

# INVITATION TO BID



**cogta**

Department:  
Co-operative Governance and Traditional Affairs  
**PROVINCE OF KWAZULU-NATAL**

**DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT END- TERM EVALUATION ON THE 2015- 2020 STRATEGIC PLAN FOR THE KWAZULU-NATAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

Bid No. : ZNT1970/2019LG

COMPANY NAME : \_\_\_\_\_

**Type of Bidder (Tick One Box)**

One-person Business/Sole Trader	
Close corporation	
PTY (Ltd)	
Private Company	
Partnership	
Consortium/Joint Venture	
Co-operative	

**Participation Capacity (Tick One Box)**

Prime Contractor	
Supplier/Sub-Contractor	

Proposal must be deposited in the **Bid box situated at Department of Co-operative Governance and Traditional Affairs, Lift Area, 13th floor, North Tower, Natalia Building. 330 Langalibalele Street, Pietermaritzburg, 3201** or received by post to The Senior Manager: Supply Chain Management, Private Bag X 9078, Pietermaritzburg, 3200 Tel: (033) 395 3134 before **11h00 on 01 NOVEMBER 2019**

A compulsory Site Inspection will take place on **17 OCTOBER 2019 at 10H00, 330 Langalibalele Street, Natalia Building, 13th Floor, SCM Boardroom, North Tower, Pietermaritzburg.**

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## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	<b>ZNT1970/2019LG</b>	CLOSING DATE:	<b>01 NOVEMBER 2019</b>	CLOSING TIME:	<b>11:00</b>
DESCRIPTION	<b>APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT END- TERM EVALUATION ON THE 2015- 2020 STRATEGIC PLAN FOR THE KWAZULU-NATAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
<b>DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS</b>					
<b>330 LANGALIBALELE STREET</b>					
<b>NATALIA BUILDING</b>					
<b>13<sup>TH</sup> FLOOR, LIFT AREA, NORTH TOWER</b>					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		<input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
		<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
		<input type="checkbox"/>	A REGISTERED AUDITOR		
		NAME:			
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ANSWER PART B:3 BELOW ]
SIGNATURE OF BIDDER .....		DATE			
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (ALL INCLUSIVE)		
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT/ PUBLIC ENTITY	COGTA		CONTACT PERSON	MS NOBUHLE NGCOBO	

CONTACT PERSON	MS LINDIWE MADLALA	TELEPHONE NUMBER	033 395 2274
TELEPHONE NUMBER		FACSIMILE NUMBER	N/A
FACSIMILE NUMBER		E-MAIL ADDRESS	<a href="mailto:Nobuhle.Ngcobo@kzncogta.gov.za">Nobuhle.Ngcobo@kzncogta.gov.za</a>
E-MAIL ADDRESS	<a href="mailto:Lindiwe.madlala@kzncogta.gov.za">Lindiwe.madlala@kzncogta.gov.za</a>		

## PART B

### TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>								
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: ( BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.</p>								
<b>2. TAX COMPLIANCE REQUIREMENTS</b>								
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) 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 <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a>.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>								
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>								
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="width: 30%; text-align: right;"> <input type="checkbox"/> YES   <input type="checkbox"/> NO         </td> </tr> <tr> <td>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"> <input type="checkbox"/> YES   <input type="checkbox"/> NO         </td> </tr> <tr> <td>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"> <input type="checkbox"/> YES   <input type="checkbox"/> NO         </td> </tr> <tr> <td>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"> <input type="checkbox"/> YES   <input type="checkbox"/> NO         </td> </tr> </table> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>	3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							
3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO							

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

**SECTION C (SBD 3)****SPECIAL INSTRUCTIONS AND NOTICES TO BIDDERS REGARDING THE COMPLETION OF BIDDING FORMS**

PLEASE NOTE THAT THIS BID IS SUBJECT TO TREASURY REGULATIONS 16A ISSUED IN TERMS OF THE PUBLIC FINANCE MANAGEMENT ACT, 1991, THE KWAZULU-NATAL SUPPLY CHAIN MANAGEMENT POLICY FRAMEWORK AND THE GENERAL CONDITIONS OF CONTRACT.

1. Unless inconsistent with or expressly indicated otherwise by the context, the singular shall include the plural and visa versa and with words importing the masculine gender shall include the feminine and the neuter.
2. Under no circumstances whatsoever may the bid forms be retyped or redrafted. Photocopies of the original bid documentation may be used, but an original signature must appear on such photocopies.
3. The bidder is advised to check the number of pages and to satisfy himself that none are missing or duplicated.
4. Bids submitted must be complete in all respects.
5. Bids shall be lodged at the address indicated not later than the closing time specified for their receipt, and in accordance with the directives in the bid documents.
6. Each bid shall be addressed in accordance with the directives in the bid documents and shall be lodged in a separate sealed envelope, with the name and address of the bidder, the bid number and closing date indicated on the envelope. The envelope shall not contain documents relating to any bid other than that shown on the envelope. If this provision is not complied with, such bids may be rejected as being invalid.
7. All bids received in sealed envelopes with the relevant bid numbers on the envelopes are kept unopened in safe custody until the closing time of the bids. Where, however, a bid is received open, it shall be sealed. If it is received without a bid number on the envelope, it shall be opened, the bid number ascertained, the envelope sealed and the bid number written on the envelope.
8. A specific box is provided for the receipt of bids, and no bid found in any other box or elsewhere subsequent to the closing date and time of bid will be considered.
9. No bid sent through the post will be considered if it is received after the closing date and time stipulated in the bid documentation, and proof of posting will not be accepted as proof of delivery.
10. No bid submitted by telefax, telegraphic or other electronic means will be considered.
11. Bidding documents must not be included in packages containing samples. Such bids may be rejected as being invalid.
12. Any alteration made by the bidder must be initialed.
13. Use of correcting fluid is prohibited
14. Bids will be opened in public as soon as practicable after the closing time of bid.
15. Where practical, prices are made public at the time of opening bids.
16. If it is desired to make more than one offer against any individual item, such offers should be given on a photocopy of the page in question. Clear indication thereof must be stated on the schedules attached.

**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Department:** Co-operative Governance and Traditional Affairs

**Contact Person:** Ms Lindiwe Madlala

**Tel:** 033 395 2174

**Fax:** 086 642 8873/ 033 342 8830

**Email:** [lindiwe.madlala@kzncogta.gov.za](mailto:lindiwe.madlala@kzncogta.gov.za)

**ANY ENQUIRIES REGARDING SPECIFICATION INFORMATION MAY BE DIRECTED TO:**

**Contact Person:** Mrs. Nobuhle Ngcobo

**Unit:** Monitoring and Evaluation

**Tel:** 033 395 2274

**Email:** [Nobuhle.Ngcobo@kzncogta.gov.za](mailto:Nobuhle.Ngcobo@kzncogta.gov.za)

## SECTION E (SBD 4) DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
  - the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
  - 2.1 Full Name of bidder or his or her representative:  
.....
  - 2.2 Identity Number:.....
  - 2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>, member):  
.....
  - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:  
.....
  - 2.5 Tax Reference Number: .....
  - 2.6 VAT Registration Number: .....
  - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1991 (Act No. 1 of 1991);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

- 2.7 Are you or any person connected with the bidder presently employed by the state? YES ☐ NO ☐

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person connected to the bidder is employed : .....

Position occupied in the state institution: .....



Any other particulars: .....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? YES ☐ NO ☐

2.7.2.1 If yes, did you attach proof of such authority to the bid document? YES ☐ NO ☐  
(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:  
 .....  
 .....  
 .....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? YES ☐ NO ☐

2.8.1 If so, furnish particulars:  
 .....  
 .....  
 .....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? YES ☐ NO ☐

2.9.1 If so, furnish particulars.  
 .....  
 .....  
 .....

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? YES ☐ NO ☐

2.10.1 If so, furnish particulars.  
 .....  
 .....  
 .....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? YES ☐ NO ☐

2.11.1 If so, furnish particulars:  
 .....  
 .....  
 .....

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

Full Name	Identity Number	Personal Income Tax Reference Number	State Employee Number / Persal Number

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

## SECTION F

### 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
- 1.2
- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- 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
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 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 PREFERENCE POINT SYSTEMS

A maximum of 80 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:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- 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 least 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 Total number of years the company/firm has been in business:.....

