



**REAL ESTATE UNIT**

**ERF 2939 AMANZIMTOTI**

**(95 BEACH ROAD, AMANZIMTOTI)**

**CONTRACT NO: 29084**



## REAL ESTATE UNIT

### **REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING AND REDEVELOPMENT OF ERF 2939 AMANZIMTOTI, MEASURING 3873 M<sup>2</sup> S AS DEPICTED ON SJ PLAN No. 4688/3 FOR A PERIOD OF 20 YEARS (95 BEACH ROAD)**

EtheKwini Metropolitan Municipality hereby requests proposals from interested persons to be submitted for the long-term leasing and redevelopment of Erf 2939 Amanzimtoti as depicted on SJ plan No. 4688/3 measuring 3 873 m<sup>2</sup> for commercial purposes for a period of 20 years.

**THIS DOCUMENT CONSISTS OF 63 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER / BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT.**

Name of Bidder \_\_\_\_\_

**THE BIDDER(S) MUST SUBMIT ONE (1) ORIGINAL HARD COPY, ONE (1) COPY PLUS SCANNED VERSION OF THE SUBMISSION INCLUDING ALL ANNEXURES/ RETURNABLES IN A USB CLEARLY MARKED IN BIDDER'S NAME BY 11:00 AM ON THE CLOSING DATE)**

Bidders must submit a "hard copy" submission to the Tender Box located in the ground floor foyer of the Municipal Buildings, 166 KE Masinga Road (Old Fort Rd), Durban and an electronic submission via SSS. Bidders must ensure that the hard copy and electronic submission are the same, failing which the submission will be deemed invalid. Bidders are responsible for resolving all access rights and submission queries before the tender closing date. Tender closing date and time remain unchanged.

**SSS Queries Contact Lindo Dlamini:** Tel: 031-3227133/031-3227153 email: [selfservice@durban.gov.za](mailto:selfservice@durban.gov.za)

**Closing date of the Bid: 13 DECEMBER 2024**

**Closing Time: 11:00**

**Issued by: T.E. Mmusinyane  
HEAD: Real Estate Unit  
4<sup>th</sup> Floor,  
199 Anton Lembede Street**

<b>No</b>	<b>CONTENTS</b>	<b>PAGE</b>
1.	TENDER ADVERT	4
2.	INVITATION TO BID (MBD 1)	6
3.	TERMS AND CONDITIONS FOR BIDDING (MBD 1.1)	7
4.	TAX CLEARANCE CERTIFICATE REQUIREMENTS (MBD 2)	8
5.	PRICING SCHEDULE: FINANCIAL OFFER (REU MBD 3.1)	9
6.	DECLARATION OF INTEREST (MBD 4)	11
7.	DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (MBD 5)	14
8.	PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS (MBD 6.1)	15
9.	BIDDERS INFORMATION (MBD 7)	22
10.	DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)	23
11.	CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)	25
12.	STANDARD CONDITIONS OF SUBMISSION (MBD 10)	28
13.	EVALUATION CRITERIA (REU MBD 11)	33
14.	BID SPECIFICATION (REU MBD 12)	38
15.	PROPERTY INFORMATION (REU MBD 13)	43
16.	REGISTRATION DOCUMENTS (MBD 14)	47
17.	AUTHORITY TO SUBMIT BID (MBD 15)	48
18.	DECLARATION OF MUNICIPAL FEES (MBD 16)	49
19.	DEVELOPMENT PROPOSAL (REU MBD 17)	50
20.	SUSTAINABILITY MODEL (FUNDING/ DONOR/ SPONSOR) (REU 18)	52
21.	PUBLIC/SOCIAL BENEFIT PROPOSAL (MBD 19)	53
22.	PROPOSED EMPOWERMENT PLAN (MBD 20)	54
23.	EXPERIENCE AND CAPABILITIES OF BIDDER (MBD 21)	55
24.	ACCESS TO FUNDING (MBD 22)	58
25.	ANNEXURE A : DEMOGRAPHIC PROFILE	59
26.	ETHEKWINI MUNICIPALITY COUNCIL'S DECISION DATED 31/5/2018	60
27.	CONFIDENTIALITY DECLARATION (POPIA)	61
28.	CONSENT CLAUSE	62

## TENDER ADVERT

### REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING AND REDEVELOPMENT OF ERF 2939 AMANZIMTOTI, MEASURING 3 873 M<sup>2</sup> S AS DEPICTED ON SJ PLAN No. 4688/3 FOR A PERIOD OF 20 YEARS (95 BEACH ROAD)

EtheKwini Metropolitan Municipality, hereby invites interested persons to submit proposals for the leasing of the property stated hereunder:

