

## TERMS OF REFERENCE

<b>Tender Ref #:</b>	COMM 02/2021/22	<b>Tender Description:</b>	PROVISION OF PHYSICAL SECURITY SERVICES AND EQUIPMENT FOR THE MAGARENG LOCAL MUNICIPALITY FOR A PERIOD OF 12 months.
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### PART A – RFQ- DETAILS

#### 1. Purpose and Background

The Magareng Local Municipality (herein referred to as the Municipality or MLM) invites qualifying bidders to submit tenders for the provision of physical security related services and equipment for a period of 12 months (1year).

Security services are currently required 24 hours and 7 days a week, including public holidays, in the following sites:

- Traffic workshop office
- Testing centre
- Electrical department
- Water treatment plant
- Main municipal office
- Municipal library
- Sewage treatment plant
- Ikhutseng Stadium

2. **Closing Date:** The bid closing date and time are indicated in the tender advertisement and bid documents. Bids received after the closing date and time will not be accepted.

3. **Briefing Session:** **NO COMPULSORY.** Due to current COVID-19 regulations, the municipal will require all participants to make prior arrangements for SITES VISITS.

4. **Contact information:** Prospective bidders may not under any circumstances contact or engage any MLM officials other than the officials indicated below. Enquiries sent to the MLM officials below will be routed to the relevant employees and responses will be coordinated and provided by the officials indicated below.

ENQUIRIES			
<b>Name:</b>	Mr Howard Bogacwi	Mr Christo Makgari	
<b>Tel:</b>	053 497 311	053 497 3111	
<b>e-mail:</b>	bogacwih@gmail.com	christo@magareng.gov.za	

The Municipality reserves the right to disqualify any bidder that contacts or engages any other MLM employee, except those indicated above, on matters / enquiries / questions related to this tender.

## 5. Bid format

**A detailed bid in response to this ToR must be submitted.** The bid should contain all the information required to evaluate the bid against the requirements stipulated in these terms of reference. The following must be attached to the bid as annexures:

- **Annexure A:** Summary of bidder previous experience
- **Annexure B:** Summary of management team
- **Annexure C:** Pricing information. Bid **price must include VAT and should be fully inclusive to deliver all goods / services indicated in the terms of reference (Must use attached Excel template).**
- All other forms / certificates required (see bid documents).

## PART B - ADMINISTRATIVE AND FUNCTIONAL REQUIREMENTS

### 1. ADMINISTRATIVE REQUIREMENTS (MANDATORY)

SCM ADMINISTRATIVE COMPLIANCE CHECKLIST		
#	Criteria	Yes / No
1.1	Supplier is registered on the National Treasury Central Suppliers Database (CSD).	
1.2	Supplier is Tax Compliant (as indicated on CSD) <sup>1</sup> or verified through SARS	
1.3	Supplier has a valid B-BBEE certificate issued by a SANAS accredited verification agency or affidavit. (Level one (1) EME and QSE1 ONLY)	
1.4	Supplier completed all MBD Forms ( 4, 6.1, 8 and 9).	
1.5	Summary of supplier experience submitted (Annexure A)	
1.6	Summary of management team submitted (Annexure B)	
1.7	Bid price submitted (Annexure C - must use Excel template) - prices inclusive of VAT <sup>1</sup>	
1.8	MBD forms did not reveal any information or past practices that prohibits the supplier from conducting business with the state	

*Note 1: Bidders must use Excel spread sheet attached. Pricing sheets completed by hand (in writing) or where formulas in the Pricing sheet were tampered with will not be accepted and such bids will be regarded as administratively non-compliant.*

#### No bids will be considered from:

- Persons in the service of the State.
- Companies/ close corporations with directors/ members who are persons in the service of the State.
- NGO's / Non-profit institutions with directors (whether remunerated or not) in the service of the State.
- Where exceptions are allowed in terms of the applicable legislation, the bidder must attach an approved and valid Remunerative Work Outside of the Public Service (RWOPS).

The Municipality reserves the right to use the information provided by bidders to engage banks, credit rating agencies and the relevant government institutions to obtain information on credit records, criminal records, pending court cases, etc. Suppliers that show a history of poor financial/credit management and/or criminal behaviour will not be considered.

### 2. FUNCTIONAL CRITERIA

Part E contains detailed information of the types and quantities of goods and/or services required by the Municipality. The Municipality reserves the right to amend the quantities prior to finalisation of a Service Level Agreement with the successful bidder.