8.8 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: .....

OWNERS/SHAREHOLDERS/PARTNERS/SOLE PROPRIETORS/TRUSTEES / BENEFICIARIES.

(This information is required for statistical purposes only)

FULL NAME	ID NUMBER	CAPACITY : MEMBER/PART NER/ PROPRIETOR/ SHARE- HOLDER/TRUS TEE/ BENEFICIARY	% OWNERSHIP/ PARTNERSHIP/ TRUST/ CO- OPERATIVE	MALE/ FEMALE	HANDI- CAPPED YES/NO	AFRICAN (A) / COLOURED (C) / INDIAN (I) WHITE (W)	YOUTH YES/NO	% OF TIME DEVOTE D TO THE FIRM



## SECTION G CONDITIONS OF BID

1. I/We hereby bid to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to the KwaZulu-Natal Provincial Administration (hereinafter called the "Province") on the terms and conditions and be in accordance with the specifications stipulated in the bid documents (and which shall be taken as part of and be incorporated into this bid) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
2. I/we agree that:
  - (a) the offer herein shall remain binding upon me and open for acceptance by the Province during the validity period indicated and calculated from the closing time of the bid;
  - (b) this bid and its acceptance shall be subject to Treasury Regulations 16A issued in terms of the Public Finance Management Act, 1991, the KwaZulu-Natal Supply Chain Management Policy Framework, the Provincial Treasury issued Practice Notes, and the KwaZulu-Natal General Conditions of Contract, with which I/we am fully acquainted;
  - (c) if I/we withdraw my bid within the period for which I/we have agreed that the bid shall remain open for acceptance, or fail to fulfil the contract when called upon to do so, the Province may, without prejudice to its other rights, agree to the withdrawal of my bid or cancel the contract that may have been entered into between me and the Province. I/we will then pay to the Province any additional expenses incurred by the Province having either to accept any less favourable bid or, if fresh bids have to be invited, the additional expenditure incurred by the invitation of fresh bids and by the subsequent acceptance of any less favourable bid. The Province shall have the right to recover such additional expenditure by set-off against monies which may be due to me under this or any other bid or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfilment of this or any other bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss the Province may sustain by reason of my default;
  - (d) if my bid is accepted, the acceptance may be communicated to me by registered post, and that the South African Post Office Limited shall be treated as delivery agent to me;
  - (e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my bid and I choose *domicilium citandi et executandi* in the Republic at (full physical address)

.....

.....
3. I/we furthermore confirm that I/we have satisfied myself as to the correctness and validity of my bid: that the price(s), rate(s) and preference bid cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.
4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfilment of this contract.
5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgement which may be pronounced against me as a result of such action.
6. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this bid or any related bids by completion of the Declaration of Interest Section.

**SECTION H**  
**PRICING PAGE – FIRM PRICES**  
**(SERVICES)**

N.B.: This form must be completed in detail, signed by the Bidder and bear the signature of a witness. Failure to comply with these requirements may result in the bid being disregarded.

**CLOSING DATE AND TIME: 01 NOVEMBER 2019 @ 11:00 VALIDITY PERIOD: 120 DAYS**

<b>BID NO: ZNT 1968/2019 LG</b>	<b>PERIOD : 4 MONTHS</b>
<b>APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT END- TERM EVALUATION ON THE 2015- 2020 STRATEGIC PLAN FOR THE KWAZULU-NATAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS</b>	<b>NAME AND ADDRESS OF BIDDER(FIRM)</b> ..... ..... .....  <b>TEL:.....</b>  <b>FAX:.....</b>
<b>DOES OFFER COMPLY WITH THE SPECIFICATION?</b> <i>If not, furnish details of deviation in space provided for "Remarks"</i>	<b>YES / NO</b> <i>(Delete which is not applicable)</i>
<b>TOTAL BID PRICE ** (ALL APPLICABLE TAXES INCLUDED)</b>	<b>R</b>
<b>BID PRICE IN WORDS ** (ALL APPLICABLE TAXES INCLUDED)</b>	
<b>REMARKS (If any):</b>	..... <div style="text-align: center;">(Signature of Bidder)</div> <b>DATE: .....</b>  ..... <div style="text-align: center;">(Signature of Witness)</div> <b>DATE:.....</b>

**NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED**

**\*\*all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**

**SECTION I (SBD 7)**  
**AUTHORITY TO SIGN A BID**

**A. COMPANIES**

If a Bidder is a company, a certified copy of the resolution by the board of directors, personally signed by the chairperson of the board, authorizing the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is before the closing time and date of the bid

**AUTHORITY BY BOARD OF DIRECTORS**

By resolution passed by the Board of Directors on ..... 20....., Mr/Mrs ..... whose signature appears below) has been duly authorized to sign all documents in connection with this bid on behalf of (Name of Company).....

**IN HIS/HER CAPACITY AS:** .....

**SIGNED ON BEHALF OF COMPANY:** .....  
(PRINT NAME)

**SIGNATURE OF SIGNATORY:** ..... **DATE:** .....

**WITNESSES:** 1 .....

2 .....

**B. SOLE PROPRIETOR (ONE - PERSON BUSINESS)**

I, the undersigned..... hereby confirm that I am the sole owner of the business trading as .....

**SIGNATURE**.....

**DATE**.....

**C. PARTNERSHIP**

The following particulars in respect of every partner must be furnished and signed by every partner:

Full name of partner	Residential address	Signature
.....	.....	.....
.....	.....	.....

.....

.....

We, the undersigned partners in the business trading as.....  
 hereby authorize ..... to sign this bid as well as any contract resulting from  
 the bid and any other documents and correspondence in connection with this bid and /or contract on behalf of  
 (company name) .....

.....

**SIGNATURE**

.....

**SIGNATURE**

.....

**SIGNATURE**

.....

**DATE**

.....

**DATE**

.....

**DATE**

#### **D. CLOSE CORPORATION**

In the case of a close corporation submitting a bid, a certified copy of the Founding Statement of such corporation shall be included with the bid, together with the resolution by its members authorizing a member or other official of the corporation to sign the documents on their behalf.

By resolution of members at a meeting on ..... 20..... at.....

..... Mr/Ms....., whose signature appears below, has been authorized to sign all  
 documents in connection with this bid on behalf of (Name of Close Corporation)  
 .....

**SIGNED ON BEHALF OF CLOSE CORPORATION:** .....  
 (PRINT NAME)

**IN HIS/HER CAPACITY AS**..... **DATE:** .....

**SIGNATURE OF SIGNATORY:** .....

**WITNESSES: 1**..... **WITENSS: 2**.....

#### **E. CO-OPERATIVE**

A certified copy of the Constitution of the co-operative must be included with the bid, together with the resolution by its members authoring a member or other official of the co-operative to sign the bid documents on their behalf.

By resolution of members at a meeting on ..... 20..... at .....

Mr/Ms....., whose signature appears below, has been authorized to  
 sign all documents in connection with this bid on behalf of (Name of cooperative)

SIGNED ON BEHALF OF CO-OPERATIVE:.....  
(PRINT NAME)

IN HIS/HER CAPACITY AS: ..... DATE:.....

SIGNATURE OF AUTHORISED REPRESENTATIVE/SIGNATORY: .....

WITNESSES: 1 ..... WITNESS:- 2 .....

## F. CONSORTIUM

If a bidder is a consortium, a certified copy of the resolution/agreement passed/reached signed by the duly authorized representatives of concerned enterprises, authorizing the representatives who sign this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the consortium must be submitted with this bid, before the closing time and date of the bid.

## AUTHORITY TO SIGN ON BEHALF OF THE CONSORTIUM

By resolution/agreement passed/reached by the consortium on ..... 20 .....

Mr/Mrs.....(whose signature appear below) have been duly authorised to sign all documents in connection with this bid on behalf of:

(Name of Consortium).....

