



Umkhandlu wakwa

NONGOMA

Local Municipality

Tel: (035) 831 7500

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ADVERTISEMENT

PROPOSALS ARE HEREBY REQUESTED IN ACCORDANCE WITH THE SCM REGULATIONS SECTION 18 OF THE LOCAL GOVERNMENT MUNICIPAL FINANCE MANAGEMENT ACT 56 OF 2003, FOR THE PURCHASE OF ITEMS/ THAT COULD BE ABOVE R30 000.00

ADVERTISEMENT DATE	5 OCTOBER 2018
DEPARTMENT	Supply Chain Management
REQUEST FOR PROPOSAL NUMBER	SCM RFP 03/2018/19-REVIEW LED STRATEGY SCM RFP 04/2018/19- REVIEW OF TOURISM SECTOR PLAN SCM RFP 05/2018/19-NONGOMA INVESTMENT STRATEGY SCM RFP 06/2018/19-AGRICULTURAL STRATEGY
REQUEST FOR QUOTATION VALIDITY PERIOD	14 Days (commencing from the RFP Closing date)
DESCRIPTION OF GOODS/SERVICES	PREPARATION OF THE ABOVE MENTIONED DOCUMENTS.
DOCUMENTS ARE OBTAINABLE AT NO COST FROM	Nongoma Local Municipality SCM Unit or can be emailed or request
SUBMISSION OF PROPOSALS	Bid box Nongoma Municipality reception, Lot 103 Main Street, Nongoma
CLOSING DATE & TIME	15 OCTOBER 2018 @ 12H00
PREFERENCE POINTS EVALUATION CRITERIA	80/20
TOR	Will be available from the Municipal website or Nongoma SCM office.
TECHNICAL ENQUIRIES	Mr S.B.Zulu (035) 831 7500
SCM ENQUIRIES	Ms L.C.Maema/Mrs T.S.Bukhosini (035) 831 7500

Service provider/s that are currently not on Nongoma Municipality accredited or preferred database can obtain application forms from our website or collect from our registry office. for more information on Tenders and Quotations visit our website: <http://nongoma.gov.za/ambrosia> under notices.

All prospective service providers of goods and services and infrastructure procurement are required to apply on Central Supplier Database in order to do business with all organs of the State in the Republic of South Africa at <https://secured.csd.gov.za> non registration will be regarded as none responsive.

PROPOSALS MUST BE SUBMITTED IN SEALED ENVELOPES CLEARLY MARKED "PROPOSAL NO: AND SERVICE QUOTING FOR"

Returnable documents:

The following documents are mandatory in order to be considered for award.

- Price (s) quoted must be valid for thirty (30) days from date of your offer and must be firm and inclusive of VAT
- This quotation will be evaluated in terms Preferential Procurement Policy Framework Regulations 2011.
- The valid original tax Clearance certificate or SARS verification Pin.
- CSD Summary
- certified B-BBEE certificate or Affidavit.
- Municipal rates and taxes statement not older than 90 days, lease agreement if the place of business is leased accompanied by statement of municipal rates and taxes not older than 90 days, proof of residence accompanied by SAPS Affidavit is business is conducted in rural area

Evaluation criteria: 80/20 Preferential points system as presented in the "Preferential Procurement Policy Framework Act 2000, Preference Procurement Regulations, 2017", for this purpose MBD 2 , MBD4 and MBD 6.1, 7.1, 8 & 9 must be completed and submitted with your quotation. failure in submitting documents will result in a quotation being disqualified.



MRS V.T.SOKHELA
MUNICIPAL MANAGER

MBD 4

DECLARATION OF INTEREST

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

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

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, hareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

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

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

3.8.1 If yes, furnish particulars.

.....

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

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

.....

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

3.11.1 If yes, furnish particulars

.....

.....

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

3.12.1 If yes, furnish particulars.

.....

.....

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

3.13.1 If yes, furnish particulars.

.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars:

.....

.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

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, 2011.

1. GENERAL CONDITIONS

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

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

1.2 The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the.....system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

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

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

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

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 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

2.1 **“all applicable taxes”** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based

on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- 2.4 **“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 services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **“comparative price”** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **“consortium or joint venture”** 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;
- 2.8 **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **“EME”** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **“Firm price”** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **“functionality”** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“rand value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“total revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 **“trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 **“trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.

- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

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

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

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for comparative price of bid under consideration
- P_t = Comparative price of bid under consideration
- P_{\min} = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (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 (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an

Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?%
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm :.....

9.2 VAT registration number :.....

9.3 Company registration number
:

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated

Registered Account Number

Stand Number

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?

.....

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 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 paragraph 7, 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 contribution 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) restrict the bidder or contractor, its shareholders and directors, or only the

shareholders and directors who acted on a fraudulent basis, 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.

