NAME OF BIDDER: ……

CSD NUMBER: ……

NOTICE AMOUNT ……

EMAIL & CONTACT NUMBER……

CLOSING DATE **20 AUGUST 2021**

REQUEST FOR FORMAL WRITTEN QUOTATIONS

RE-ADVERT NOTICE 11 OF 2021 - PERFORMANCE OF EVALUATION OF THE BOARD OF THE BUFFALO CITY METROPOLITAN DEVELOPMENT AGENCY (BCMDA)

Buffalo City Metropolitan Development Agency hereby invites suitably qualifying service providers to submit formal written quotations for **PERFORMANCE OF EVALUATION OF THE BOARD OF THE BUFFALO CITY METROPOLITAN DEVELOPMENT AGENCY (BCMDA).**

Enquiries should be addressed to Miss. Z. Madabane at email address: zisanda@bcmda.org.za.

The detailed specifications are attached hereunder.

To ensure responsiveness to the NOTICE Bidders to take note of the following requirements (Compliance Evaluation):

1. Service providers must be registered on National Treasury's Central Supplier Database and submit a summary report as proof of registration or alternatively reflect the CSD supplier number on their proposal;
2. All prospective/interested suppliers should complete the MBD 4, MBD 8 and MBD 9 forms which may be obtained from the BCMDA website: www.bcmda.org.za;
3. All prices must be inclusive of VAT, where applicable;
4. Use of Tippex and erasable ink will render the bid non- responsive
5. Bidders are required to submit valid B-BBEE Status Level Verification Certificates together with their bids, to substantiate their B-BBEE rating claims, failing which will result in a status level score of zero be assigned to the tenderer; a joint venture, trust or consortium; must submit a consolidated B-BBEE status level verification certificate.
6. Bidders must submit confirmation that the bidder's municipal accounts are not in arrears for a period exceeding 3 months. Such confirmation must be for the company must be as follows:
    - statements of municipal accounts showing the age of the municipal debt; OR
    - a tenderers debt clearance certificate from their respective municipality that is stamped and signed by that municipality; OR

- lease agreements (signed by both lessor and lessee) must be submitted and must be supported by:
- a written confirmation from the lessor stating that the bidder is not in arrears with regards to their payment obligations in terms of the lease agreement.

7. IN ADDITION TO 6 ABOVE: Bidders must submit confirmation that its directors' municipal accounts are not in arrears for a period exceeding 3 months. Such confirmation must be for the directors and must be as follows:
   - statements of municipal accounts showing the age of the municipal debt; OR
   - a tenderers debt clearance certificate from their respective municipality that is stamped and signed by that municipality; OR
   - lease agreements (signed by both lessor and lessee) must be submitted and must be supported by:
   - a written confirmation from the lessor stating that the bidder is not in arrears with regards to their payment obligations in terms of the lease agreement.
8. BCMDA reserves the right to request further written information or clarification on any aspect pertaining to this tender;
9. Quotations received after the specified closing time and date will not be considered;
10. The BCMDA does not bind itself to accept the lowest priced tender or any tender and reserves the right to accept the whole or part of the tender.
11. All quotations are valid for 90 days after the bid closing date;
12. Quotations must be sealed and completed in full. Unsigned or quotations submitted by facsimile, will not be accepted;
13. BCMDA will not take responsibility for incorrectly delivered bids sent by courier. It is the bidder's responsibility to make sure that their quotation is correctly delivered in the tender box on or before the closing date of this notice;
14. The proposal or quotation must demonstrate the requirements detailed on the terms of reference below.
15. NO QUOTATIONS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE AS DEFINED IN THE LOCAL GOVERNMENT MUNICIPAL FINANCE MANAGEMENT ACT 56 OF 2003: MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS.
16. EMAILED QUOTATIONS WILL NOT BE ACCEPTED

Failure to meet the above stated minimum requirements will result in a tender being considered non-responsive and therefore not considered for the award of the contract.

Evaluation criteria:
Quotations meeting the tender conditions shall be evaluated on an 80/20 basis, in line with the PPPFA, as follows:

CRITERIA	POINTS
PRICE	80
B-BBEE	20
TOTAL	100

Quotations must be submitted in a sealed envelope, clearly marked: "*NOTICE 11 OF 2021 - PERFORMANCE EVALUATION OF THE BOARD OF THE BUFFALO CITY METROPOLITAN DEVELOPMENT AGENCY (BCMDA)"* and must be

deposited in the QUOTATIONS BOX, At the offices of the Buffalo City Metropolitan Development Agency, 12 Esplanade Road, Quigney, East London, 5201 NOT LATER THAT THE CUT-OFF TIME OF 12H00 (MIDDAY) ON FRIDAY, 20 AUGUST 2021.

