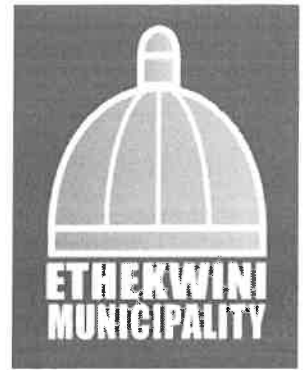


Economic Development Unit

Terms of Reference



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1. Project Title

This is a request for proposals for access to a database for accurate, reliable, comprehensive and up to date economic and development statistics on national, provincial and the eThekweni Municipal region. This must also include the districts at the KwaZulu-Natal Province and the major cities nationally.

2. Background Information

The eThekweni Municipality's Economic and Development Unit (EDU) utilises statistical data for research and decision making. The need for such relevant and up to date information on a daily basis is therefore crucial on which significant investment and development decisions are made.

3. Purpose and Objective of Project

The objective of the project is to provide members of EDU daily access to the economic and development database that has data on a national and provincial level, and also include the major municipalities namely;

EThekweni Municipality
City of Cape Town
City of Johannesburg
Tshwane Municipality
Nelson Mandela Bay Municipality
Managing Municipality
Buffalo City Municipality

Detailed statistics on the region of KwaZulu-Natal should also be available.

4. Scope of Project

The data must be accurate, user friendly, able to be used with commonly used software packages.

The Data base must include, but is not limited to statistics comprising the following:

- ❖ Demographic
- ❖ Development
- ❖ Household Infrastructure
- ❖ Labour
- ❖ Income and Expenditure
- ❖ Economic
- ❖ Tourism
- ❖ International Trade
- ❖ Environment
- ❖ Crime

5. Deliverables

The proposals must include a web link or CD trial version of the program so that it may be viewed to ascertain its usability and accurateness.

The appointed service provider will be required render the database available online to department for 12-month subscription period commencing on 1st July 2018 to 30th June 2019.

The database must be in the form of a software program able to run from Windows XP up to and including Windows 7.

6. Timeframes

The database must already be in existence and already offering economic data to clients. The database must be accessible by 4 individuals from the EDU during the subscription period.

7. Project Team Requirements

The service provider must have at least 5 years of experience in providing clients accurate statistical information based on the requirements set above for their daily use.

8. Proposal and Financial Issues

The adjudication of this Request for Proposal will be in terms of MFMA Circular 53 (Municipal Finance Management Act No. 56 of 2003), whereby *functionality* is included in this bid as a criterion (Stage 1) and will be assessed in terms of the evaluation criteria detailed in the table below. Any bid which fails to meet the minimum threshold of 70 out of 100 points for *functionality* will be disqualified. Thereafter, only qualifying bids will be evaluated in terms of the 80/20 preference points system (Stage 2) where 80 points is used for price only and 20 points are used for BEE points. The adjudication of this tender will be in terms of the criteria presented below and be in compliance with the scope, purpose, and methodology of the intervention.

CRITERIA	MAXIMUM SCORE
STAGE 1	
1. Response to the brief	30
<p>1.1. Does the proposal clearly demonstrate good understanding of the brief? All key deliverables are distinctly identified and adequately address.</p> <ul style="list-style-type: none"> ○ Nil – No submission ○ Poor (score 40%; 6 points) – The proposal shows limited understanding of the brief and project, has not adequately dealt with the key challenges. ○ Satisfactory (score 70%; 10.5 points) – The brief is well understood, clearly articulated, and key components are adequately addressed. The proposal reflects necessary concepts but has insufficient detail for it to be distinctive. ○ Good (score 90%; 13.5 points) – the proposal clearly demonstrates an understanding of the project’s brief. All key components are adequately addressed. It also reflects sufficient vision and detail to be distinctive. <p>Very good (score 100%; 15 points) - A unique proposal that is strongly aligned to and identifiable with the project. It identifies and deals well with all the brief criteria and has the potential to leave a broader legacy.</p>	15

<p>1.2. Is the methodology innovative, detailed to adequately address all elements of the project and the technical approach stating how each will be executed?</p> <ul style="list-style-type: none"> ○ Nil – No submission ○ Poor (score 40%; 6 points) –The technical approach and the methodology is poor/ is unlikely to satisfy the project objectives or requirements. The tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of it. The methodology is unacceptable. ○ Satisfactory (score 70%; 10.5 points) – The approach is generic and not tailored to address the specific project objectives and methodology. The approach does not adequately deal with the critical characteristics of the project. The quality plan, manner in which risk is managed is too generic. ○ Good (score 90%; 13.5 points) – The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The quality plan and approach to manage risk etc. is specifically tailored to the critical characteristics of the project. The methodology is reasonable. ○ Very good (score 100%; 15 points) – Besides meeting the “good” rating, the important issues are approached in an innovative and efficient way, indicating that the tenderer has outstanding knowledge of the state-of –the art approaches. The methodology is comprehensive. 	<p>15</p>
<p>2. Expertise and Experience</p>	<p>35</p>