SIGNED ON BEHALF OF CLOSE CORPORATION: .....  
(PRINT NAME)

IN HIS/HER CAPACITY AS ..... DATE: .....

SIGNATURE OF SIGNATORY: .....

WITNESSES: 1 ..... WITNESS: - 2 .....

## G. JOINT VENTURE

If a bidder is a joint venture, a certified copy of the resolution/agreement passed/reached signed by the duly authorized representatives of the enterprises, authorizing the representatives who sign this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the joint venture must be submitted with this bid, before the closing time and date of the

bid.

**AUTHORITY TO SIGN ON BEHALF OF THE JOINT VENTURE**

By resolution/agreement passed/reached by the joint venture partners on.....20.....

Mr/Mrs.....,Mr/Mrs.....

Mr/Mrs.....and Mr/Mrs.....

(whose signatures appear below) have been duly authorized to sign all documents in connection with this bid on behalf of:(Name of Joint Venture).....

**IN HIS/HER CAPACITY AS:** .....

**SIGNED ON BEHALF OF (COMPANY NAME):** .....  
(PRINT NAME)

**SIGNATURE:**..... **DATE:** .....

**IN HIS/HER CAPACITY AS:**.....

**SIGNED ON BEHALF OF (COMPANY NAME):** .....  
(PRINT NAME)

**SIGNATURE :**..... **DATE:** .....

**IN HIS/HER CAPACITY AS:**.....

**SIGNED ON BEHALF OF (COMPANY NAME):** .....  
(PRINT NAME)

**SIGNATURE :**..... **DATE:** .....

**IN HIS/HER CAPACITY AS:**.....

**SIGNED ON BEHALF OF (COMPANY NAME):** .....  
(PRINT NAME)

**SIGNATURE :**..... **DATE:** .....

**IN HIS/HER CAPACITY AS:**.....

## SECTION J (SBD 8)

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
- 4 Abused the institution's supply chain management system; committed fraud or any other improper conduct in relation to such system; or failed to perform on any previous contract.
- 5 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).  <b>The Database of Restricted Suppliers now resides on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home pg</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:..... ..... .....		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:..... ..... .....		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:..... ..... .....		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:..... ..... .....		

**CERTIFICATION**

I, \_\_\_\_\_ THE \_\_\_\_\_ UNDERSIGNED \_\_\_\_\_ (FULL NAME).....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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

**SECTION K (SBD 9)**  
**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1991, 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).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD 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 (SBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_  
 (Bid Number and Description)

in response to the invitation for the bid made by:

\_\_\_\_\_  
 (Name of Institution)

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)

4. I have read and I understand the contents of this Certificate;
5. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
6. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
7. 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;
8. 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

9. 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 consortium<sup>3</sup> will not be construed as collusive bidding.

10. 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.

11. 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.

12. 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.

9. 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 1991 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**

<sup>3</sup> 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.

## SECTION L SPECIAL CONDITIONS OF CONTRACT

### SECTION 1: DEFINITION OF TERMS

#### 1.1 SERVICE

The services to be rendered by professional service providers must be rendered in terms of this contract.

#### 1.2 CONTRACTOR

The person or persons, partnership, close corporation, firm or company, whose bid for this service was accepted.

#### 1.3 AGREEMENT

This comprises the agreement signed by parties, the conditions of bid, the bid and the specifications.

#### 1.4 AGREEMENT PERIOD

The period during which the service is to be rendered and originally determined in the agreement, or as amended, extended or renewed in accordance with stipulations of the agreement.

#### 1.5 PARTIES

The parties to this contract are The Head of Co-operative Governance and Traditional Affairs in the KwaZulu-Natal Provincial Administration and Contractor.

#### 1.8 DEPARTMENT

KwaZulu-Natal department of Co-operative Governance and Traditional Affairs.

#### 1.9 CURTAILMENT OF SERVICE

The Department reserves the right to withdraw from the service any part/s of the contract as a whole, with one month's written notification to the contractor. In a case such as this, the contract sum will be adjusted *pro rata* from the date of withdrawal.

### SECTION 2: IMPORTANT INFORMATION TO NOTE

2.1 This bid is invited and will be awarded and administered in terms of the following:-

- 2.1 KwaZulu-Natal Supply Chain Management Policy Framework,
- 2.2 Section 217 of the Constitution,
- 2.3 The PFMA and its Regulations in general,
- 2.4 The Preferential Procurement Policy Framework Act,
- 2.5 National Treasury guidelines, and
- 2.6 Provincial Treasury's Supply Chain Management Practice Notes and guidelines

#### 2.2 **REQUIRED COMPULSORY INFORMATION**

2.2.1 The bidder shall ensure that all the required information is furnished; viz:-

- 2.2.1 Declaration of interest (SECTION E)
- 2.2.2 Tax Compliance Status Requirements,
- 2.2.3 Compulsory Briefing Session (SECTION M )
- 2.2.4 Authority to sign a bid (SECTION I),
- 2.2.5 Conditions of Bid (SECTION G)
- 2.2.6 Tax Compliance Status.
- 2.2.7 Each party to a Consortium/Group of sub-contractors must obtain separate Tax Clearance Certificate(s) and also be registered on the Suppliers Database.
- 2.2.8 A valid certified copy of B-BBEE Status Level Verification Certificate/ Letter from Sworn Affidavit must be submitted with the proposal.

**NOTE: Failure to submit the required information may invalidate the entire proposal.**

### **SECTION 3: SPECIAL CONDITIONS OF CONTRACT**

#### **3.1 ACCEPTANCE OF BID**

- 3.1.1 This bid has been invited, and will be adjudicated in terms of the KwaZulu-Natal Supply Chain Management Policy Framework and the KwaZulu-Natal Provincial Treasury's Practice Notes. Co-operative Governance and Traditional Affairs' Bid Adjudication Committee is under no obligation to accept the lowest or any bid.
- 3.1.2 The financial standing of bidders and their ability to manufacture or to supply goods or render services may be examined before their bids are considered for acceptance.

#### **3.2 APPEALS**

- 3.2.1 Entities aggrieved by a decision of a departmental Bid Adjudication Committee or a delegate of an accounting officer, may appeal to the Bid Appeals Tribunal in the prescribed manner by the Supply Chain Management Policy Framework

#### **3.3 AMENDMENT OF CONTRACT**

- 3.3.1 Any amendment to or renunciation of the provisions of the contract shall at all times be done in writing and shall be signed by both parties subject to the Legal Services screening the amendment before it is signed.

#### **3.4 CHANGE OF ADDRESS**

- 3.4.1 Bidders must advise the Department should their address (*domicilium citandi et executandi*) details change from the time of bidding to the expiry of the contract.

#### **3.5 COMMUNICATION**

- 3.5.1 All correspondence with regard to this bid must be addressed or hand delivered to the:

The Head SCM Unit,  
Department Co-operative Governance and Traditional Affairs,  
Private Bag X9078,  
Pietermaritzburg  
3200

ENQUIRIES: **Ms Lindiwe Madlala** TEL.: 033-395 2174

#### **3.6 COMPLETENESS OF BID**

- 3.6.1 Bids will only be considered if correctly completed and accompanied by all relevant certificates and other necessary applicable information.

### 3.7 COMPLETION OF SPECIFICATION

- 3.7.1 Where specifications are designed in such a way that responses would be required from bidders, these forms must be completed and submitted as part of the bid document.

### 3.8 CONDITIONS OF BID

- 3.8.1 The successful Contractor must be in a position to assume duty on the date stipulated in the letter of acceptance.
- 3.8.2 No bid received by telegram, telex, or facsimile will be considered.
- 3.8.3 It shall be noted that the Department is under no obligation to accept the lowest or any bid.
- 3.8.4 The offer shall be made strictly according to the specification. No alternative offers will be considered.
- 3.8.5 Bidders must provide the following particulars about themselves as part of the bid:
- 3.8.5.1 Where they have their Headquarters
  - 3.8.5.2 Where they have their Regional Office.
  - 3.8.5.3 Name, address and telephone number of bankers together with their bank account number.
  - 3.8.5.4 The names, identity numbers and street addresses of all partners in cases where persons, a partnership, or a firm consists of a partnership.

