

WINNIE MADIKIZELA-MANDELA LOCAL MUNICIPALITY



RE-ADVERT

TERMS OF REFERENCE

BID NUMBER: WMM LM 004/ S-EIAS

**NAME OF THE PROJECT: SOCIO-ECONOMIC INFRASTRUCTURE
ASSESSMENT STUDY**

Issued and Prepared by:

Winnie Madikizela-Mandela Local Municipality

51 Winnie Madikizela Mandela Street

P.O Box 12

Bizana

4800

Manager: Municipal Operations

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***Note: Please note that the closing date has changed from 24th December to 14th of January
2022***

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GENERAL BID INFORMATION

ESTIMATED CIDB CONTRACTOR GRADING : N/A

CLARIFICATION MEETING : N/A

VENUE FOR CLARIFICATION MEETING : N/A

CLOSING DATE : 13 August 2021

CLOSING TIME : 12h00

CLOSING VENUE : All tenders must be emailed to
tenders.scm@mbizana.gov.za

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

Project Title : Socio-economic infrastructure assessment study

Contract period : 6 months

Contract Type : WMM LM Professional services contract

Location : All 32 Municipal wards

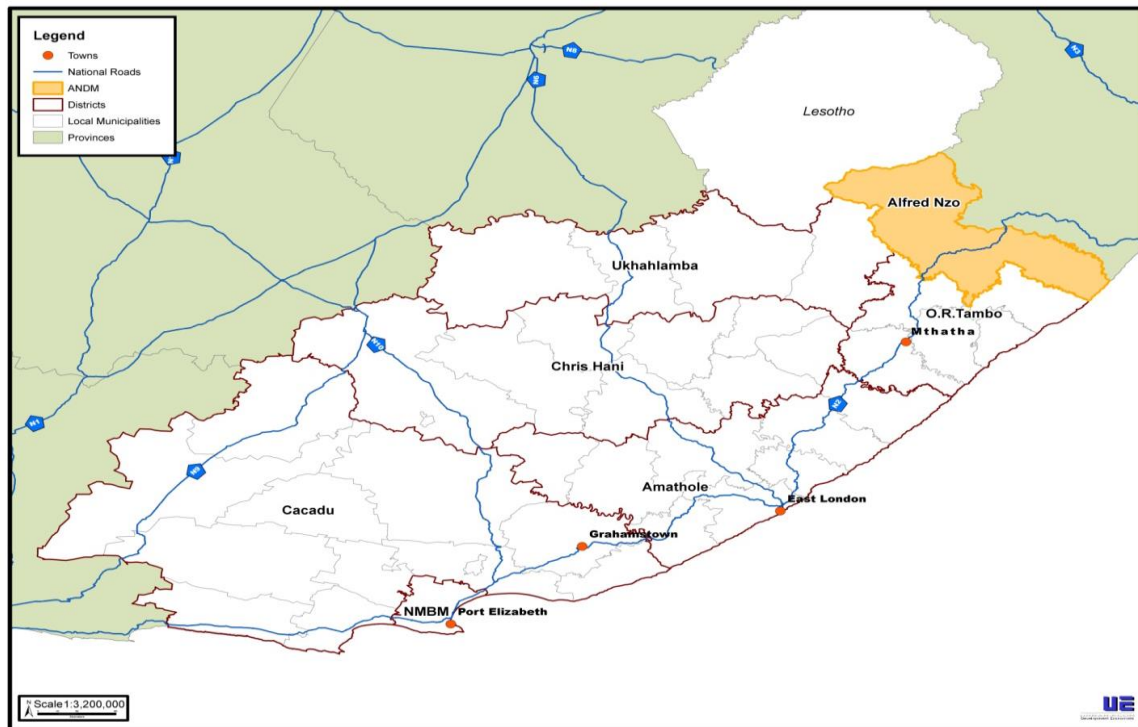
Contracting Authority: Winnie Madikizela-Mandela Local Municipality

1. BACKGROUND AND OVERVIEW OF THE PROJECT

1.1. INTRODUCTION

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

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



Urban Econ EC GIS Maps

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

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

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

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

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

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

Winnie Madikizela Mandela Local Municipality

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Mandela Street
Postal Address
P O Box 12
Bizana



Office of the Municipal
Manager
Tel: 039 251 0230
Fax: 039 251 0917
mahlakal@mbizana.org.za

