



MUNICIPAL INFRASTRUCTURE SUPPORT AGENT

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO UNDERTAKE AN INVESTIGATION INTO VARIOUS ALLEGATIONS, COMPLAINTS AND/OR QUERIES SURROUNDING THE IMPLEMENTATION OF THE COMMUNITY WORK PROGRAMME

1. PURPOSE

The Municipal Infrastructure Support Agent (**MISA**) intends to appoint a professional service provider to undertake an investigation to determine the veracity and merits of various allegations, complaints and/or queries regarding the implementation of the Community Work Programme.

These Terms of Reference invite potential service providers that possess the necessary experience and capabilities to submit a proposal in response to these Terms of Reference.

2. INTRODUCTION AND BACKGROUND

The Community Work Programme (CWP) is a short term employment creation programme that is being implemented by the government, overseen by the Minister of Cooperative Governance and Traditional Affairs (CoGTA), as a social safety net for the poorest of the poor.

The programme provides participants with a minimum level of regular and predictable work, which is normally two days of work per week with a maximum of one hundred days per financial year.

Whilst CWP is a government programme, it is however implemented in partnership with non-profit agencies, generally referred to as Implementing Agents. The Implementing Agents are categorized into three (3), viz Lead Agents, Provincial Implementing Agents and Local Implementing Agents. The work performed is decided by local reference committees, comprising representatives of municipalities, provincial government administrations, and community based organisations (CBOs), NGOs and local institutions and formations.

The Ministry has received a number of allegations, complaints and/or queries relating to the procurement, implementation and overall management of the programme. These include allegations and/or complaints relating to the following:

- 2.1 Alleged irregularities in the procurement of tender number DCoG(T) 06/2011 which led to the awarding of contracts to the 3 Lead Agents;
- 2.2 Alleged collusion and/or improper conduct between certain departmental official/s and implementing agent/s;
- 2.3 Non-compliance by Implementing Agents with CWP policies, procedures, norms and standards;
- 2.4 Underperformance by one or more Implementing Agent/s;
- 2.5 Efforts by certain government official/s (within and/or outside CoGTA) to improperly undermine or assist one or more Lead Agent/s;
- 2.6 Victimization of one or more Implementing Agent/s by government officials;
- 2.7 Lack of effective management of the programme by the Department of Cooperative Governance;
- 2.8 Alleged mismanagement and/or irregularities by Implementing Agents
- 2.9 Lack of proper systems and controls by government and/or Implementing Agents;
- 2.10 Current institutional arrangements make the programme inefficient.
- 2.11 Some sites have “ghost workers” registered as participants;
- 2.12 Late and/or non-payment of participants and service providers the Department of Cooperative Governance and Lead Agents;

The successful service provider will work under the supervision and direction of Ms Mpumi Mpofu, who has been appointed by the Minister to oversee the investigation.

3. SCOPE OF THE INVESTIGATION

The investigation will look at the various allegations, complaints and/or queries relating to the implementation of the CWP and determine whether there is merit to any or all of the allegations, complaints and/or queries. More specifically, the investigation must establish whether:

- a) There were any irregularities in the awarding of the tender number DCoG(T) 06/2011;
- b) There was any collusion and/or improper conduct between departmental official/s and implementing agent/s;
- c) There was any prejudice or potential prejudice suffered by the Department of Cooperative Governance (DCoG) as a result of these irregularities and/or improper conduct, if any, flowing from the matters under investigation;
- d) There are any irregularities in the manner in which Lead Agents, Provincial Implementing Agents and Local Implementing Agents execute their responsibilities as per contracts;
- e) The performance of all the Lead Agents is in accordance with their contracts with the Department;
- f) There is consistency and even-handedness in the manner that departmental and other government officials deal with all the Lead Agents;
- g) There are any government officials within or outside the Department of Cooperative Governance that have conducted themselves in a manner that has prejudiced or has the potential to prejudice the implementation of the programme;
- h) The management and oversight role played by the officials of the Department of Cooperative Governance has in anyway impacted negatively on the implementation of the programme;
- i) The overall management and institutional arrangements pertaining to the implementation of the programme are appropriate and whether any changes to the

operational methods, procedures, policies, institutional and/or management arrangements are required in order to improve the effectiveness, efficiency and impact of the programme;;

- j) There are no “ghost workers” in the programme;
- k) There are any external factors that negatively affect the implementation of the programme;
- l) Based on findings, make appropriate recommendations

The investigation must also consider any lessons to be learnt from the experience and best practices in the implementation of the CWP and similar programmes;

All government personnel will be expected to assist this investigation by responding to questions and providing any requested documentation. Any failure to co-operate should be immediately reported to the Ministry.