Evaluation criteria:

A. **COMPLIANCE EVALUATION**
B. **FUNCTIONALITY EVALUATION** (Only Service providers who scored a minimum of 60 points on functionality will be considered for further evaluation and be assessed further for price and preference evaluation)
C. **PPPFA PREFERENTIAL POINTS CALCULATION AND PRICE AS FOLLOWS:**

CRITERIA	POINTS
PRICE	80
B-BBEE	20
TOTAL	100

Functionality Evaluation Criteria

Only Service providers who scored a **minimum of 60** points on functionality will be considered as responsive and be assessed further for price and preference evaluation.

FUNCTIONALITY CRITERIA	POINTS TO BE AWARDED	EVIDENCE TO CLAIM POINTS
Experience of bidder: Experience in conducting services related to performance evaluations of Board of Directors: • **5 projects or more = 50 points** • **4 projects = 40 points;** • **3 projects = 30 points;** • **2 projects = 20 points;** • **1 project = 10 points.**	**50**	Letters of references from previous clients must be provided to claim points. **Note: Appointment letters / purchase orders / invoices will not be considered.**
Experience and expertise of project team The project team leader / supervisor must demonstrate experience in provision of similar services and must be supported by an NQF Level 6 qualification. • **7 years of more = 50 points;** • **5 to 6 years = 40 points;** • **3 to 4 years = 40 points;** • **1 to 2 years = 20 points;** • **Less than one year = nil points**	**50**	Detailed CV of project team supervisor to demonstrate number of years' experience supported by Each team member's CV will be assessed and average for company will guide the score. NQF Level 6 qualification must be attached. Failure to submit the above will result in zero points being scored for this section.

TERMS OF REFERENCE: PERFORMANCE EVALUATION OF THE BOARD OF THE BUFFALO CITY METROPOLITAN DEVELOPMENT AGENCY (BCMDA)

The Agency is looking for the provision of services to conduct a Performance Evaluation of the Board of the Buffalo City Metropolitan Development Agency (BCMDA) as per the following scope of work:

- Number of Board Members is eight (8).
- Development of a self-evaluation / assessment tool/ Questionnaire contextually adopted in line with King IV Code and applicable relevant legislation.
- Administer/ Disseminate the Questionnaire to collect responses from the Board and Committee members.
- The content of the questionnaires is “entity specific” (aligned with the BCMDA Strategic Plan and Annual Performance Plan) and based on the requirements and/or dynamics of the entity, as well as aligned with the contents of the Board Charter and Committees Terms of References, Board and Board Committees Workplan, and conduct a review of the Board and Board Committees Charters/ Terms of References.
- Ensure that the questionnaire caters for the Board, Board Committees, Chairperson, and individual Directors (both Executive and Non-Executive).
- Collate, analyse, and synthesise the responses.
- Develop a comprehensive draft report which indicates overall functioning and performance of the Board, its Committees and Directors.
- Conduct interviews with individual Board members, where necessary.
- Facilitate an evaluation session / workshop to discuss, analyse and refine the draft report.
- Develop an action plan to improve the performance of the Board and its Committees.
- Develop the necessary action plan for training and development needs of individual directors.
- Submit the final report and action plan addressing areas of concern.

DELIVERABLES

- Develop BCMDA specific questionnaire to evaluate the performance of the Board members including the Chairperson and the Board Committee Members.
- Prepare report including to ascertain the effectiveness of the Board and Board Committee Members.
- Action plan identifying training needs to ensure effectiveness of the Board and its Committees and to improve level of participation by providing opportunities for training of Board members where necessary to ensure an effective Board that will ensure effective leadership and an ethical culture.
- Review the Board Charter and Board Committees Terms of References and align with the MOI, BCMDA Strategy, APP and King IV Code, etc.

- Align the BCMDA Board and Board Committees Workplan with the Board Charter and Board Committees Terms of References.

PRICING SCHEDULE

SERVICE DESCRIPTION **Number of Board Members = 8**	TOTAL **R**
Develop BCMDA specific evaluation questionnaire	
Prepare report to ascertain the effectiveness of the Board Members	
Action Plan identify training needs to ensure effectiveness of the Board	
Review the Board Charter and Board Committees Terms of References and align with the MOI, BCMDA Strategy, APP and King IV Code, etc.	
Align the BCMDA Board and Board Committees Workplan with the Board Charter and Board Committees Terms of References	
SUB TOTAL	
VAT @ 15%	
GRAND TOTAL	

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state[1].

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[2]):……..

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. ….……

……..

[1]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) an executive 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**

MBD 8

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	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the *audi alteram partem* rule was applied). **The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? **The Register 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.**	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		

4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:		

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

CERTIFICATION

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

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

……... ……..
Signature **Date**

……. ……..
Position **Name of Bidder**

Js367bW

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids[1] 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 consortium[3] 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

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DECLARATION OF BIDDER

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise: i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order; ii) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004; iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption; iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.
Signed
Name
Enterprise Name