.....
SIGNATURE(S) OF BIDDER(S)

2.

DATE:.....

ADDRESS:.....

.....

.....

.....

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.

2. The following documents shall be deemed to form and be read and construed as part of this agreement:

- (i) Bidding documents, viz
 - Invitation to bid;
 - Tax clearance certificate;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Certificate of Independent Bid Determination;
 - Special Conditions of Contract;
- (ii) General Conditions of Contract; and
- (iii) Other (specify)

3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.

4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1
2
DATE:

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

- 1. I..... in my capacity as..... accept your bid under reference number dated..... for the rendering of services indicated hereunder and/or further specified in the annexure(s).
- 2. An official order indicating service delivery instructions is forthcoming.
- 3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorised to sign this contract.

SIGNED AT ON

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1

2

DATE:

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	<p>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?</p> <p>(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).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

- a. take all reasonable steps to prevent such abuse;
- b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
- c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

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

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js9141w 4

AGRICULTURAL SECTOR STRATEGY DEVELOPMENT

FUNCTIONALITY POINTS AS PART OF ASSESSMENT CRITERIA

Functionality is aiming to detect the eligibility of the applicant

Item	Points
3 References in a form of letter of appointments on the same Job Agricultural Strategy Development or Review.	20
3 Years Project managers experience	20
Degree in Agriculture or Agri Economics	20

References in a form of Appointment Letters on the same job or Project Management.

- (i) 3 and above = 20
- (ii) 1 up to 2 = 10
- (iii) 0 up to 1 = 5

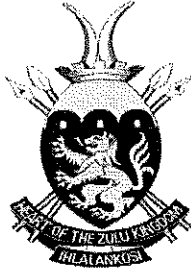
Experience for Project Manager in years to Agricultural Sector Development or Review Related field in Local Government or Provincial Government/ Consultancy.

- (iv) 3 and above = 20
- (v) 1 up to 2 = 10
- (vi) 0 up to 1 = 5

Qualifications in Agriculture or Agri Economics.

- (vii) 2 up to 3 = 20 (Degree in Agriculture or Agri Economics)
- (viii) 1 up to 2 = 10 (Diploma in Agriculture)
- (ix) 0 up to 1 = 5 (NCV Level 4 in Agriculture)

Only the companies with 60% and above in functionality will be further considered for price and preference point system.



Umkhandlu wakwa - **NONGOMA** - Local Municipality

Tel: (035) 831 7500|Fax: (035) 831 3152|P.O. Box 84|Nongoma 3950

TERMS OF REFERENCE

FOR

**THE DEVELOPMENT OF AGRICULTURAL SECTOR PLAN FOR THE LED UNIT OF
NONGOMA LOCAL MUNICIPALITY**

**PLANNING AND DEVELOPMENT DEPARTMENT
LED UNIT**

Prepared by: Mr Sibusiso Zulu

Manager: LED/Tourism/Business Regulations

Nongoma Local Municipality

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Tel: +27 (35) 831 7500, Cell: 076 0208062

P.O. Box 84

Nongoma , 3950

I have personally checked
this document for
consistency and quality.

Signed: Mr Sibusiso Zulu

Date:/...../.....

1. INTRODUCTION AND BACKGROUND

1.1 Introduction

Nongoma Local Municipality seeks proposals from suitably qualified and experienced professional firm of economists and project managers to develop Nongoma Agricultural Sector Plan.

1.2 Project Background

1.2.1 SPATIAL LOCATION WITHIN ZULULAND

Nongoma is one of the five local municipalities that make up the Zululand District and is located in the east of the Zululand District Municipality (ZDM). The Nongoma Municipality covers an area of approximately 2,184 km² and is second largest in terms of area in the ZDM. The area is made up of 21 wards and has 42 councilors. Nongoma is popularly known as the seat of the Zulu monarch.

Nongoma is predominantly a rural municipality. There are three Traditional Councils in Nongoma which are Usuthu, Matheni and Mandlakazi Traditional Council and there are 363 settlements, only one of which (Nongoma) has some urban characteristics whilst 98.34% of the population lives in rural areas.

1.2 DEMOGRAPHIC PROFILE

There has been a decline in population figures within the Nongoma Municipal Area from 2001 to 2016, i.e. from 194,532 people in 1996 to 194,348 in 2011 (StatsSA). This can be as a result of out-migration of people – particularly men – to Empangeni/Richards Bay, Durban and mining areas in Gauteng and elsewhere. There has been a significant decrease in Average Household Sizes between 1996 and 2001, i.e. from an average of 7.2 persons per household to 6.2 persons. This trend continued and average household sizes decreased to 5.6 persons per household in 2011.

There are more females than males (56: 44) within the Municipal area. This is likely the result of males seeking work elsewhere. Some 60.5% of households in 2011 were headed by women.