4. METHODOLOGY

Within the scope and mandate of this investigation, the investigating team is expected:

- 4.1 To review all documentation pertaining to the CWP, which may assist in the investigation process.
- 4.2 To interview any and all persons within the department and government broadly who may assist the investigation;
- 4.3 To interview any and all persons outside of government who may be of assistance, with their permission.

The investigating team does not have any power to impose disciplinary sanctions or make findings as to criminal or civil liability. Where evidence is obtained of conduct that indicates the commission of criminal and/or disciplinary offences, the investigating team must advise the Minister in the report.

5. DURATION

It is expected that the investigation will be undertaken and completed within 60 (Sixty) days from the date of award. A clear investigation plan with timelines needs to be developed and submitted together with the proposal.

6. COMPETENCIES REQUIRED

The service provider should have the following capabilities:

- Clear understanding of government processes and policies;
- Clear understanding of government's developmental agenda and management of government programmes;
- Extensive experience in conducting investigations;
- Understanding of the Community Work Programme will be an added advantage;
- Team Leader should have a minimum of 5 years relevant experience

7. PROPOSAL EVALUATION SYSTEM

7.1 The system comprises the following three elements:

- (a) Functionality..... 100
- (b) Price 80
- (c) B-BBEE 20

7.2 Functionality

The following criteria and weights will be applied when proposals are assessed in terms of functionality:

CRITERIA	WEIGHTS
• Comply with terms of reference	9
• experience	8

• Provision of detailed business profile	10
• Location	10

(i) Proposals will be rated in respect of each criterion on a scale of 1 – 5 i.e. 1 = Poor, 2 = Acceptable, 3 = Good, 4 = Very good and 5 = Excellent. The maximum possible score that can be achieved for functionality is 185

(ii) The percentage scored by a bidder for functionality will be calculated as follows:

$$\frac{\text{Total score achieved for functionality}}{\text{Maximum possible score that can be achieved (185)}} \times 100$$

(iii) The average score is calculated for each proposal by adding the individual scores awarded by the members of a Special Evaluation Committee (specifically established for this project) and dividing the total by the number of members. Bids that do not achieve a minimum score of 70 (out of 100) will not be short-listed.

7.3 The percentage scored by a short-listed bidder for price will be calculated as follows:

$$\frac{\text{Price of lowest acceptable bid}}{\text{Price of bid under consideration}} \times 80$$

7.4 The total points (out of 100) for the various bidders are calculated by adding the points for BEE points (out of 20) and the points for price (out of 80).

The maximum possible score that can be achieved for price is 80 points.

B-BBEE Status level of contributor	Number of Points
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

It is a condition of this RFP that an original Tax Clearance Certificate must be submitted together with the proposal.

8. REPORT

A report must be submitted to the Minister within 60 days from the commencement date. The Service provider will be expected to regularly report progress to the identified Project Manager, Ms Mpumi Mpofu, and may be required from time to time to present progress to the Acting Chief Executive Officer.

A preliminary report must be submitted to the Minister on the 30th of April 2013.

9. PRICING

Quotation price must be inclusive of all costs including VAT (if applicable).

10. BRIEFING SESSION AND SUBMISSION OF PROPOSALS

No briefing session will be held for this RFP. Two copies of the proposal must be submitted in two separate sealed envelopes marked for **the attention of Mr Luvo Mpengesi** and hand-delivered to:

MISA Offices
Riverside Office Park
Letaba Building
1303 Heuwel Road
Centurion

The envelopes (proposals) must reflect the Name and Address of the bidder. **The closing date for the submission of proposals is 9 April 2013 at 11am and no late submission will be considered.**

11. ENQUIRIES

For more information please contact the following person:

Mr Luvo Mpengesi

Tel: (011) 100 1100

E-mail: luvo.mpengesi@misa.gov.za