#### 2.1. Compulsory requirements

- The bidder must be registered with PSIRA (attach valid PSIRA certificate for the company)
- The bidder must attach a valid proof of COIDA compliance (Certificate/Letter).
- The bidder must attach a valid proof of UIF compliance (Certificate / letter).
- At least one of the Directors of the bidder must possess and submit a valid PSIRA Grade A certificate.
- All company directors must be South African citizens (Copy of ID's to be attached)
- The bidder must attach a valid proof of public liability Insurance R10 million.
- The bidder must attach a bank rating letter, or three (3) years audited financials.
- At least one of the directors must have combat experience, a certification or proof of evidence must be attached.

**Bidder who fails to meet the above requirements will be disqualified.**

**2.2. Company experience**

Bidders must provide verifiable references of having performed satisfactorily on at **least three (3) similar contracts over the past five (5) years**. A similar contract will be any contract for the provision of security services that required the deployment of 100 or more Security Personnel.

The attached summary sheet (Annexure A) must be completed. Bidders are required to attach reference letters for all contracts listed in the summary sheet. The bid can contain additional information related to previous contracts. MLM reserves the right to verify experience and to contact references provided, as well as any other third party that could verify the experience and performance of bidders.

The past performance of bidders in executing similar contracts will be evaluated using the references supplied by bidders as well as any other information available to the panel. Below satisfactory performance on a particular contract may only be considered if such performance was communicated to the bidder by the contracting party and the bidder was given a reasonable opportunity to correct any deficiencies highlighted by the contracting party. The Municipality reserves the right to reject a bid if the bidder failed to perform satisfactorily on similar contracts.

**2.3. Infrastructure and vehicles**

Bidders must provide verifiable evidence of the following:

- An operating office or control room **must be within Northern Cape Province** - This must be an immovable structure, attach proof of physical address.
- A 24-hour call centre. An email address and a fixed telephone line.
- Maximum armed response time of 5 minutes.
- Licenses base radios and two- way radios that are in good working condition. Base stations to be installed at MLM premises, attach ICASA certificate.
- Electronic patrol tracking and verification system for security guards, attach proof of reports
- Licensed and roadworthy company vehicles (submit copy of vehicle registration certificates and tracker installation reports of.

**The municipality reserves the right to conduct unannounced site visit(s) for the purposes of bid evaluation.**

**2.4. Specialised services**

Bidders must provide evidence of their ability to conduct security risk and threat assessments.

**2.5. Uniforms and equipment**

The bidder must provide verifiable evidence of its ability to provide the following to security guards:

- Full corporate uniform
- Torches
- Licensed 2-way radio issued to each guard.
- Incident registers (1 per building)
- Access registers
- Pocket Books
- Pens
- Handcuffs
- Batons
- Name tags

## 2.6. Security guards / supervisors

The bidder must provide evidence of its ability to deploy security guards and supervisors that meet the following minimum criteria:

Roles	Qualifications	Experience
Supervisor/s	Minimum: Senior Certificate/Grade 12 and PSIRA grade B certificate. Firearm competency certificate	Minimum: 3 years' experience in Security supervision.
Security Officers	Minimum: Senior Certificate/Grade 12 and PSIRA grade C certificate	Proof of security related training or Orientation.

Summary of number of security guards required. See Part E for details.

Roles	Day Shift (06:00 to 18:00) Weekdays	Nights shifts (weekdays) and Day and night shifts over weekends
Supervisor/s	1	1
Security Officers	08	08

Quantities are indicative and may change prior to finalisation of a service level agreement between MLM and the appointed bidder.

## 2.7. Security equipment required.

Quantities and specifications of security equipment required. See Part E for details.

Equipment	Quantity
Security patrol system	8
**Non-contact access control system points (1 system)	5
Press to talk (PTT) Base radio	3
Two-way radios	08

**\*\* The Municipality reserves the right to remove and not consider the item/equipment if less than 3 bidders meet all requirements. Subsequently, the cost related to the item will be removed for all bidders.**

Quantities are indicative and may change prior to finalisation of a service level agreement between MLM and the appointed bidder.

## 2.8. Team composition

The attached summary sheet (Annexure B) must be completed for the entire management team. The following must be submitted for each of the management team member:

- Detailed CV indicating previous experience.

Roles	Experience
Managing Director or equivalent	<b>Minimum:</b> At least 5 years in managing the provision of security services at a senior / executive level.
Key Account Manager or equivalent	<b>Minimum:</b> At least 5 years in the provision of security or related services.
Operations Manager	<b>Minimum:</b> At least 5 years work experience. in similar position.