<p>Does the service provider and team members have relevant and sufficient experience and expertise in projects of similar nature and scale? Does the service provider have capacity and experience to raise specified sponsorship?</p> <ul style="list-style-type: none"> ○ Nil – No submission ○ Poor (score 40%; 14 points) – The team has limited relevant experience in projects of similar nature and has not taken a project of this magnitude. The proposed team is weak in important areas and is unlikely to deliver within the specified time frames. ○ Satisfactory (score 70%; 24.5 points) – The tenderer has relevant experience in projects of similar nature but has not directly undertaken a project of this magnitude. Key personnel allocated to the project have reasonable relevant experience. ○ Good (score 90%; 31.5 points) – The tenderer has extensive experience in projects of similar nature and has directly undertaken similar projects. The key personnel allocated have extensive relevant experience. ○ Very good (score 100%; 35 points) – The tenderer has extensive and outstanding experience in projects of similar nature and has taken many such projects. Key personnel allocated to the project have outstanding relevant experience. 	
<p>3. Capacity to Deliver and Capability</p>	<p>20</p>
<p>Has the operational plan and resources clearly explained?</p> <ul style="list-style-type: none"> ○ Nil – No submission ○ Poor (score 40%; 8 points) – The operational plan is vague, and there is no clarity in terms of resources aligned to the project. It is unlikely that the plane will deliver all outcomes on time and within budget. ○ Satisfactory (score 70%; 14 points) – Operational plan is complete and reasonably detailed. Resources appear adequate. The plan will deliver all outcomes on time and within budget. 	

<ul style="list-style-type: none"> ○ Good (score 90%; 18 points) – Besides meeting the ‘satisfactory’ rating, resources have been clearly defined and make provision for key risk areas. ○ Very good (score 100%; 20 points) – Besides meeting the ‘good’ rating, the plan makes provision for every eventuality. 	
4. Cost Breakdown	15
<p>Are the costs of work streams in proportion to their contribution to the end products? Is the cost breakdown clear i.e. cost per item?</p> <ul style="list-style-type: none"> ○ Nil – No submission ○ Poor (score 40%; 6 points) – unacceptable proportion ○ Satisfactory (score 70%; 10.5 points)– adequate proportion ○ Good (score 90%; 13.5 points) – reasonable proportion ○ Very good (score 100%; 15 points) – fully in proportion 	
TOTAL	100
STAGE 2	
Price: overall budget of the project	80
BEE: empowerment status	20
GRAND TOTAL	100

Broad Based Black Economic Empowerment Points will be awarded to bidders in accordance with the table below:

B-BBEE Status Level of Contributor	90/10 Point System	80/20 Point System
1	10	20

2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2

10. CONDITIONS

10.1 Non-Appointment

- EThekwini Municipality reserves the right not to make an appointment should it find that the bidding parties do not meet the specific criteria.

10.2 Confidentiality

The service provider will treat any documents or material received from the Client or any other firms as strictly confidential, and shall not disclose such information to other parties without written approval. Any disclosures through the media or other releases shall be limited to those authorized by the client.

10.3 General Conditions

- In case of poor performance, the consultants will be notified and provided an opportunity to take remedial action.
- The service provider will be required to provide a project manager to form a single communication channel to all the sub-consultants of the service provider. The project manager will be responsible for monitoring and reporting on progress and achievement of milestones by each of the service provider partners.

- The different firms appointed by the consultant will be held professionally responsible for the accuracy and suitability of their work.
- The consultant and any other firms assisting on the project shall not have the right to assign or transfer the benefits or obligations of this agreement or any part thereof. No part of the work may be let or sub-let to any other person without the prior approval of the Department. Failure to observe this condition shall entitle the Department to cancel this appointment.
- The “Terms of Reference/ Brief” is subject to any formally confirmed changes that may stem from a negotiation of the final terms with the consultants, as well as any additional budget that may be allocated to the assignment.

10.4 Administration & Responsibilities

- The service provider will report directly the authorized EThekwini Municipality EDU representative.
- All the firms will collaborate fully with the team and will participate in all project activities as directed by the EDU.

10.5 Correspondence

- All written correspondence on the assignment is to be addressed to the authorized eThekwini Municipality EDU representative.
- The eThekwini Municipality representative responsible for the project will be Denny Thaver, Project Manager at the Economic Development Unit, Policy, Strategy Information and Research Department.
- Regular communication is required between the PSIR department and the project team to monitor progress, including monthly project progress meetings and any relevant progress reports which may be required together with notes of meetings.

10.6 Intellectual Property

- It is a requirement of this assignment that the output and copyright of this all products utilising the database will become the property of the eThekwini Municipality, however the source will be referenced at all times.