PUBLIC INVITATION

No.	PROJECT NAME	BID NUMBER	COMPULSORY BRIEFING	Closing Date
1.	Socio-Economic Infrastructure Assessment Study	WMM LM 004/ S-EIAS	N/A	14 January 2022

Tenders are hereby invited from suitable service providers for the above mentioned projects for Winnie Madikizela Mandela Local Municipality. Tender Documents can be downloaded on e-tender portal website. (www.etenders.gov.za) or (www.mbizana.gov.za)

MANDATORY DOCUMENTS TO BE SUBMITTED, FAILURE TO DO SO WILL LEAD TO THE TENDER BEING REGARDED AS NON RESPONSIVE.

A valid tax pin printout as provided by SARS, Proof of registration with central supplier database (CSD). Copy of company Registration/Founding Statement/CIPC Document. Certified B-BBEE certificate or a consolidated B-BBEE in the case of a joint venture (non-elimination item). Signed JV Agreement for Joint venture where applicable. Prices quoted must be firm and must be inclusive of VAT for vat vendors. Certified ID Copies of Managing Directors/ Owners. No couriered, faxed, incomplete and late tenders will be accepted. No bidders will be considered if not registered on the Central Supplier database (CSD). Winnie Madikizela Mandela Local Municipality reserves the right not to appoint and value for money will be the key determinant. Winnie Madikizela Mandela Local Municipal supply chain management policy will apply. **All MBD forms that are in the document must be completed in full.** Bidders must submit the tender document provided by the municipality (original document) A signed certificate by the bidder and proof certifying that the bidder has no undisputed commitments for municipal services towards any municipality or other provider in respect of which payment is overdue more than 30 days. All the certified copies of documents must not be more than 03 months old. Winnie Madikizela Mandela Local Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept the whole or part of the bid. **Evaluation Criteria:** Pre-qualification criterion 100 points-Bidders should score 60 out of 100 to proceed to second stage.

Closing date: All Tenders must be emailed to tenders.scm@mbizana.gov.za by not later than 12h00 (as per the date specified above) at which time they will be opened. All tenders must be clearly marked "Name of the project and Reference number indicated above".

Enquiries: Technical enquiries are addressed to the Manager: Municipal Operations: Ms. N. Jokweni, Cell: 071 484 0193, Email: jokwenin@mbizana.gov.za and SCM enquiries to Supply Chain Manager, Mr. Z Khala @ 079 886 0942 Email: khalaz@mbizana.gov.za

Mr. L. Mahlaka
Municipal Manager

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:					
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE EMAILED TO					
tenders.scm@mbizana.gov.za					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		☐ Yes ☐ No [IF YES, ANSWER PART B:3]
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE		R
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT			CONTACT PERSON		
CONTACT PERSON			TELEPHONE NUMBER		
TELEPHONE NUMBER			FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS		
E-MAIL ADDRESS					

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3. 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

1.2 OVERALL AND SPECIFIC OBJECTIVES OF THE PROJECT

1.2.1 Purpose of the Socio-economic infrastructure assessment study project

The purpose of the project is to develop and document a municipal wide socio-economic infrastructure assessment study in each of the 32 municipal wards. The study shall enhance the situational analysis phase of the IDP for the period 2022 – 2027 and enable the municipal authorities to understand the existing situation better and therefore decide on the responsive strategies and project priorities. The project shall establish community participation approaches and tools/ platforms in order to enhance the ownership of the study by all the responsible bodies/players (public and private sectors). The ultimate goal of this study is to contribute in developing a credible IDP for the period 2022 – 2027. This therefore necessitated a contract with a reputable firm or company to support the promotion of the planned socio-economic infrastructure assessment study for improved and responsive strategies and projects.

1.2.2 Overall objective

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

The above is informed by the fact that all IDP development plans must align to the NDP which highlights its overall objective as being the development of an economy that will create more jobs, more inclusive, more dynamic and in which the fruits of growth are shared equitably and poverty is eliminated. The plan

envisages an economy that serves the needs of all South Africans and proposes the creation of 11 million jobs by 2030 by means of:

- Realising an environment for sustainable employment and inclusive economic growth;
- Promoting employment in labour-absorbing industries;
- Raising exports and competitiveness;
- Strengthening government's capacity to give leadership to economic development, and
- Mobilising all sectors of society around a national vision

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

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

Whereas the overall objective of the Mbizana Development Plan as well as Alfred Nzo District Development Plan are to stimulate district economic growth and development through the revival and development of the rural economy, the

development of social and economic infrastructure and the development of human capacity which will in turn attract investment and reduce unemployment within Mbizana and the ANDM region.