- 3.9 In cases where a person or persons, a partnership, close corporation, firm or company enters business for the very first time, the following particulars shall be provided:

- 3.9.1 By whom, or with whose assistance, was the business plan drafted?
- 3.9.2 By whom, or with whose assistance, were the bid prices calculated?
- 3.9.3 Whose advice is relied on?
- 3.9.4 Who will provide financial support?

- 3.10 A list of references must accompany this bid. Particulars shall be submitted regarding similar agreements completed successfully or of projects which the bidder is engaged in.

### 3.11 CONFIDENTIALITY

The contractor's staff that comes into contact with the Department's confidential information and documents may be required to sign confidentiality agreements so as to protect the Department's information.

### 3.12 CONTRACT PERIOD

3.12.1 The contract period shall remain in force for a period of 4 months from date of signing of official contracts.

3.12.2 The Department of Co-operative Governance and Traditional Affairs reserves the right to terminate the contract with any contractor should the contractor fail to fulfil his/her contractual obligations in terms of the contract.

### 3.13 DETAILS OF CURRENT CONTRACTS HELD BY THE BIDDER

3.13.1 The bidder must furnish the following details of all current contracts:

- (i) Date of commencement of contract/s;
- (ii) Expiry date/s;
- (iii) Value per contract; and
- (iv) Contract details. That is, with whom held, phone number and address/s of the company.

### 3.14 EQUAL BIDS

- 3.14.1 In the event that two or more bids have equal total points, the successful bid will be the one scoring the highest number of preference points for specified goals. Should two or more bids be equal in all respects, the Adjudication shall be decided by the drawing of lots.

### 3.15 EXECUTION CAPACITY

- 3.15.1 The bidder will be required to provide an efficient and effective service. Therefore, the bidder is required to submit proof that he/she has the required capacity to execute the contract tendered for successfully. The bidder must supply references or state his/her experience as a company to undertake the contract. References of past experience of owners/employees of new entities must accompany the bid document.

### 3.16 EXTENSION OF CONTRACT

- 3.16.1 An extension of contract may be considered. It is the normal policy that contracts are not extended. However, circumstances may arise whereby a contract cannot be renewed in time. If this is found to be the case, the right is reserved to approach existing contractor(s) to extend the contract for such period agreed to.

### 3.17 GENERAL EVALUATION CRITERIA

The Bid Evaluation Committee will assess offers and adhere to the following basic guidelines when evaluating.

- a. Whether all the required information called for in the bid document has been submitted by the bidder.
- b. Has the bidder supplied references or stated his/her experience as a Company to undertake the contract. References of past experience must accompany the bid document.
- c. The financial standing of the bidder and ability to render a service may be examined before an award of bid take place.
- d. Preferences will be taken into consideration by the Department in terms of the B-BBEE Scorecard.
- e. Documented reports received from an institution/s pertaining to past bad performance by a company who is tendering, may be taken into consideration.
- f. Did the bidder attend the site inspection?
- g. Will the bidder be in a position to successfully execute the contract?
- h. The 80/20 Point System will apply in the evaluation of this bid.

### 3.18 IRREGULARITIES

- 2.18.1 Companies are encouraged to advise the Department timeously of any possible irregularities which might come to their notice in connection with this or other contracts.

### 3.19 JOINT VENTURES

- 3.19.1 In terms of the Supply Chain Management Policy Framework, a consortium or joint venture may, based on the percentage of the contract value managed or executed by respective members.
- 3.19.2 Should this bid be submitted by a joint venture, a certified copy of the joint venture agreement **must** accompany the bid document before the closing date and time of bid. The joint venture agreement must clearly specify the percentage of the contract to be undertaken by each company participating therein.
- 3.19.3 A trust, consortium or joint-venture must obtain and submit a **consolidated B-BBEE Status Level Verification Certificate**. The non-submission of a consolidated B-BBEE Certificate by a company will result in preference points not being allocated to such company. Failure to submit the joint venture Agreement will result in preference points not being allocated to all companies participating in the joint venture.

**3.20 LATE BIDS**

- 3.20.1 Bids are late if they are received at the address indicated in the bid documents after the closing date and time.
- 3.20.2 A late bid shall not be considered and, where practicable, shall be returned unopened to the Bidder, accompanied by an explanation.

**3.21 NOTIFICATION OF ADJUDICATION OF BIDDER & ADVERTISING OF RESULTS**

- 3.21.1 Notification of the Adjudication of bid shall be in writing by a duly authorized official of Co-operative Governance and Tradition Affairs' Supply Chain Management unit.

**3.22 PRO RATA DECREASE OF COMPENSATION**

- 3.22.1 Should the services not be rendered to the satisfaction of the Department and unsatisfactory items/ aspects/ events have already, in writing, been brought to the attention of the Contractor, the Department reserves the right in terms of paragraph 3.27 hereunder, to retain payment to the Contractor for as long as the unsatisfactory service continues.

**3.23 CENTRAL SUPPLIERS DATABASE**

- 2.23.1 A bidder submitting an offer must be registered on the Central Suppliers Database. A bidder who has submitted an offer and is not registered on the Central Suppliers Database will not be considered.
- 3.23.2 Each party to a Joint Venture/Consortium must be registered on the Central Suppliers Database at the time of submitting the bid.

**3.24 SUBMISSIONS AND COMPLETION OF SBD 6.1**

- 3.24.1 Bidders are to complete SBD 6.1 document where applicable. Failure by the bidder to submit a valid B-BBEE status level verification certificate will result in the bidder not being considered for preference points allocation. If the information required is not applicable to the business, clearly insert the symbols "N/A" in the appropriate space. If the space provided is left blank, it will be regarded as information that is still outstanding and the SBD 6.1 will not be processed further.

**3.25 TERMINATION OF SERVICES**

- 3.25.1 Should the Contractor fail to meet the conditions of this contract, or continue rendering unsatisfactory service, the Employer reserves the right to terminate the contract, after written notification has been served on the Contractor, with retention of the right to recover from the Contractor any losses which the Employer may suffer/ incur as a result of the failure, without prejudicing any other rights it may have.

**3.26 TAX CLEARANCE CERTIFICATE**

- 3.26.1 The original Tax Clearance Certificate must be submitted with the bid before the closing date and time of the bid. Failure to submit a valid Tax Clearance Certificate will invalidate your bid unless a valid, as at the closing date of this bid, original Tax Clearance Certificate is already in the possession of the Departments Supply Chain Management Unit. In this regard, a clear reference must be provided e.g. bid number.
- 3.26.2 Each party to a Joint Venture/Consortium must submit an original valid Tax Clearance Certificate together with the bid before the closing date and time of bid.

**3.27 UNSATISFACTORY PERFORMANCE**

- 3.27.1 Unsatisfactory performance occurs when performance is not in accordance with the contract conditions.
- (i) Before any action is taken, the Department shall warn the contractor by registered/certified mail that action will be taken in accordance with the contract conditions unless the contractor

complies with the contract conditions and delivers satisfactory supplies or services within a specified reasonable time (7 days minimum). If the contractor does not perform satisfactorily despite the warning the Department will:

- (a) take action in terms of its delegated powers
- (b) make a recommendation for cancellation of the contract concerned.

### 3.28 VALIDITY PERIOD AND EXTENSION THEREOF

3.28.1 The validity (binding) period for the bid must be **120** days from close of bid. However, circumstances may arise whereby this Department may request the bidders to extend the validity (binding) period. Should this occur, the Department will request bidders to extend the validity (binding) period under the same terms and conditions as originally tendered for by bidders. This request will be done before the expiry of the original validity (binding) period.

### 3.29 VAT

2.29.1 Bid prices must be inclusive of VAT.

2.29.2 A tax invoice shall be in the currency of the Republic of South Africa and shall contain the following particulars:

- (a) The name, address and registration number of the supplier;
- (b) the name and address of the recipient;
- (c) an individual serialized number and the date upon which the tax invoice is issued;
- (d) a description of the goods or services supplied;
- (e) the quantity or volume of the goods or services supplied;
- (f) either :–
  - (i) the value of the supply, the amount of tax charged and the consideration for the supply; **or**
  - (ii) where the amount of tax charged is calculated by applying the tax fraction to the consideration, the consideration for the supply and either the amount of the tax charged, or a statement that it includes a charge in respect of the tax and the rate at which the tax was charged.