## 2.9. Costing Methodology

All prices must be inclusive of VAT (if VAT registered) and **must include all costs to render/deliver all goods / services indicated in this ToR. No variation in contract price will be permitted.**

## PART C - BID EVALUATION PROCESS

**General principle:** Additional information submitted may only be used as evidence to substantiate what is already contained in the bid. **The costing template and content of bids may not be amended under any circumstances.**

### 1. Administrative evaluation

Only bids / quotes that comply with all administrative requirements (See Part B-1) and that submitted all required bid documents (acceptable bids) will be considered during the functional evaluation phase. Only acceptable bids will therefore be scored by the Bid Evaluation Committee against the functional criteria indicated below.

### 2. Functional evaluation

Acceptable Bids will be scored by the Bid Evaluation Committee (BEC) against the criteria indicated in this Terms of Reference.

The MLM will evaluate all acceptable bids based on the bid documents submitted. Only Bidders that meet all the criteria under parts 1 and 2 below will proceed to Price/PPPFA evaluation. Bidders that did not meet these requirements will be eliminated.

<b>Functional Criteria Part 1 (All criteria mandatory)</b>		<b>Yes</b>	<b>No</b>
1.1	Valid PSIRA certificate for the company submitted		
1.2	Proof of COIDA compliance submitted.		
1.3	Proof of UIF compliance submitted.		
1.4	Valid PSIRA Grade A certificate for at least one of the Directors submitted.		
1.5	All company directors are South African citizens (Copy of ID's submitted) - confirmed against CSD and/or CIPC information.		
1.6	Proof of valid and current public liability Insurance submitted R10 million.		
1.7	Proof of physical address of bidder offices and/or control room in Northern Cape submitted (City Council bill or lease agreement). The control room operates 24 hours, 365 days a year.		
1.8	Valid proof of ownership/lease of company vehicle(s) submitted; Tracker reports and installation certificate (for all submitted vehicles).		
1.9	The bidder must attach a bank rating letter C or three (3) years audited financials		

### 3. FUNCTIONAL EVALUATION PART 2

Only bidders that meet all administrative requirements and all the criteria for functional evaluation Part 1 will proceed to functional evaluation Part 2.

Bids 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 100.

CRITERIA	SUB-CRITERIA	SCALE	WEIGHT	HIGHEST POSSIBLE SCORE
Bidder proven experience in managing similar projects.	Attach valid proof of the following documents: 1. An established track record of projects in security services that was successfully executed. 2. Bidder profile 3. Contactable references of at least three similar projects executed in the past.	0 - 2 years of experience on a similar project with 1 contactable reference = 1 3 - 4 years of experience on a similar project with 2 contactable references = 2 4 - 5 years of experience on a similar project with 3 contactable references = 3 6 - 7 years of experience on a similar project with 4 contactable references = 4	5 x6	25
An operational office and control located in Northern Cape.	1. Valid lease agreement or Municipal services account not older than 3 months Attached. 2. Valid proof of ownership/ lease of company vehicle(s) attached. Tracker reports and installation certificate (all vehicles)	1= within 45 km radius from MLM Head Office, 1 vehicle. 2= within 35 km radius from MLM Head Office, 1 vehicle. 3= within 25 km radius from MLM Head Office, 1 vehicle. 4 = within 15 km radius from MLM Head Office 1 vehicle. 5 = within 5 km radius from MLM Head Office, 1 vehicle.	5x3	15
Bidder's understanding of TOR and .	1. Provide proof of valid company firearm registration license/s 2. Company accreditation with Central Firearm Registry (CFR) by juristic person. 3. Appointment of armoury manager and his/her training certification in handle and use of firearms for business purposes – all accredited firearms. 4. Armoury manager's SAPS Firearm competency- all prescribed firearms.	Demonstrating an understanding of the scope of work based on Firearm control Act = 40 (Bidder must supply all the scope no. 1 to 4 or bidder will be scored nil for firearms returnable)	4x 10	40
Capacity of the bidder to deliver the project.	Copies of SAPS certificate competence of employees to possess a firearm	0- SAPS competency = 0 SAPS competency= 20	1x20	20
<b>TOTAL SCORE</b>				<b>100</b>

**A bid that scores less than 70 points out of 100 points in respect of functionality will be regarded as non-responsive and will be disqualified. Bidders who score 70 points and above will be further considered for evaluation in terms of Price and BBBEE.**

#### 4. Price Evaluation

Only bids that meet all administrative requirements and the minimum functional requirements will be evaluated in terms of the provisions of the Preferential Procurement Framework Act and related regulations - see attached bid documents. The evaluation method (80/20) and preference points allocation applicable to this bid are indicated in the attached SBD 6.1. The Bidder that receives the highest PPPFA score (price points + B-BBEE contribution level points) will be the Preferred Bidder.