1.2.2 Specific Project Objectives and Scope of works

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

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

2. KEY OUTPUTS/PROJECT MILESTONES/DELIVERABLES

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

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

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

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

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

4. ROLE PLAYERS

Stakeholder [and as per IDP Representative Forum]	Reason for involvement in the project Proposed responsibilities
Council	Owner and ultimate decision maker
Executive committee	Political Management
Mayor	Project Champion
Municipal Manager	Project Management
Manager: Operations	Project Process Owner
Service Provider	Project Manager
Alfred Nzo DM	Guidance, technical support & resources (optional)

5. TRAINING AND CAPACITY BUILDING

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

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

6. PROJECT MANAGEMENT

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

7. PROJECT IMPLEMENTATION PLAN

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

8. PROJECT DELIVERABLES

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

8.1 REPORTING

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

8.2 DURATION

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

8.3 COST AND PAYMENT MILESTONE

The following milestones are proposed: -

Percentage	Milestone
5%	Pre- planning
25%	Phase 1 & 2

40 %	Phase 3 & 4
30%	Phase 5 and submission of the Final product

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

8.4 SPECIAL CONDITIONS

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

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

DECLARATION OF INTEREST

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

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

3.2 Identity Number:

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

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....

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

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;

- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars.....

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

3.10.1 If yes, furnish particulars.....

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

3.11.1 If yes, furnish particulars

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

3.12.1 If yes, furnish particulars.

3.13 Are any spouse, child or parent of the company’s directors trustees,managers, principle shareholders or stakeholders in service of the state? YES / NO

3.13.1 If yes, furnish particulars.

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract.

YES / NO

3.14.1 If yes, furnish particulars:

.....

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

Full Name	Identity Number	State Employee Number

CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS
 CORRECT.
 I ACCEPT THAT THE MUNICIPALITY MAY ACT AGAINST ME SHOULD THIS DECLARATION
 PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

- a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor

- together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE
Status level certificate issued by an authorized body or person;
 - 2) A
sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any
other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

$P_{\min}$ = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor:.....=(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....
.

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....
.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

.....

Registered Account Number:

Stand Number:.....

8.8 Total number of years the company/firm has been in business:.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a

fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

.....

ADDRESS

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

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

4.2	Is the bidder or any of its directors listed on the Register for Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Bid Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of:_____that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

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

³ **Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.**
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....	
Signature	Date
.....	
Position	Name of Bidder

8.5 EVALUATION CRITERIA

- Bids will be evaluated on an 80/20-point system within the ambit of the Preferential Procurement Regulations, 2001 which is derived from Preference Procurement Policy Framework Act No.5 of 2000 and Municipal Finance Management Act 56 of 2003.
- The evaluation will be carried out in two phases, namely, price and functionality.
- According to the evaluation criteria to be used by the municipality, 80/20 will be allocated for functionality and 80% for price and 20% for BBBEE contributor level. Weights for functionality in the aforesaid criteria will be valued.
- The minimum qualifying percentage that will be accepted for functionality will be 60%.

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

8.6 AWARDING OF POINTS

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

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

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

CRITERION	WEIGHT	POINTS
1. Qualifications of personnel involved in the assignment: NQF Level 7 in Development Planning/Economic Sciences qualification in the area of development planning studies	25	
2. Proven Track Record of conducting similar projects / programmes, at least 2 projects. Appointment letters and reference to be attached. It will be 20 points for each	45	

project. Demonstration of knowledge of government development policies, laws and prescripts(Testimonial letter from previous employer) 05 Points		
3. Accuracy and relevance of methodology i.e. How the project will be carried out showing milestones and timeframes	20	
4. Ability to transfer skills (A commitment letter/ proof on how the skills will be transferred)	10	
Total	100	

NB: Bidders must score a minimum of 60 out of 100 points to proceed to second stage

8.7 ENQUIRIES

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

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

**Mr L. Mahlaka
Municipal Manager**