### 3.30 REGISTERED ADDRESS

The Department provides the following:

Street address as it's *domicillium citandi et executandi* in respect of any lawsuit which might result from or bears relevance to this contract, as well as for purposes of notice to :

The Head SCM Unit, KwaZulu-Natal Co-operative Governance and Traditional Affairs

14 <sup>th</sup> floor, South Tower, Natalia Building. 330 Langalibalele Street PIETERMARITZBURG 3200	Private Bag X9078, PIETERMARITZBURG 3200
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## SECTION M

## OFFICIAL BRIEFING SESSION/SITE INSPECTION CERTIFICATE

Site/building/institution involved:

Bid No: **ZNT 1970/2019 LG**

Service: **APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT END- TERM EVALUATION ON THE 2015- 2020  
STRATEGIC PLAN FOR THE KWAZULU-NATAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND  
TRADITIONAL AFFAIRS**

\*\*\*\*\*

THIS IS TO CERTIFY THAT (NAME): .....

ON BEHALF OF: .....

ATTENDED THE BRIEFING SESSION ON: **17 OCTOBER 2019 AT 10:00 AM AT 330  
LANGALIBALELE STREET, NATALIA BUILDING, 13<sup>TH</sup> FLOOR, ROOM 16, SCM BOARDROOM,  
NORTH TOWER, PIETERMARITZBURG.**

AND IS THEREFORE FAMILIAR WITH THE CIRCUMSTANCES AND THE SCOPE OF THE SERVICE  
TO BE RENDERED.

.....  
**SIGNATURE OF BIDDER OR AUTHORISED REPRESENTATIVE**  
(PRINT NAME)

**DATE:** .....

.....  
**SIGNATURE OF DEPARTMENTAL REPRESENTATIVE**  
(PRINT NAME)

.....  
**DEPARTMENTAL STAMP:**  
(COMPULSORY)

**DATE:** .....





cogta

Department:  
Co-operative Governance and Traditional Affairs  
PROVINCE OF KWAZULU-NATAL

## **TERMS OF REFERENCE**

### **1. BACKGROUND**

#### **1.1. POLICY MANDATE**

The vision of the KwaZulu-Natal Cooperative Governance and Traditional Affairs (CoGTA) is “People centred sustainable cooperative governance. Its mission is “to coordinate and foster cooperation amongst governance institutions and build capacity to accelerate delivery of high quality services to communities, in pursuance of people-centred, accelerated service delivery”.

In order to implement this vision and mission, CoGTA was guided by its Five Year Strategic Plan (2015-2020) which is implemented through the Annual Performance Plan (APP) for different financial years and annual Business Plans (BP) for the business units. These plans deal with the implementation of four programmes, as detailed in the table below.

<b>Programme</b>	<b>Sub-programme</b>
<b>Programme:1</b>  <b>Administration</b>	Office of the MEC
	Office of the HOD
	Human Resource Management
	Information Technology
	Auxiliary Services
	Financial Management
	Traditional Finance
	Internal Control
	Strategic Planning, Monitoring, Evaluation, Policy and Research
	Legal Services
	Corporate Communication
<b>Programme 2.</b>	Municipal Service Delivery - Local Government Specialists

Programme	Sub-programme
<b>Local Governance</b>	Municipal Service Delivery - Inter-Governmental Relations
	Municipal Service Delivery - IDP Coordination
	Municipal Service Delivery - Municipal Performance Monitoring, Reporting and Evaluation
	Municipal Governance and Administration
	Synergistic Partnerships
	Municipal Forensics
	Municipal Finance
	Public Participation
	Capacity Building
<b>3. Development and Planning</b>	Spatial planning
	Land Use Management
	Land Use Management (Traditional Land Administration)
	Local Economic Development – Special Initiatives
	Local Economic Development – Community Service Centres
	Development Information Services
	Municipal Infrastructure
	Disaster Management
<b>4. Traditional Institutional Management</b>	Traditional Institutional Administration
	Traditional Resource Administration

## 1.2. KZN COGTA AND ITS CLIENTS

All programmes are delivered to what can be referred to as primary clients of the department, i.e. 54 municipalities and 257 traditional institutions. Primary clients (municipalities and traditional institutions) deliver services to citizens who can be regarded as the ultimate clients or beneficiaries who are benefiting from the programmes of support provided by the municipalities and traditional institutions.

### 1.3. Evaluation within KZN CoGTA

#### 1.3.1. Policy

KZN CoGTA's evaluation practices are guided by the Department of Planning, Monitoring and Evaluation policies and frameworks. Internally, the Department adopted the framework with the purpose "... to provide the principles, processes and structures on how monitoring and evaluation of the Department's programmes will be implemented" (DLGTA, 2007:6). This framework, together with National Treasury's Framework for Strategic Plans and Annual Performance Plans (2010) states that "... an institution should produce an end-term review towards the end of the period covered by its strategic plan".

The review should broadly follow the format of the plan. The institution should report on the extent to which it has succeeded in achieving each of the strategic goals and objectives set at the beginning of the five-year period, as well as on any other evaluations conducted during the period. To give effect to this requirement, KZN COGTA is conducting an evaluation for an end of term strategic plan 2015-2020 in order to assess its implementation, effects and impacts thereof.

#### 1.3.2. Previous End-of-Term Evaluations

In 2009, the Department evaluated the effectiveness and impact of its support over the period 2005 – 2009. The evaluation targeted mainly the primary clients, who are the municipalities and traditional institutions. The main objectives of this evaluation were to:

- Analyse the past and current support provided by the then Department of Local Government and Traditional Affairs (DLGTA) to Districts, Local Municipalities and Traditional Institutions; and
- Provide an analysis and assessment of its strategy in response to the Five Year Local Government Strategic Agenda, the core mandate and the legislative frameworks that define the operational parameters of the provincial departments of local government.

The evaluation focused on processes and the achievement of outputs and outcomes as set out in the Strategic Plan. The overall evaluation findings regarding the support provided by the Department to municipalities were that:

- Most municipalities received a level of support that was characterised as "light" support which did not yield the required levels of results. At best the "light" support generated outputs and low level outcomes.
- Lower capacity municipalities did not only receive support more frequently, but also received high/intense levels of support. Despite these efforts, such municipalities continue to function minimally. A plausible explanation for this was the low absorptive and technical capacity of the municipality to operationalise the support for improved service delivery, resulting in the desired levels of change not being achieved.

As a result of that evaluation a number of recommendations were proposed focusing on the type of support, frequency and programme approach:

- Medium to high/intense support over a longer period of time needed to be provided so that higher level results are achieved by the municipalities.

- The focus should rather be on more intense support over a longer period of time so that municipalities are able to generate the desired level of results.
- Where required the “light support” should be followed-up with medium to high/intense support through more frequent on-site, hands-on support, on-site mentoring and coaching and deployments where possible.
- Lastly it was recommended that efficiency levels could increase with better communication and co-ordination across programmes.

In addition to the evaluation conducted, a comprehensive assessment of Local Government was undertaken which informed the development of the Local Government Turnaround Strategy, which was adopted in 2009. The turnaround strategy informed the development of the 2010-15 Strategic Plan.

Following the similar process, at the end of the implementation period of 2010-2015 Strategic Plan the Department again conducted an evaluation study called End-Term Review to assess what impact the Department is seeking to achieve and the extent to which it is succeeding, or at least the extent to which it has programmes in place to achieve impact over time. This evaluation provided “end of term” assessment of progress against agreed goals, objectives and targets, but at the same time provided an opportunity to “take stock” and consider whether the approach used was relevant. The aim was to assess progress, but in doing so, also to ask the question as to whether CoGTA units were doing the right things and doing them right, and if not what options are available to adjust direction and pave the way to success in the future.