**5. Site visit and Due diligence**

In view of the Covid-19 pandemic, it will not be practical or desirable for the Bid Evaluation Committee to visit all bidders. The BEC will conduct an unannounced site visit (the bidders will be given 2-hour notice of the site visit) to the top four (4) shortlisted bidders to confirm bidders' compliance with the functional criteria stipulated in this Terms of Reference. **During the site visit/due diligence, the BEC can verify any of criteria stipulated in this ToR, with particular focus on the following:**

	<b>Criteria</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b>
1.	Physical address of bidder offices and/or control room in Northern cape verified.			
2.	The control room operates 24 hours, 365 days a year.			
3.	Proof of ownership/lease of company vehicle(s) verified. Vehicles appear to be in good working order.			
4.	Examples of uniforms and equipment verified and compliant with bid specifications (Par 2.5) Part B.			
5.	Base stations and handheld radios are in good working order.			
6.	Electronic patrol tracking and verification system for security guards successfully demonstrated.			

If, upon physical inspection and verification by the BEC, the Preferred Bidder fails to meet any of the criteria stipulated in this ToR, the Preferred Bidder will be disqualified and the Bidder with the second highest PPPFA score will become the Preferred Bidder (and so forth).



## **PART D - CONTRACT MANAGEMENT AND SPECIAL CONDITIONS**

### **1. CONTRACT MANAGEMENT**

1.1 The successful bidder will be required to enter into a service level agreement (SLA) with the Municipality of Cooperative governance. The National Treasury General Conditions of Contract (GCC) will form part of the SLA to be concluded between MLM and the successful bidder.

1.2 If the parties (the Municipality and the appointed bidder) are unable to reach agreement on the special conditions of contract (SLA) after a period of 14 calendar days of the date on which the bid award is communicated to the bidder, then the Municipality reserves the right to cancel the award to the bidder and to appoint another bidder.

1.3 Bidders should note that:

- All information related to this bid, or information provided to the bidder after the award of this bid, must be treated as confidential and may not be disclosed in any way to third parties without the explicit written consent of MLM.
- All right, title and ownership of any Intellectual Property developed by or for the bidder or MLM independently and outside of execution/production of the Deliverables related to this bid and provided while this project (“Background IP”) shall remain the sole property of the party providing the Background IP.
- To the extent that the bidder utilises any of its Background IP in connection with the Deliverables, such Background IP shall remain the property of the bidder and MLM shall acquire no right or interest therein. bidder shall grant MLM a non-exclusive, royalty-free, non-transferable licence to use such Background IP strictly for purposes of making beneficial use of the Deliverables into which such Background IP has been incorporated.
- All Intellectual Property rights in Bespoke Deliverables are or will be vested in and owned by MLM unless specifically agreed otherwise in writing. The bidder agrees that it shall not, under any circumstances, question or dispute the rights and ownership of MLM in and to the Bespoke Deliverables. MLM shall grant the bidder a non-exclusive, royalty free, non-transferable licence to use the Bespoke Deliverables for the purpose of performing its obligations under this project.
- The bidder may not publish or sell, in whole or in part, any Bespoke Deliverables emanating from this project without the explicit written consent of MLM.
- The Copyright of any Bespoke Deliverables shall vest in MLM.

1.4 No amendments to the SLA or any variation, waiver, relaxation or suspension of any of the provisions thereof shall have any force or effect, unless reduced to writing and signed by both parties.

### **2. SPECIAL CONDITIONS APPLICABLE TO THIS BID**

2.1. The Municipality may, at its sole discretion, cancel this bid or award this bid to more than one bidder.

2.2. The period of thirty days (30 days) referred to in the General Conditions of Contract paragraph 27.2 applies. If the bidder is found to have engaged in fraudulent activities or caused the Municipality to incur irregular expenditure, the Municipality reserves the right to cancel the agreement with immediate effect. Repercussions for the conduct of the bidder referred to above may include blacklisting of the bidder thus preventing them from doing business with government for a period of 10 years.

**PART E - DETAILED REQUIREMENTS**

**1. INTRODUCTION**

1.1 MLM is committed to providing a safe and secure work environment in all its buildings/sites and ensuring compliance with Access Control to Premises and Vehicle Act, 53 of 1985 and Minimum Physical Security Standards (MPSS) through provision of effective security services.