The Municipality has a very young population, i.e. some 56% of the population is less than 20 years of age. Dependency ratios are still very high, but have declined from 103.8 in 2001 to 88 in 2011.

Lowest household income levels are around the town of Nongoma and in the northern parts of the municipality. Whilst it would appear that there has been a reduction in the unemployment rate from 71.1% in 2001 to 49.3% in 2011, this does not reflect those persons who are employable but are discouraged in their seeking for work. Some 52% of all households within the Nongoma Municipal Area earned less than R1,600 per month in 2011. This means that they qualify as indigents.

2. OBJECTIVES

The objective of these terms of reference is to invite and apprise potential Service providers to assist the Municipality to develop a Agricultural Sector Plan and ensure alignment with the National Agricultural Strategy and KZN Agricultural Plan.

3. SCOPE OF WORK

Phase A – Inception Report

The service provider is required to:

- (a) An inception report noting the detailed methodology that will be followed, all logistical arrangements, a detailed activity based work-plan, timeframes and associated resource allocations to successfully complete the project. The appointed Service Provider is required to establish the Project Steering Committee (PSC), which will be comprised of all interested stakeholders. The service provider is required to provide a detailed inception report noting overall

approach, methodology, detailed activities, timeframes and associated resource allocations to successfully complete the project for incorporation in the Service Level Agreement between the parties.

Phase B – Agricultural Sector Plan Formulation

Roles	Tasks
Specific Requirements from Service Provider during the contract period	<ul style="list-style-type: none">• Orientation process• Stakeholder engagement.• Situational Analysis and literature review• Data collection (Primary and Secondary)• Analyses and interpret data collected.• Prepare, Present and submit reports to PSC• Agricultural Strategic framework (Compile sector analysis report)• Database of Agricultural opportunities• Compile Realistic project list.• Compile Implementation Plan• Final deliverables and close out report

Phase C – comprehensive situational analysis

- A detailed analysis of the local economy in order to establish the agricultural potential of the area, and an understanding of the recent demographic, socio-economic, and institutional trends in Nongoma Municipality.
- Identification of the key stakeholders providing an analysis of the perceived and anticipated interests of identified interested and affected parties.
- A preliminary analysis of existing infrastructure in terms of transport as well as facilities such as health care, etc.
- SWOT analysis.
- A consultative process which will be critical for the SWOT analysis
- Assessment of the institutional capacity to undertake and implement agricultural development initiatives in the area.

Phase D – strategic development framework

A strategic development framework, incorporating, but not limited to the following:

- A long-term vision and goals concerning agricultural development within the municipality;
- Identification of sector potentials, key issues and development opportunities, by means of a focused sectoral analysis at municipal level.
- Analysis of the current institutional and staffing arrangements, and the development of an appropriate institutional and marketing framework focused on capacity building and development facilitation
- Formulation of a strategic development framework with key programmes based on the lead sectors and opportunities identified in the area
- Identification of infrastructure requirements that would have to be in place for the successful implementation of the project.

Phase D – comprehensive implementation strategy & monitoring and evaluation framework

A monitoring and evaluation framework to allow the Municipality to:

- Effectively monitor and evaluate the implementation of the agricultural plan
- Incorporate lessons learnt into the decision-making process of implementing further development programmes

The comprehensive implementation strategy:

- Identification of key strategies, programmes and projects that are clearly linked to the prevailing local economic situation and tangible local resources available in the area
- Prioritisation of projects in terms of timeframes, budget and impacts
- Individual action plans for prioritised projects
- Recommendations pertaining to the necessary institutional requirements that would have to be in place for the successful implementation of the project.

At the conclusion of the project, the Service Provider is required to provide a final integrated report which combines all the phases. The final consolidated report which consists of:

- All GIS data must be submitted

Phase V – Close out Report

Compilation of the Close-out report detailing the necessary information including schedule of payments, expenditure, signed copies of all steering committee minutes, challenges faced during the project, recommendations to the department to improve on similar projects in future. The close out report should be submitted with the following documents:

- three hard copies of the strategy, professional printed in colour and bound. This should be comprehensive reports collating the contextual and situational analysis and strategy reports. The implementation plan should be printed separately.
- three electronic copies of the strategy on disks.
- Generic Power Point presentation of the strategy on disks – five copies.

4. OUTPUT AND DELIVERABLES

- Inception Report – detailing the scope of work and the methodology that will be used in developing the Nongoma Municipality Agricultural Sector Strategy.
- Situation Analysis – detailing the status quo of the Agricultural industry within Nongoma Municipality incorporating SWOT, Gap and Contextual Analysis of literature review of all the Agricultural studies that have been conducted for surrounding local municipalities as well for other independent institutions.
- Agricultural Sector Plan – Information by intense research and detailing:
 - Appropriate and comprehensive Agricultural Strategy identifying diversified Agricultural projects and marketing strategy, with recommendations regarding the development of appropriate Agricultural products, standards, range and type of Agricultural facilities.
 - Implementation Plan – detailing proper costing of the Agricultural Strategy, responsible agencies, funding agencies, PPP possibilities and other partnerships.
 - Close out Report – detailing the necessary information including schedule of payments, expenditure, signed copies of all steering committee minutes, challenges faced during the project, recommendations to the department to improve on similar projects in future.

