



**Request for Quotation for Appointment of “Facilitator for Extended Management Retreat”  
RFQ# NLM/MS/FEMR/2022/2023**

**CLOSING DATE** : 28 November 2022  
**CLOSING TIME** : 12: 00 PM

COMPANY (BIDDER) NAME.....

CONTACT PERSON.....

CONTACT NUMBER.....

BID PRICE (All Inclusive).....

CSD NUMBER.....

**NTABANKULU LOCAL MUNICIPALITY**

Erf no 85 Main Street

Ntabankulu, 5130

P.O. Box 234

Ntabankulu, 5130

Tel: 039 258 0056

Fax: 039 258 0173

E-mail: [info@ntabankulu.gov.za](mailto:info@ntabankulu.gov.za)**REQUEST FOR QUOTATION (RFQ): APPOINTMENT OF “FACILITATOR FOR EXTENDED MANAGEMENT RETREAT”.**

NTABANKULU LOCAL MUNICIPALITY is calling upon service providers to bid for the

**APPOINTMENT OF “FACILITATOR FOR EXTENDED MANAGEMENT RETREAT”**

Please furnish all information as requested and return your quotation on the date stipulated. Late and incomplete submissions will invalidate the quotation submitted.

Late and incomplete submissions will invalidate the quotation submitted.

ADVERTISEMENT DATE	18 NOVEMBER 2022
RFQ NUMBER	NLM/MS/FEMR/2022/2023
DESCRIPTION OF GOODS/SERVICE	<b>APPOINTMENT OF “FACILITATOR FOR EXTENDED MANAGEMENT RETREAT”</b>
CLOSING DATE AND TIME:	28 NOVEMBER 2022 AT 12H00
ENQUIRIES	071 852 3887/ <a href="mailto:mankahlan@ntabankulu.gov.za">mankahlan@ntabankulu.gov.za</a> – Miss. N Mankahla Technical Enquiries or  082 786 0772 <a href="mailto:mdudio@ntabankulu.gov.za">/mdudio@ntabankulu.gov.za</a>  O. Mdudi-SCM Related,

Quotations above R30 000 will be evaluated on the basis of the 80:20 point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2017) & the Ntabankulu Local Municipality’s Supply Chain Management Policies and Procedure.



**List of Compulsory Returnable Documents that form part of the this Bid/Quote document:**

1.	Invitation to Bid	MBD 1
2.	SARS Tax Pin number Certificate to be attached	
3.	Pricing Schedule – Firm Prices (Purchases)	MBD 3.1
4.	MBD 4: Declaration of Interest	MBD 4
5.	Local Production and content: To declare minimum threshold for local production and content which is not less than the prescribed threshold by National Treasury.	MBD 6.2
6.	Declaration of Bidders Past Supply Chain Management Practice	MBD 8
7.	Certificate of Independent Bid Determination	MBD 9
8.	Certified Copy of BBBEE certificate or original Sworn Affidavit	
9.	Certified ID Copy/s of all company directors	
10.	Rates Clearance for both company and director or proof stating that the company does not own property within urban area	
11.	Centralized Supplier Database (CSD) Report or Summary	
12.	<b>Signed</b> Quotation valid for 90 Days	

**NB: No quotations will be considered from persons in the service of the state**

PLEASE NOTE THAT NOT SUBMITTING THE COMPULSORY DOCUMENTS MAY LEAD TO DISQUALIFICATION ON COMPULSORY REQUIREMENTS.