1.2 The following services are currently needed 24/7 days a week, including public holidays at MLM sites mentioned in 2.1 below:

bidder

- Patrolling of premises.
- Access control.
- Screening/Scanning of people and vehicles.
- Assets movement monitoring.
- Personnel and members of the public escorted where required.
- Protection services (including protest reaction team) and general crime prevention measures.
- Threat and Risk Assessment (TRA) Report of each of the sites. The appointed bidder will be expected to review and align the TRA report as situation changes.
- Develop and implement Contingency Plan in line with Municipal Plan (Plan to be submitted with the bid); and
- Installation and maintaining of patrolling, visitor’s management non-contact access control system, intruder warning/alarm systems and X-ray and walk-through metal detectors.

**2 SECURITY GUARDS AND EQUIPMENT REQUIRED.**

2.1 Security guards and supervisors

Roles	Day Shift (06:00 to 18:00) Weekdays		Nights shifts (weekdays) and Day and night shifts over weekends / publ. Holidays	
	Supervisor	Guards	Supervisor	Guards
MLM Site				
Traffic workshop		1		1
Traffic testing centre		1		1
Electrical department		1		1
water treatment plant		1		1
Municipal head office		1		1
Municipal library		1		1
Sewage treatment plant		1		1
Stadium		1		1
<b>TOTAL</b>	<b>1</b>	<b>08</b>	<b>1</b>	<b>08</b>
<b>The bidder should provide Tactical Response Team (TRT) in cases of crisis at no extra costs to the MLM.</b>				

2.2 Access control and related equipment

Equipment	TOTAL
Electronic patrol track sticks for each building (patrol system)	5
Non-contact access control system 1 System - number of access points (scanners) required	5
Press to talk (PTT) Base radio	3
Two-way radios	08

### **3 DETAILED EQUIPMENT SPECIFICATIONS**

#### **3.1 Minimum requirements for all equipment**

- Full service operating lease.
- The bidder will be responsible for all costs related to the installation, usage, maintenance and removal of all equipment.
- The bidder will retain all risks related to the installation, usage, maintenance and removal of all equipment.
- Faulty equipment must be replaced within 2 business days.

#### **3.2 Handheld scanners**

- Comfortable handle making the Scanner easy to operate.
- Switch between sound alarm and LED indicators making the Scanner suitable for different environments.
- Rechargeable - 4-6 hours for maximum charge.
- Alarm options - sound and LED alarm simultaneously, or vibration and LED alarm simultaneously.
- Low Sensitivity mode - will only alarm on larger metals.
- Dimension: 410(L) X 85(W) X 45(H) mm
- Battery: 9 Volt rechargeable
- Alarm Indicators: sound (vibration) and light alarm simultaneously

#### **3.3 X-Ray Scanner**

- High-end processor technology
- High speed digital signal transmission
- Hi-mat plus advanced material classification.
- High image resolution
- Twenty-four (24) bit real time image processing
- New programmable priority keys

#### **3.4 Walk through metal detectors.**

- the municipality will arrange with successful bidder if required at a later stage.

#### **3.5 Press to Talk (PTT)**

- GSM & VHF / GSM & UHF
- Data user to communicate.
- Uses any Pre-Paid Sim Card Network: Vodacom, MTN, Cell C, Telkom etc.
- These radios have Real-Time GP's tracking and stores info on cloud.
- Voice recording of all communication between users.
- VOIP communication
- SOS emergency button
- 1600 channels (Groups) and 1600 people in each group
- Radio alias naming and groups
- Remote offsite programming of radios

### **3.6 Two-way radios**

- 16 Channels
- Power Output: 2W
- Small Size and Light Weight
- Powerful Audio Output
- CTCSS/DCS Encode & Decode
- Side Key Assignment Programmable
- With Torch Light
- Emergency Alert
- Compact and Fashionable Design
- Easy Operation
- Battery Save
- Wide/Narrow Bandwidth
- 25KHz/20KHz/12.5KHz (Selective)

### **3.7 Non-contact access control system**

The bidder must provide a rented system with the following specifications:

- Preloaded municipality staff information.
- Positive identification non-contact access control
- Positive screening/Scanning of people and vehicles
- Public or visitors capturing or data collection.
- Scan staff and visitors' temperatures
- Provision of Servicing and maintenance plan of the access security system
- Guarantee of Installed non-contact access control system.
- Turnaround times on breakdown or faulty system
- Set-up notifications of high temperature or COVID-19 symptoms
- Profile specific reports (frequency of entries to the building)
- Record keeping in accordance with COVID-19 protocols.
- Develop and implement Contingency Plan in line with Municipal plan (Plan to be submitted with the bid proposal).

NB: The data collected for access control system remains the MLM's property, the bidder should hand it to the municipality upon termination of the contract. No information should be taken or removed by the bidder for what so-ever reason.