5. PROJECT DURATION

It is estimated that the assignment will be completed in five (5) months after signing the Service Level Agreement.

6. PROJECT TEAM

The team is expected to consist at least of the following members:

- A Specialist in Agricultural Development Sector who will have an experience in the development of Agricultural strategies, Local Economic Development Plans and programs.
- Sound knowledge and experience in Agricultural research.
- Financial and economic specialist.
- Ability to liaise with key role players and stakeholders.
- Undertaken comparable evaluations within the economic or social sector.
- Experience in developing quality reports with graphic presentations and analysis Presentation skills, and
- Demonstrate a proven track record of undertaking similar projects.

7. COMPETENCY REQUIREMENTS

Consultants appointed to undertake this project should demonstrate the following key competencies:

- Being suitably qualified and experienced to respond to the terms of reference
- Proven track record (timely, effective and efficient delivery);
- Demonstrate a proven track record of undertaking similar projects
- Sufficient sectorial knowledge and expertise in order to accurately assess the critical factors impinging on various aspects relating to projects.
- Understanding setting up of investment seminars, SMME development, Agricultural Promotion and Local Economic Development

7.1 Team Composition

The proposal must provide a detailed description of the Team composition (profile of the skills and competences), as well as Key Experts. CV's of all team members should to be submitted in the attached format (Annexure C). A Company and or Consortium profile must be provided detailing previous work history and experience.

7.2 Skills and competencies

Consultants appointed to undertake this project should demonstrate the following key competencies:

- i. Proven track record in Agricultural Development
- ii. Vast knowledge of Agricultural Economics and particularly the KZN economy and District Economy
- iii. Should be suitably qualified to respond to the terms of reference
- iv. Should possess knowledge in formulating strategies of a similar nature
- v. Report writing and presentation skills
- vi. A sound approach and methodology towards delivering on this assignment
- vii. Accessibility and dedication for the duration of this project
- viii. Project Management skills
- ix. Ability to engage with varied nature of government stakeholders

7.2.1 Project Manager: Economist

The Project Manager will be responsible for the overall management of the project and ensure that all project deliverables are achieved.

- Should possess a Post Graduate Degree in Agriculture, Business Management, Development Economics, or equivalent.
- At least 3 years' experience in Agriculture or LED.
- Should have knowledge of the Agriculture landscape.

- Knowledge of National and Provincial Economic Policy, District Frameworks.
- Should possess advanced project management skills including planning, coordination, organising and exceptional communication skills.
- Good in report writing and presentation skills.
- An expert with knowledge and experience in the development of strategies.

7.2.2 Senior Researcher: Trade Economist

The Senior Researcher will lead the research process

- Should possess a Degree/Diploma in Agriculture or Economics, Development Economics.
- 3-5 years of experience, in Agriculture
- Should possess skills in research methodology design, implementation, analysis and quality reporting
- Good communication, facilitation, presentation, reporting and editing skills
- Advanced computer skills
- Planning , coordinating, organising and communication skills

7.2.3 Junior Researchers: Economists

The Junior Researchers will provide support to the Senior Researcher

- Degree/Diploma in Agriculture or equivalent
- At least 3 years as an Agriculture researcher
- Good communication, facilitation, presentation, reporting and editing skills
- Skilled in research methodology design, implementation and quality reporting
- Planning, coordinating, organising and communication skills
- Advanced computer skills

8. PRICING

The Service Provider must structure its budget in such a way that the under mentioned information is clearly identified.

- The total quote price to complete the assignment.
- Hourly Rate per team member.
- Itemize costs per activity, including costs for obtaining information from other agencies.

9. REPORTING AND OVERSIGHT

9.1 Institutional Arrangements

The following institutional arrangements are anticipated:

- Since the project will take place over a period of 2 months, the team is expected to report monthly to the project steering committee identified by the project leader from the department.
- The steering committee to be established must consist of municipal representative, sector departments and other interested parties.
- The project team is also expected to provide secretariat and submit all minutes to the project steering committee.
- Steering committee will be required to steer the project in order to yield desired the desired outcomes.
- Meetings will be held at venue chosen by project leader.

9.2. Enquiries

During the process of preparing the proposal, technical enquiries may be forwarded to LED Unit and be directed to Mr. Sibusiso Zulu (Manager: LED/Tourism/Business Regulations) on 035 8317500 or 076 02085062 or Email: sbu.led@nongoma.org.za