effectively.

#### 10.3. The IA shall:

- a) Open and maintain a dedicated CWP specific bank account for the purposes of administering all CWP originated funds and ensure that this account is discrete from any and all other funds or projects that the IA may have access to.
- b) Appoint an auditor to account for the received CWP funds and provide proof of such appointment in the manner and form indicated in the CWP Implementation Policy.
- c) Consult the Department in respect of the preparation of audit terms of reference and include the Department in audit inception meetings. This includes but is not limited to, agreeing on the engagement letter, participation at audit inception meetings, liaison with auditors and reviewing draft reports.
- d) Submit audited annual financial statements to the Department within six months after the end of each financial year as well as within three months after the termination of the contract period.

Should the IA fail to adopt sound and recognised audit practices and / or if any audit report is found to be inadequate by the Department, the IA may be requested to redo the audit such that it complies with the Department's requirements at the IA's own cost.

10.4. The IA shall protect all personal information and handle all such information compliance with the provisions of the Protection of Personal Information Act No. 4 of 2013 and related regulations.

10.5. The IA shall respect and protect all confidential CWP information it is exposed to during the course of the SLA.

**CHECK LIST: To be submitted once (regardless of number of provinces bidding for)**

Supplier Name		
Document		Check
National Treasury Central Suppliers Database (CSD) report not older than 30 days		
Tax Compliant (as indicated on CSD) or verified through SARS		
Valid B-BBEE certificate issued by a SANAS accredited verification agency or sworn affidavit		
Invitation to bid (SBD 1) completed and signed		
Pricing Schedule (Amended SBD 3.3) completed. Bid prices in SBD 3.3 aligned to Annexure C		
Declaration of interest (SBD 4) completed and signed (2022 version)		
Preference Points Claim (SBD 6.1) completed and signed		
Valid proof of registration with UIF attached.		
Valid proof of registration with COID (Letter of good standing from the Department of Labour) attached.		
Proof of banking details (banking details indicated as verified on CSD)		
Audited financial statements for the two immediate prior financial years <u>and</u> a confirmation letter from a registered audit firm.		
Approved (signed) assets management policy attached		
Approved (signed) procurement policy attached		
Summary of bidder experience submitted (Annexure A).		
Reference letters with contact details of referees submitted for projects listed in Annexure A		
Summary of project team submitted (Annexure B)		
CVs / qualifications submitted for all project team members		
Signed confirmation of availability submitted for all project team members		
Proposal and project execution plan submitted		
Approved and valid Remunerative Work Outside of the Public Service (RWOPS) attached for all persons/owners/directors in the service of the state. (Where applicable)		
Price proposal submitted (Annexure C – must use Excel template)		
A signed Joint Venture/Consortium agreement, where applicable (Special conditions paragraph 9)		

**Declaration**

- I have read and agree to the General Conditions of Contract related to Government procurement (Available on DCOG tenders web page or from National Treasury).
- I have studied, accurately completed and submitted all the documents indicated in the above checklist.
- I have read and agree with the conditions applicable to all bids as contained in this document.
- I am the authorised signatory of the applicant.

- I have noted that the Department may publish the names of bidders, total bid prices indicated in SBD 1 and B-BBEE points claimed, after the closing date of the bid.
- For the purposes of section 256 of the Tax Administration Act of 2011 I authorise the South African Revenue Service to disclose “taxpayer information” as contemplated under the provisions of Chapter 6 of the Act in relation to the compliance status of tax registration, tax debt and filing requirements to DCOG.

Signature		Date	
Name of Signatory			
Designation of Signatory			
Name of bidder (if different)			

**ANNEXURE A: BIDDER EXPERIENCE SUMMARY**

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

Bidders must ensure that their proposals contain details of how the projects listed above are relevant to the objectives of the CWP.  
 Bidders must attach reference letters and/or contactable references for projects listed above.

**ANNEXURE B: PROJECT TEAM SUMMARY**

<b>Role</b>	<b>Surname, Name</b>	<b>RSA ID Number</b>	<b>Highest Qualification</b>	<b>Current Employer</b>	<b>Total Year of Experience</b>	<b>Total Year of Experience in similar projects</b>
Executive Manager / Team Leader						
Finance Manager / CFO						
Procurement Manager						
Assets Manager						
Team member 1						
Team member 2						
Team member 3						
Team member 4						

Attach detailed CV as well as confirmation of availability for each person listed above. The CV must cover the following as minimum:

- Personal Details
- Qualification and duration of the qualification
- Experience indicating the employer, role (position), description of duties and number of years for each role. The experience should focus on those relevant to the project.

Attach copies of qualifications for Executive Manager / Team Leader, Finance Manager / CFO, Procurement Manager, Asset Manager and other members.

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.

## Annexure D

Item	Details
<b>Full Name</b>	
<b>Surname</b>	
<b>ID Number</b>	
<b>Qualification</b>	Qualification 1: (Attach certified copy) Name of Qualification: Institution: Year Obtained:
	Qualification 2: (Attach certified copy) Name of Qualification: Institution: Year Obtained:
<b>Experience</b>	Name of Organisation: Period from and to: Total Experience: Position: Brief Description of the role linked to CWP:
<b>Experience</b>	Name of Organisation: Period from and to: Total Experience: Position: Brief Description of the role linked to CWP:

**If the template does not allow more information, you are at liberty to add more blocks to accommodate entire information.**



**End of Terms of Reference**