In summary the study highlighted the following challenges and recommendations:

### **Programme 1: Administration**

There were two areas of concern that emerged from both the case studies and the review of programmes at head office. These are monitoring and reporting on municipal and traditional institutions, and ICT. It was found that that monitoring and reporting was not coordinated, there was duplication and a lack of shared information across the “system”. Lack of Information and Communication Technology (ICT) capacity both in municipalities and within CoGTA to enable full advantage to be taken of advances in ICT was picked up as one of the challenges. The study suggested:

More focus on the coordination of data and information demands on municipalities and improved use of ICT and data systems that avoid the need for repetitive filling in of forms.

Consideration be given to the Monitoring and Evaluation (M&E) unit in programme one coordinating M&E more broadly so as to assist all managers responsible for monitoring and reporting to address the challenges being raised.

### **Programme 2: Local Governance**

The findings in programme two include the problem of intensive support that is not always achieving sustained improvements, the inability of CoGTA to sort out the Human Resources (HR) challenge in many municipalities,

particularly section 56 managers, inability of CoGTA to achieve cooperative governance. The study suggested that the following changes should be considered:

**Intensive support** - There was a need to consolidate the work of supporting municipalities that were in crisis or near crisis situation. The work included: the process of Administration; the many occasions when support had to be provided at an intensive level to prevent a municipality getting to crisis point; Imaginative conflict resolution interventions; appointing a panel of competent service providers that could be deployed as needed; addressing underlying problems in municipalities that were in crisis.

**Human Resources in Municipalities** - A need for a greater focus on: the appointment and retention of suitably qualified and skilled people in municipalities particularly section 56 posts was identified; remuneration packages; retention plans; improved reward systems (to avoid managers that win awards for a municipality being poached by a larger one offering better pay); and much greater attention was needed in order to manage appointments made especially after an election brought political change.

**Cooperative governance.** The focus on Inter-Governmental Relations (IGR) and although there has been successes this is an area that needs greater attention. A key issue is the coordination and rationalisation of meetings that municipal managers and political office bearers are required to attend. Also ensuring that national and provincial departments and entities engage in municipal planning processes and honour commitments in the plans.

### **Programme 3: Development Planning**

The key challenges found to be facing this programmes include the issue which relates to the implementation of Integrated Development Plan (IDP), the challenge of economic development is that it is focused too much at micro level short term work opportunities and not enough on actual economic development. The study made the following recommendations:

**IDP implementation** - Once the IDP is agreed there is a need to focus on implementation. This includes the issue of negotiating land access, project managing certain key developments and facilitating community development processes that focus on implementation rather than planning.

**Economic development** - There is a need to examine the economic challenges facing municipalities and to look at the role of CoGTA (particularly its cooperative governance role) in driving or supporting municipalities to achieve economic development.

**Develop of impact indicators and measures** - There was a need for a discussion on measuring impact, and the development of realistic indicators for success and impact in relation to development.

## Programme 4 – Traditional institutions

In programme the study discovered that the big problem was with the lack of agreement on purpose. There was a lack of agreement between the Amakhosi and the Department and a lack of agreement within CoGTA on what needs to be done. The focus was found to be on strengthening traditional institutions, but there was no evidence that this focus was appreciated or valued by the Amakhosi. The key recommendation was therefore that, there should be a strategic process to broker agreement on what this programme is seeking to achieve. The problems have been set out and the challenge is to ensure that the programmes and sub-programmes address these issues. There are a number of specific issues that needed to be addressed, including:

The engagement between the Department and Amakhosi on support needed to ensure that the Traditional Leadership functions effectively.

Developing a financial strategy for the funding the work for Amakhosi and traditional institutions.

Providing the premises and equipment for the work that they do.

Establishing effective mechanism for consultation.

Subsequent to the above evaluations, a mid-term review for the current strategic plan was conducted during 2017/18 financial year. This evaluation aimed to assess the extent to which the Departmental performance is leading to the desired outcomes. This evaluation put focus on the strategic objectives of the Department whereby achievements recorded on the Departmental annual reports including other evaluation reports were assessed to make a more inclusive assessment on progress made. Key findings indicated that:

The department has achieved on its annual targets as per the monitoring reports. However, the achievements did not necessary translate to the attainment of outcomes and ultimately impacts.

The support provided by the Department has minimal effects on the performance of municipalities.

It was recommended that a differentiated method needs to be implemented including change from "light support" to a more hands on approach.

Other internal projects and programme evaluations have been conducted over the years. A high level synthesis on evaluations is as below:

**Programme two** - evaluations found that due to internal challenges related to capacity, the Department is mostly able to provide light support to the municipalities.

**Programme three** - Generally, programme three has successfully made progress on project implementation. Even though there were notable challenges around project management and project timeous completion and sustainability.

**Programme four** - staffing issues internally and at district level were identified. Capacity building initiatives were implemented for Amakhosi. Ongoing support is being provided to ensure functionality.

Detailed reports for other evaluations including programme one can be acquired within the Evaluation Directorate or Departmental website.

## 2. OBJECTIVE OF THE EVALUATION

The main objective of this evaluation is conduct an end term evaluation of KZN CoGTA's 2015-2020 strategic plan in order to assess its implementation, performance and the extent to which it has achieved desired results (relevance, efficiency, effectiveness, sustainability and impact).

## 3. SPECIFIC OBJECTIVES

The specific objectives of the review are:

- a) To develop a robust methodology which will guide the evaluation,
- b) To review the strategic plan and its implementation in order to establish the following:
  - a. **Relevance** – how appropriate were the interventions put in place to achieve the mandate?
  - b. **Efficiency** – Were objectives achieved within identified economical limits and timeframes?
  - c. **Effectiveness** – To what extent were the strategic plan objectives realised? / What are the achievements of the strategy?
  - d. **Sustainability** – Are the achieved outcomes sustainable?
  - e. **Impact** – To what extent were changes and effects realised?
- c) To arrive at a set of issues for consideration of CoGTA in taking its programmes forward.

## 4. SCOPE OF WORK

The appointed service provider will be expected to submit the following deliverables:

### a) Inception report

The following activities need to be undertaken during the inception phase:

- Gathering of secondary sources of information on COGTA's programmes,
- Developing evaluation methodology including robust method to ascertain impacts,
- Developing associated instruments,
- Developing a detailed project plan for conducting the evaluation including all disbursements.

### b) Project Execution

KZN COGTA provides support to 54 municipalities and 257 traditional institutions in the Province. An end of term review of the 2015-2020 strategic plan needs to be conducted in order to assess its relevance, implementation or non-implementation, overall effects (implementation or non-implementation), sustainability and impacts thereof.

The type of information to be gathered is determined by what the clients want to know about the programmes as this will ultimately inform the evaluation questions. The Department's management as the clients of this study need not to know only what has been achieved as per the annual reports but also interested in gathering

empirical evidence in order to make informed decisions. This means the Department takes note of the quantitative data but also would like to know the reasons behind the quantitative data. This means both quantitative and qualitative data will need to be collected.

It is envisaged that the appointed Service Provider will develop a robust methodology in order to effectively conduct the evaluation of the KZN COGTA's strategy. The employed methodology must determine the evaluation techniques and expand on the following:

- **Document analysis** - will be done to assess if the Strategic Plan was implemented as planned and unpack the theory of change. This must include analysis of the 2015-2020 Strategic Plan, other Annual Performance Plans; Quarterly Performance Reports; Annual Reports and any other relevant documents will be analysed.
- The study will include all Branch Heads, Internal Control and Monitoring and Evaluation Management, etc. for interviews in order to respond on the qualitative questions on the process of the Strategic Plan. Qualitative data will be collected, analysed and interpreted to provide a description of how the 2015-2020 Strategic Plan was developed (theory of change), and executed.
- **Interviews** – Clarification sessions will be conducted with the Departmental Branch Heads, Internal Control and Strategic Planning and Monitoring Directorates, and any other relevant Branch. Qualitative data will also be gathered from the municipalities and traditional institutions.
- Interview sessions will assist in providing further clarity on how the Strategic Plan was implemented; its achievements, challenges and what can be done different in the years to come.
- **Outcomes** - In evaluating this level, the evaluation will conduct interviews with all role players, including the Department, distinguished Municipal representatives, and traditional institutions representatives as recipients of the support provided by the Department in implementing its 2015-2020 Strategic Plan. Other stakeholders such as, South African Local Government Association and other relevant stakeholders will also be interviewed. Document analysis supported by interviews will be used to confirm whether the outcomes have been met. Further clarity on how the outcomes were achieved must be provided.
- **Impact** – The evaluation will measure the extent to which the envisaged change was realised. Interviews will be conducted with immediate beneficiaries as well as internal and external documents will be used to analyse and attribute changes to the services procured through the support of CoGTA.