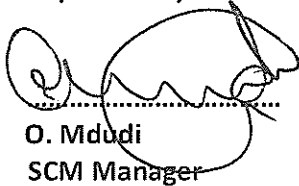
Specification:

Specification is attached

### CONDITIONS

1. All goods or services purchased will be subject to Ntabankulu Local Municipality SCM Policy and Procedures. A copy of said conditions is available from the SCMU office.
2. All purchases will be made through an official order form. Therefore no goods must be delivered or services rendered before an official order has been forwarded to and accepted by the successful bidder.
3. To participate in the Ntabankulu Local Municipality Quotation process for the procurement of goods and/or services, vendors are advised to be accredited and registered on the Ntabankulu Local Municipality Supplier Database.
4. All prices quoted must be inclusive of Value Added Tax (VAT). Suppliers who are not registered for VAT will be treated as Non VAT Vendors.
5. Prices quoted must include delivery charges and goods must be delivered to the address indicated on the quotation page.
6. All prices submitted must be firm. "Firm" prices are deemed to be fixed prices.
7. Quantities are given in good faith and without commitment to the Ntabankulu Local Municipality. The Municipality reserves the right to increase or reduce the quantity to be in line with the set threshold for quotations prescribed in the SCM Policy.
8. Submission of a Quotation can be dropped in a box clearly marked "**Appointment of Facilitator for Extended Management Retreat**" at the reception at Ntabankulu Local Municipality, in Ntabankulu ERF 85, Main Street.
9. THE NTABANKULU LOCAL MUNICIPALITY DOES NOT TAKE RESPONSIBILITY FOR ANY QUOTATIONS DEPOSITED IN THE WRONG BOX.

Requested by



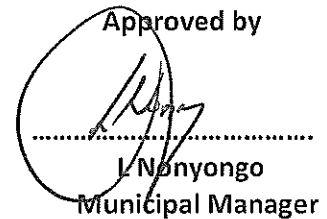
O. Mdudi  
SCM Manager

Recommended by



X.N. Venn  
CFO

Approved by



L Nonyongo  
Municipal Manager



**INVITATION TO BID**

**INTERESTED SERVICE PROVIDERS ARE HEREBY INVITED TO SUBMIT QUOTES FOR:  
 "Appointment of "Facilitator for Extended Management Retreat"  
 RFQ NO: NLM/MS/FEMR/2022/2023**

**CLOSING DATE: 28 NOVEMBER 2022  
 CLOSING TIME: 12:00 PM**

Quotation documents must be deposited in the tender box situated at Ntabankulu Local Municipality not later than 12:00 pm on the **28 NOVEMBER 2022**. Bidders should ensure that quotes are delivered timeously to the correct address. If the Quote is late, it will not be accepted for consideration.

THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO MAY RESULT IN YOUR QUOTE BEING DISQUALIFIED)

Name of Bidder		
Postal address		
Street address		
Telephone Number	Code	Number
Cell phone Number	Code	Number
Facsimile Number	Code	Number
Email address		
Vat Registration Number		

Has an original tax clearance certificate been submitted	Yes/No
Are you the accredited representative in South Africa for the good/services offered?	Yes/No (IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER	
DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED	
<b>TOTAL BID PRICE</b>	

**PRICING SCHEDULE – FIRM PRICES (PURCHASES)**

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

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....	Bid Number: NLM/MS/FEMR/2022/23
Closing Time .....	Closing Date .....

OFFER TO BE VALID FOR.....DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY **(ALL APPLICABLE TAXES INCLUDED)
-	Required by:		Ntabankulu Local Municipality
-	At:		..... .....
-	Brand and Model		.....
	Country of Origin		.....
-	Does the offer comply with the specification(s)?		*YES/NO
-	If not to specification, indicate deviation(s)		.....
-	Period required for delivery		..... *Delivery: Firm/Not firm
-	Delivery basis		.....

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

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

\*Delete if not applicable

MBD 4

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
- 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, hareholder<sup>2</sup>):.....

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. ....

.....  
..

<sup>1</sup>MSCM 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.

<sup>2</sup> 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**

## **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2017 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### **1. General Conditions**

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2017 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2017 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.**

1.6. A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

## 2. Definitions

2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;

2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);

2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).

2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. **“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.

3. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2017) for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2017):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 5.1. If yes, provide the following particulars:

- (a) Full name of auditor: .....
- (b) Practice number: .....
- (c) Telephone and cell number: .....
- (d) Email address: .....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer / Accounting Authority provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2017)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY: (Procurement Authority / Name of Municipality / Municipal Entity):**  
.....

NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thedti.gov.za/industrialdevelopment/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder  
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2017; and
  - (ii) the declaration templates have been audited and certified to be correct.

(c)The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2017, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2017	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2017	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2017, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2017.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2017, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 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 and or in Ntabankulu Local Municipality as companies or persons prohibited from doing business with the public sector or with the municipality?</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><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 page.</b></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><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></p>	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 of law outside 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:		
<b>Item</b>	<b>Question</b>	<b>Yes</b>	<b>No</b>
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 bids<sup>1</sup> 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).<sup>2</sup> 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:

<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.

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid: NLM/MS/FEMR/2022/2023-  
APPOINTMENT OF FACILITATOR FOR EXTENDED MANAGEMENT RETREAT

---

(Bid Number and Description)

in response to the invitation for the bid made by: NTABANKULU LOCAL  
MUNICIPALITY

---

(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 consortium<sup>3</sup> 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.

<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.

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

**TERMS OF REFERENCE FOR EXTENDED MANAGEMENT  
RETREAT SESSION  
5<sup>th</sup> -09<sup>th</sup> December 2022**



Prepared by:

**N. Mankahla**

**Manager: Strategic Services**

Approved by:

**L. Nonyongo**

**Municipal Manager**

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## 1. INTRODUCTION

Section 72 (1) of the Local Government: Municipal Finance Management Act No. 56 of 2003 states that: "Mid-year budget and performance assessment. —

(1) The accounting officer of a municipality must by 25 January of each year-

(a) assess the performance of the municipality during the first half of the financial year; taking into account-

- (i) the monthly statements referred to in section 71 for the first half of the financial year;
- (ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan;
- (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and

(b) submit a report on such assessment to-

- i) the mayor of the municipality
- ii) the National Treasury; and
- iii) the relevant provincial treasury

(2) The statement referred to in section 71(1) for the sixth month of the financial year may be incorporated into the report referred to in subsection (1) (b) of this section.

(3) The accounting officer must, as part of the review-

- (a) make recommendations as to whether an adjustments budget is necessary; and
- (b) recommend revised projections for revenue and expenditure to that this may be necessary.

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## 2. SCOPE OF WORK

Ntabankulu Local Municipality will hold extended management retreat for a period of five (5) days. Senior Management, Managers and Officers will attend the reporting and planning session. The session is further extended to the Mayor, Speaker and Portfolio Heads of five (5) directorates.

Objectives of the session are in line with Section 72 of the MFMA:

- To review 2022/2023 Six months (Mid-Term) performance of the municipality in preparation for submission to the mayor, approval by Council and further submission to Provincial and National Treasury
- Upon Review of Midterm Performance to review 2022/2023 Service Delivery and Budget Implementation Plan
- To review financial performance of the municipality and adjust budget where necessary
- To update 2023/2024 Integrated Development Plan Situational Analysis
- To review policies of the municipality as informed by gaps identified during implementation in 2022/2023 financial year.

**The service provider to be appointed will therefore be required to perform the following:**

- i) To conduct briefing session with Senior Management prior to the start of the session.
- ii) To facilitate extended management retreat for a period of five days.
- iii) To review Auditor general findings of the previous financial year, and review progress made on implementation of Audit Action Plan.
- iv) Review 2022/2023 first quarter financial and performance information
- v) Review planning and budget documents of the municipality and do problem analysis.
- vi) To propose possible solutions on problems identified during planning and reporting session.
- vii) To direct five reporting and planning commissions during the session.