10.7 Payment Terms

- No additional work can continue without the written approval of the Head: Economic Development. A motivating brief will be required in order to claim additional fees.
- Invoices will be processed once the service provider team has submitted the approved deliverable for that phase/milestone to the Economic Development Unit. Final payment will be paid on full completion of the project and the receipt of the final deliverable.

10.8 Project Budget/Professional Re-imburement

The consultant is to prepare a detailed budget which is not to exceed R 200 000 inclusive of disbursements and VAT.

10.9 Closing Date and Time

THE CLOSING DATE FOR SUBMISSIONS OF PROPOSALS IS BEFORE 11:00 AM, Friday, 22nd June 2018 as follows:

Each service provider must submit an original proposal document and three copies marked 'Statistics Data Base Subscription' and signed by or on behalf of the respondent. Proposals are to be sealed in an envelope and hand delivered to **EThekweni Municipality, Materials Management Building, 166 Archie Gumede Place, (Old Fort Place), Durban 4000. Addressed to Denny Thaver, Economic Development and Investment Promotion Unit.**

10.10. Council Contact Person and Details

The primary contact is Denny Thaver, Project Manager: Policy, Strategy, Information and Research, ED & IPU (denny.thaver@durban.gov.za), 031-3114037.

11. Specification and Procurement Priorities

The following requirements must be adhered to as part of the process:

- The quotation shall include total cost, VAT and disbursements as separate figures.
- A schedule of projected time and financial cost per phase must be provided.
- A current tax clearance certificate must be submitted.
- The attached "Declaration of Interests"; "Declaration of Municipal Fees"; and "Targeted Procurement Profile" form must be completed.
- Broad-Based Black Economic Empowerment Compliance Certificate from a rating agency accredited by the National Treasury or a letter from the Company Auditors stating that the company's turnover is less than R5 million.
- In the event that consortia respond to this request for proposals, each company forming part of the consortium are to fill out all of the supporting documentation in full.

These terms of reference are subject to any changes which may stem from a negotiation of the final terms with the consultant(s).

12. TAX CLEARANCE AND BROAD BASED BLACK ECONOMIC EMPOWERMENT CERTIFICATE

Proposals must include with their submission a valid Tax Clearance and Broad Based Black Economic Empowerment certificate (or a letter from the Company Auditors stating that the company's turnover is less than R5 million).

Submissions will not be accepted without a valid tax clearance and broad-based Black economic empowerment rating certificate (or a letter from the Company Auditors stating that the company's turnover is less than R5 million).

13. MUNICIPAL FEES

All proposals are to complete and sign the attached declaration wherein they declare that all municipal fees are in order, or proper arrangements have been made with the municipality, and include the relevant account numbers in the declaration.

Appendix

A. 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:.....

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) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

3.2. Identity Number:

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

3.4. Company Registration Number:

3.5. Tax Reference Number:.....

3.6. VAT Registration Number:

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

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

If yes, furnish particulars.....

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

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**

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**

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.

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**

If yes, furnish particulars.

.....
.....

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

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

B. DECLARATION OF MUNICIPAL FEES

I/We do hereby declare that the Municipal fees of _____ (company name), are, as at the date of the tender closing, fully paid up, or arrangements have been concluded with the Municipality to pay the said fees:

ACCOUNT	ACCOUNT NUMBER
ELECTRICITY	_____
WATER	_____
RATES	_____
JSB LEVIES	_____
OTHER	_____

I acknowledge that should it be found that the Municipal fees are not up to date, the Council may take such remedial action as is required, including termination of contract, and any income due to the Contractor shall be utilised to offset any monies due to the Council.

Name

Signature

Contract Number: 7N-38659

Designation

Date

C. 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 per 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.

MBD 9 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;
6. 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.

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

.....

Date

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.

9. Project Budget/Professional Re-imbusement

The budget is subject to the range of costs as quoted by consultants for similar projects. The budget for this project is R70 000 inclusive of VAT for full scope of deliverables

10. Method of Re-imbusement

Payment will be made via EFT therefore all service providers must be registered with the eThekweni procurement database.

11. Specification and Procurement Priorities

The following requirements must be adhered to as part of the process:

- The quotation shall include total cost, VAT and disbursements as separate figures.
- A schedule of projected time and financial cost per phase must be provided.
- A current tax clearance certificate must be submitted.
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Contract Number: 7N-38659

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13. MUNICIPAL FEES

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14. Council Contact Person and Details

Please contact Denny Thaver (denny.thaver@durban.gov.za), 031-3114037 should you require additional information regarding this Terms of Reference.

Approved by



Dr Aji Maharaj

Deputy Head

Economic Development and Investment Promotion Unit

Policy, Strategy, Information & Research Department

EThekweni Municipality