Interviews will be guided by the Development Cooperation Directorate (DAC) criteria as per the Organisation for Economic Cooperation and Development. A DAC criterion is mainly promoted by National Department of Planning, Monitoring and Evaluation as it forms part of the National Evaluation Guidelines. The DAC key areas to be tested and questions (not limited) which will be used are as follows:

**Relevance:** The extent to which the support is appropriate to the priorities of Municipalities and Traditional Institutions. In evaluating relevance the following questions will be used:



- How was the planning process and implementation of the strategic plan conducted?
- To what extent are the objectives of the programme still valid?
- Are the activities and outputs of the programme consistent with the overall goal and the attainment of its objectives?
- Are the activities and outputs of the programme consistent with the intended impacts and effects?
- Were the risks appropriately identified?
- How appropriate were the risk strategies developed to deal with identified risks?
- 

**Effectiveness:** Is a measure of the extent to which an aid or activity attains its objectives. In evaluating the effectiveness of the Department's support the following questions will be useful:

- To what extent were the objectives achieved?
- What were the major factors influencing the achievement or non-achievement of the objectives?
- What were the overall outputs and outcomes?
- What is the nature of the outputs and outcomes and their distribution?
- How did the strategic plan work to achieve (or not to achieve) outcomes?

**Efficiency:** Efficiency measures the outputs (qualitative and quantitative) in relation to the inputs. It is an economic term which signifies that the service provided uses the least costly resources possible in order to achieve the desired results. This generally requires comparing alternative approaches to achieving the same outputs, to see whether the most efficient process has been adopted.

When evaluating the efficiency the following questions will be considered:

- Were activities cost-efficient?
- Were objectives achieved on time?
- Was the programme or project implemented in the most efficient way compared to alternatives?

**Impact:** The positive and negative changes produced by Department's intervention, directly or indirectly, intended or unintended. This involves the main impacts and effects resulting from the activity on the local social, economic,

For this study to ascertain the Department's impact the following question will be utilised:

- What other factors have influenced the strategic plan to achieve outcomes?
- What has happened as a result of the programme or project?
- What real difference has the implementation made to the beneficiaries?
- Who and where are the people who have benefited?
- What changes have been realised?

The above questions will enable the study to understand how things have changed in Municipalities (indirect or direct). For example, data sources such as, the Auditor General's report; Consolidated report on Performance of Municipalities; Statistics South Africa Community Survey, etc. can be used to give an indication on how things have turned in Municipalities. Further guidance must be sought for the Traditional Affairs Branch on data sources that can be used to further assess its impacts.

**Sustainability:** Sustainability is concerned with measuring whether the benefits of an activity are likely to continue after project or programme implementation. Projects need to be environmentally as well as financially sustainable. When evaluating the sustainability of a programme or a project, it is useful to consider the following questions:

- To what extent did the benefits of a programme or project continue support ceased?
- What were the major factors which influenced the achievement or non-achievement of sustainability of the programme or project?

**c) Draft reports**

- Draft report for document review
- Draft report for fieldwork

**d) Final report with recommendations**

**e) Presentation of report to the Project Evaluation Steering Committee; Departmental Branch MANCO's , Departmental MANCO and EXCO**

- Workshop on recommendations implementation

**f) Close-out report.**

## **5. GOVERNANCE AND REPORTING**

The project manager for this project will be the Director: Evaluation for the Department of CoGTA. The Director Evaluation will be supported by Chief Director: Strategic Planning, Monitoring, Evaluation, Policy and Research.

The appointed Service provider will report to the Project Steering Committee, comprising of KZN CoGTA's Strategic Planning, Monitoring, Evaluation, Policy and Research Unit Management, the Office of the Head of Department

(HOD), and any other party that may be identified. The Steering Committee will be responsible for considering and approving the service providers' deliverables.

In addition, a Reference group will be established to provide more general advisory and peer-review support on this project. It will comprise academic institutions and government departments (Provincial and National). Necessary input will be provided on key project milestones.

## **6. ASSUMPTIONS AND RISKS**

### **6.1. ASSUMPTIONS**

- There is 100% buy-in from CoGTA's Management for this project.
- Results of the evaluation will be used to feed into future CoGTA strategic and business planning processes.

### **6.2. RISKS**

- High turnover of staff in some municipalities which could limit institutional knowledge of the review period.

## **7. LOGISTICS AND SCHEDULE OF ASSIGNMENT**

### **7.1. Location where the services are required**

The CoGTA is located in Pietermaritzburg, Natalia Building. However, extensive travelling within the province will be required for data collection.

### **7.2. Time frame**

The project will run from the date of award not exceeding 3 months.

## **WRITTEN PROPOSAL**

All proposals must be submitted in one volume, consisting of:

- Technical proposal
- Cost proposal

### **7.3. Technical Proposal**

The technical proposal shall comprise the following 3 parts:

**Part 1:** Technical Approach, Methodology and Detailed Work Plan.

This part shall be between 3 and 5 pages long, but may not exceed 5 pages.

The Technical Proposal should describe in detail how the bidder intends to carry out the requirement described in Scope of Work (SOW).

The technical proposal should demonstrate a clear understanding of the work to be undertaken and the responsibilities of all parties involved.

The bidder should include detailed methodology inclusive of a Gantt Chart.

## **Part 2: Key Personnel, and Staffing Plan.**

This part shall be between 2 and 5 pages long, but may not exceed 5 pages.

This section should include CV(s) for key personnel that will be assigned to the implementation of the proposed methodology, clearly defining the roles and responsibilities.

Firm(s) can purpose a consultant(s) who will be responsible for the implementation of the proposed methodology.

At the minimum CV(s) of the assigned consultant(s) must demonstrate the following immediate requirement:

- Key personnel 1 must a master's degree with a minimum 5 years research background
- Key personnel 2 must be a local government specialist with a degree in public management or equivalent.
- Key personnel 3 must be an Accountant or Economist or equivalent with a minimum 5 years in the public sector background
- Company experience in public sector strategic plan development, implementation and review thereof.

## **Part 3: Company Capabilities, Experience, Past Performance.**

This part shall be between 2 and 4 pages long, but may not exceed 4 pages.

Additionally, a bidder must include 3 written references for similar work previously performed including:

- name of point of contact who can speak to the bidder's performance, name and address of the institution for which the work was performed, and email and phone number of the point of contact.

## **8.2. Cost Proposal**

The price of the contract to be awarded will be an all-inclusive. No profit, fees, taxes, or additional costs can be added after award.