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viii) To do quality assurance of the following documents before approval by various committees of Council:

- o Consolidated 2022/2023 Mid- Term Performance Report
- o Consolidated 2022/2023 Reviewed Service Delivery and Budget Implementation Plan (SDBIP)
- o Review and check alignment between the 2022/2023 Reviewed SDBIP and 2022/2027 Integrated Development Plan
- o Review and check alignment between the 2022/2023 SDBIP and Budget Adjustment

ix) Compile final report for management and council

Upon appointment the service provider will receive the following **but not limited to** documents:

No	Document	Financial Year	Service Provider's assignment
1	Integrated Development Plan	2022-2027	<ul style="list-style-type: none"> <li>- Review and propose areas of improvement-</li> <li>- Quality assurance upon review of 2022/2023 SDBIP and Budget for alignment purposes</li> </ul>
2	Service Delivery and Budget Implementation Plan	2022-2023	<ul style="list-style-type: none"> <li>- Problem Analysis and Impact Assessment to communities on planned programs and projects</li> <li>- Propose necessary adjustments for remaining 2022/2023 Six months period</li> <li>- Program and Project Review</li> </ul>
3	Medium Term Revenue Expenditure Framework Budget, Financial Recovery Plan and Procurement Plan	2022-2025	<ul style="list-style-type: none"> <li>- Analyse financial stability of the municipality and propose as per analysis</li> </ul>

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4	Auditor General Report, Management Report and Audit Action Plan	2020/2021	- Assess progress on resolving problems identified in the annual report;
5	Proposed Program for Management Retreat	04-09 December 2022	- Facilitate the Extended management retreat

### 3. AGREEMENT

- The services will be rendered in accordance with the terms and conditions of a Service Level Agreement issued by the NLM and to be concluded with the service provider.

### 4. FINANCIAL ARRANGEMENTS

- Bidders are solely responsible for their own costs in preparing the quotations.
- Payments for all services covered by this tender shall be made upon receipt of valid invoices, and the satisfactory completion of the work in line with Terms of Reference.
- The terms of payment are thirty (30) days from the date of receipt of valid invoice and close-out report.

### 5. SPECIFICATIONS IN RESPECT OF SERVICES

Suppliers are invited to quote for the Review of Documents prior to the Extended management session, Facilitation Services, Quality Assurance of all documents and Report Compilation.

For the quality assurance services must include:

- Alignment of all documents with applicable legislative frameworks
- Alignment of service delivery indicators (planning documents with budget)
- Realistic Costing of Programs and Projects
- Review of Realistic Turnaround Timelines in the Procurement Plan
- The identification of different types of risks in the municipality

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## 6. SUPPLIER QUALIFICATION CRITERIA

Supplier qualification criteria consist of the following:

Area of evaluation	Points allocated	Brief description
<p><b>Company Profile</b></p> <p>Business entity establishment (Company profile with clear business address and contact details)</p>	<p><b>10 points</b></p>	<p>A brief business background in the form of a business profile. Office establishment and accessibility during working hours with the necessary tools and equipment will be critical during evaluation.</p>
<p><b>Relevant entity experience (attach necessary Portfolio of Evidence)</b></p> <ul style="list-style-type: none"> <li>• Three or more traceable references where bidder has facilitated planning/performance management sessions of the municipality or related project = <b>20 points</b></li> <li>• Two traceable references where bidder facilitated planning/performance management session/related project = <b>10 points</b></li> <li>• One traceable reference where bidder has facilitated planning/performance management sessions/related project- = <b>05 points</b></li> </ul>	<p><b>20 points</b></p>	<p>Specifically listing previous relevant contracts undertaken by the service provider. The service provider should also include traceable references of their listed services and proof of audit opinion.</p>
<p><b>Methodology:</b> A detailed proposal clearly stating how the project will</p>	<p><b>40 points</b></p>	<p>Submission of a comprehensive specification of what is required, clear deliverables, quality</p>

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be executed and time frames for each project milestone.		assurance, communication methods and turnaround times.
<b>Expertise:</b> Professional Registration with Institute of Performance Management (SAMEA) or any related institution	<b>10 points</b>	Proof of registration with the professional body
<b>Project team:</b> Two Project Team Members with Relevant Local Government Experience = <b>20 points</b> Less than two Project Team members with relevant Local Government Experience= <b>10 points</b>	<b>20 points</b>	Personnel that will be facilitating the session, review of documents and quality assurance with their CV's and certificates.
	<b>100 points</b>	

Please note that as part of Evaluation Criteria, preference will be given to Service Providers that attach Proof of Experience in the Local Government Sector and Facilitation of Planning/Performance Review Sessions.