## **8. ELIGIBILITY CRITERIA:**

The following table (Schedule 1) consisting of the list of people containing names, qualifications and roles of team members who will be directly involved in the project must be completed and submitted:

## SCHEDULE 1: ELIGIBILITY CRITERIA

TABLE 1					
ELIGIBILITY ASSESSMENT					
ELIGIBILITY CRITERIA			METHOD OF VERIFICATION	YES	NO
1.	Tertiary qualification of Key Personnel 1	Team leader must have a master's degree qualification in the field of social sciences or public management or related	Certified copy of qualification must be attached.		
CORE TEAM					
2.	Qualification of Key Personnel 2, experience in National, Provincial and/or Local Government.	Degree in Public Management or related	CV detailing similar project successfully conducted project with traceable references, at least one project done.		
3.	Qualification of Key personnel 3	A specialist in the field of Economics or Accounting	Certified copy of qualification		
4.	Company experience in public sector strategic plan development, implementation and review thereof	3 written references for similar work previously performed	3 written references		
5.	BBBEE level and QSE/EME	Company must be a BBBEE 1 and QSE/EME	Sworn affidavit or certificate from an accredited agent		
6.	Written proposal	Written proposal as outlined in paragraph 8 of this document ' written proposal'	Written proposal fully complying with paragraph 8 of this document		

## 9. PROPOSAL EVALUATION

The proposal will be evaluated on the 80/20 preference point system, with 80 points based on price and functionality and 20 points in respect of targeted procurement, as follows:

Evaluation Element	No. of Points
Pricing	80
Targeted procurement	20
Total	100

## 10. ENQUIRIES

11.1 All enquiries regarding proposal submission procedures and administrative matters must be directed to:

Ms Lindiwe Madlala

033-395 2293

[lindiwe.madlala@kzncogta.gov.za](mailto:lindiwe.madlala@kzncogta.gov.za)

11.2 All enquiries relating to the scope of work must be addressed to:

Ms Nobuhle Ngcobo

Department of Co-Operative Governance and Traditional Affairs

Natalia Building

Pietermaritzburg

(033) 395 2274

17 [Nobuhle.Ngcobo@kzncogta.gov.za](mailto:Nobuhle.Ngcobo@kzncogta.gov.za)

Further enquiries on the Scope of the work to be done at the briefing session to be held on 17 October 2019 at 10:00 am at 330 Langalibalele Street, Natalia building, 13th Floor, Room 16, SCM Boardroom, North Tower, Pietermaritzburg.

## 11. PRICING OF PROPOSALS

12.1 The Department reserves the right to contact those who have submitted proposals in order to:

12.1.1 Obtain clarity where information is incomplete or where a lack of clarity exists about technical aspects of the quotation;

12.1.2 Obtain confirmation of prices in cases where it is obvious that a written, typed or transcription error, or an error in the unit price has been made.

12.2 The pricing schedule to be in accordance with a table below:

## 12. PRICING SCHEDULE

Phases and Deliverables	Budget % (Cumulative)	Time in months	Total value inclusive of VAT
Inception report	20%		
Draft report – document review	15%		
Draft report – fieldwork (data collected from all stakeholders)	15%		
Draft final report	20%		
Final report	20%		
Presentation of report to the Project Evaluation Steering Committee; Departmental Branch, MANCO and EXCO (Workshop on recommendations implementation)	5%		
Close-out report	5%		
Total	100%		

## 13. FEES AND DISBURSEMENTS

Response proposals must include an estimation of professional services fees and disbursements for the assignment. Disbursements must include travel costs and any other related costs.

## 14. SUBMISSIONS OF PROPOSALS

All quotations must be submitted to **330 Langalibalele Street, Natalia Building, 13<sup>th</sup> Floor, Lift Area, North Tower, PMB** on or before the closing date of **01 November 2019**. All proposals must be submitted in a sealed envelope. The bid proposals must include the documents in paragraph 6. The proposals must be deposited in the bid box situated in **330 Langalibalele Street, Natalia Building, 13<sup>th</sup> Floor, Lift Area, North Tower, PMB** on or before **01 November 2019 at 11:00 am**. The onus is on the service provider to ensure that the proposals are deposited in the correct box. Please ensure that the proposal is clearly marked with the reference number (to be provided by SCM).

**15. MEMORANDUM OF AGREEMENT**

The successful service provider will enter into a Memorandum of Agreement with the Department for all goods/services required.

**16. BID DEADLINE**

All price quotations to be submitted at **330 Langalibalele Street, Natalia Building, 13<sup>th</sup> Floor, Lift Area, North Tower, PMB** or before the closing date and time of **01 November 2019 at 11:00 am**.

**17. CONFLICT OF INTEREST**

The appointed Service Provider(s) may not in any way that is inconsistent with his/her duties; expose him/herself to any situation involving the risk of a conflict of interest between the official responsibilities required of the outsourced tender and with that of private interests.

**18. DECLARATION OF INTEREST**

The reviewer and/or selection panel will regard all information presented in, or in support of the application, as confidential and may not use any information for personal or 3rd party gain.

**KZN COGTA END - TERM EVALUATION – TERMS OF REFERENCES**



## APPENDIX 1

## DETAILS FOR COMPLETION OF AN ENVELOPE FOR A BID/QUOTATION

Section 1 paragraph 6 of this bid/quotation document indicates the requirements for addressing of an envelope when a bid/quotation is submitted to the Department. Kindly ensure the envelope is addressed correctly because if it is not properly addressed the bid/quotation may be rejected as being invalid and returned to the respective bidder. The correct manner in which it is to be addressed is detailed below:

EXAMPLE FORMAT

FRONT SIDE OF ENVELOPE	
<b>Name and address of bidder:</b>	XYZ Consultants, PO Box 1234, Durban 4000
<b>Bid/Quotation Number:</b>	ZNT 1970/2019 LG
<b>Description:</b>	APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT END- TERM EVALUATION ON THE 2015- 2020 STRATEGIC PLAN FOR THE KWAZULU-NATAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
<b>Closing date:</b>	01 NOVEMBER 2019
<b>Closing time:</b>	11:00

REVERSE SIDE OF ENVELOPE	
<b>Department's details and address:</b>	The Head: Supply Chain Management Department of Co-operative Governance and Traditional Affairs 13 <sup>th</sup> Floor, North Tower Natalia Building 330 Langalibalele Street Pietermaritzburg 3201

## APPENDIX 2

## RETURNABLE DOCUMENTS

BIDDERS ARE REQUIRED TO ATTACH THE FOLLOWING DOCUMENT TOGETHER WITH THEIR PROPOSAL ON THE CLOSING DATE OF THE BID:

CERTIFIED COPY OF B-BBEE STATUS VERIFICATION CERTIFICATE
VALID PIN STATUS FROM SARS VALID FOR A MINIMUM OF 12 MONTHS
COMPANY PROFILE
PROOF OF REGISTRATION WITH CENTRAL SUPPLIER DATABASE (CSD)
<b>PDF COPY OF COMPLETED TENDER DOCUMENT AND ATTACHEMENTS SCANNED ON A DISC (COMPULSORY)</b>

## ANNEXURE “B”

### GENERAL CONDITIONS OF CONTRACT<sup>1</sup>

THE NATIONAL TREASURY  
Republic of South Africa



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### GOVERNMENT PROCUREMENT: GENERAL CONDITIONS OF CONTRACT July 2010

#### NOTES

The purpose of this document is to:

- (i) Draw special attention to certain general conditions applicable to government bids, contracts and orders; and
- (ii) To ensure that clients be familiar with regard to the rights and obligations of all parties involved in doing business with government.

In this document words in the singular also mean in the plural and vice versa and words in the masculine also mean in the feminine and neuter.

1. The General Conditions of Contract will form part of all bid documents and may not be amended.
2. Special Conditions of Contract (SCC) relevant to a specific bid, should be compiled separately for every bid (if applicable) and will supplement the General Conditions of Contract. Whenever there is a conflict, the provisions in the SCC shall prevail.

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<sup>1</sup> A copy of the complete document set containing the General Conditions of Contract is available on [www.kzncogta.gov.za/bids](http://www.kzncogta.gov.za/bids)

## **GENERAL CONDITIONS OF CONTRACT TABLE OF CLAUSES**

1. Definitions
2. Application
3. General
4. Standards
5. Use of contract documents and information; inspection
6. Patent rights
7. Performance security
8. Inspections, tests and analysis
9. Packing
10. Delivery and documents
11. Insurance
12. Transportation
13. Incidental services
14. Spare parts
15. Warranty
16. Payment
17. Prices
18. Contract amendments
19. Assignment
20. Subcontracts
21. Delays in the supplier's performance
22. Penalties
23. Termination for default
24. Dumping and countervailing duties
25. Force Majeure
26. Termination for insolvency
27. Settlement of disputes
28. Limitation of liability
29. Governing language
30. Applicable law
31. Notices
32. Taxes and duties
33. National Industrial Participation Programme (NIPP)
34. Prohibition of restrictive practices