**7. INSTRUCTIONS FOR SUPPLYING PRICING INFORMATION FOLLOW BELOW:**

- You are requested to submit a breakdown of your pricing and cost components for Services to be rendered.
- All prices must be quoted inclusive of VAT, **disbursements** any other costs related to the project.

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## 8. SUBMISSION OF QUOTATIONS

Quotations must be submitted in English. All quotations must be received before the deadline specified in the advert.

The envelope should carry the following information:

- a) The address for submission of quotation indicated above;
- b) The reference code of the quotation to which the bidder is responding;

Any infringement of these rules (e.g. unsealed envelopes) is to be considered a breach of the rules, and will lead to rejection of the quote.

## 9. COSTS FOR PREPARING QUOTATION

No costs incurred by the bidder in preparing and submitting the quotation shall be reimbursed by the municipality. All such costs shall be borne by the bidder.

### 9.1. Confidentiality

The entire evaluation procedure, from the drawing up of the shortlist to the signature of the contract, is confidential. The Evaluation / Adjudication Committee's decisions are collective and its deliberations are held in a closed session. The members of the Evaluation / Adjudication Committee are bound to secrecy.

The evaluation reports and written records, in particular, are for official use only and may be communicated to neither the bidders nor to any party other than the Contracting Authority.

## 10. EVALUATION OF QUOTATIONS

The evaluation criteria will be examined in accordance with the requirements as indicated in the Terms of Reference.

## 11. ETHICS CLAUSES / CORRUPTIVE PRACTICES

- a) Any attempt by a bidder to obtain confidential information, enter into unlawful agreements with competitors or influence the Evaluation panel or the Contracting Authority during the process of examining, clarifying, evaluating, comparing the quotation will lead to the rejection of its quotation and may result in administrative penalties.
- b) The bidder must not be affected by any potential conflict of interest.

- c) Ntabankulu Local Municipality reserves the right to suspend or cancel funding to this project if corrupt practices of any kind are discovered at any stage of the award process or during the implementation of a contract, if the Contracting Authority fails to take all appropriate measures to remedy the situation. For the purposes of this provision, "corrupt practices" are the offer of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or refraining from any act relating to the award of a contract or implementation of a contract already concluded with the Contracting Authority.
- d) Quotations will be rejected or contracts terminated if it emerges that the award or execution of a contract has given rise to unusual commercial expenses. Such unusual commercial expenses are commissions not mentioned in the main contract or not stemming from a properly concluded contract referring to the main contract, commissions not paid in return for any actual and legitimate service, commissions paid to a payee who is not clearly identified or commissions paid to a company which has every appearance of being a front company.

Failure to comply with one or more of the ethics clauses may result in the exclusion of the bidder or contractor from other Community contracts and in penalties.

## 12. CANCELLATION OF THE BIDS PROCEDURE

In the event of cancellation of the bid procedure, bidders will be notified of the cancellation by the Contracting Authority. If the bid procedure is cancelled before the envelopes of any bid has been opened, the unopened and sealed envelopes will be returned to the bidders.

### Cancellation may occur when:

- The bid procedure has been unsuccessful, i.e., no qualitatively or financially worthwhile bid has been received or there is no response at all;
- The economic or technical data of the project has been fundamentally altered.
- Exceptional circumstances or *force majeure* render normal performance of the contract impossible.
- All technically compliant bids exceed the financial resources available.
- There have been irregularities in the procedure, in particular where these have prevented fair competition.

In no event shall the Contracting Authority be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the

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cancellation of a bid even if the Contracting Authority has been advised of the possibility of damages.

The publication of a procurement notice does not commit the Contracting Authority to implement the programme or project announced.

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