BID NUMBERS	TENDER DESCRIPTIONS	SITE SIZE
7E-29084	<b>REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING AND REDEVELOPMENT OF ERF 2939 AMANZIMTOTI, MEASURING 3873 M<sup>2</sup> S AS DEPICTED ON SJ PLAN No. 4688/3 FOR A PERIOD OF 20 YEARS (95 BEACH ROAD)</b>	3873m <sup>2</sup>
Non – compulsory briefing session	<p>There will be two <u>non-compulsory</u> clarification meetings:</p> <ol style="list-style-type: none"> <li>1. The first clarification meeting will be held on 26<sup>th</sup> September 2024 at 4<sup>th</sup> Floor Embassy Building, Main Boardroom from 9:30am to 12:30pm.</li> <li>2. The second clarification meeting will be held on 14<sup>th</sup> November 2024 at 4<sup>th</sup> Floor Embassy Building, Main Boardroom from 9:30am to 12:30pm.</li> </ol> <p>All questions and answers from the clarification meeting will be uploaded onto the eThekwni website by the 28th November 2024.</p>	
Document Availability	13 September 2024	
Documents Cost	Document Cost: R0,00	
Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act 5 of 2000 is to give effect to Section 25 (5) of the Constitution of the Republic of South Africa	<p>In line with Section 25 (5) of the Constitution “The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.”</p> <p>The objective criteria will be applied in the following manner:</p> <ol style="list-style-type: none"> <li>1) The demographic profile of property ownership or access to property will be assessed using the Municipality’s lease register in relation to the location of the subject property and the level of participation in the sector. Preference will be given to the most underrepresented groups within that property profile. The graph depicted under Annexure A on page 60 represents the current demographic profile of existing leases that would apply to this bid.</li> </ol> <ul style="list-style-type: none"> <li>• Bidders must score a minimum of 70 points for Functionality Evaluation in order to qualify for further evaluation in Price and Preference Goal and the Objective Criteria.</li> </ul>	
Mandatory Requirements in line with the requirements of Regulation 41 (4) of the Asset Transfer Regulations to ensure that the successful bidder has the ability to develop, maintain and safeguard the capital asset.	<p>Bidders are to provide a funding model to incorporate how and where funding will be sourced/raised, and it must include collateral to be pledged against such funding if required. The bidder is to demonstrate proof of availability or expression of interest to fund a maximum 100% of the development cost. This must include written support from verifiable funding institutions or expression of interest to fund.</p> <ul style="list-style-type: none"> <li>• A letter from a registered funder with Financial Sector Conduct Authority (FSCA) confirming availability of a maximum 100% funding of the development cost; or</li> <li>• A letter from a registered funder with Financial Sector Conduct Authority (FSCA) expressing an interest to fund a maximum 100% of the development cost; and</li> <li>• If there is a shortfall, bidder must demonstrate how they will fund the shortfall.</li> </ul>	
Above R10 Mil	<p>Regulation 21 of the Municipal Supply Chain Management Regulations, 2005 requires bidders for transactions that exceed R10 million to furnish annual financial statements for the past three financial years. This is required to establish liquidity and financial resources of the bidder to execute the project as indicated in the bid documents and proposals. If the bidder was established within the last three years, the most recent audited financial statements are required to be submitted.</p>	

<b>Selection Criteria</b>	<p><b>Failure to meet the following requirements will invalidate the bid:</b></p> <ul style="list-style-type: none"> <li>• Failure to meet mandatory requirements.</li> <li>• Any rental offer below the reserve price.</li> <li>• Bids that deviate from the tender specification.</li> <li>• Any proposal that does not include a total redevelopment of the property and the proposed usage is not in line with the zoning of the property.</li> <li>• Any development proposal that is outside the scope of this tender.</li> <li>• Non-commissioning of MBD 7 and non-signature of the Municipal Bidding Documents (MBD's).</li> </ul> <p><b>NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2.</b></p>
<b>Closing Date</b>	<b>13th December 2024</b>
<b>Conditions of submission of Request for Proposal</b>	<ul style="list-style-type: none"> <li>• Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS.</li> <li>• Proof of registration of the Entity as follows: <ul style="list-style-type: none"> <li>• Natural persons- certified copy of ID document/ passport</li> <li>• Partnership- copy of Partnership Agreement plus certified copy/copies of IDs of all partners</li> <li>• Company- current CM29/COR 20.1</li> <li>• Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1</li> <li>• Trust- letter of appointment from the Master of the High Court of SA and deed of trust of JV/Consortium- JV/Consortium Agreement plus CIPC and/or certified copy/copies of ID documents of all JV/Consortium partners</li> <li>• Entity valid BBBEE Certificate issued by agency accredited by SANAS /Valid Sworn affidavit or valid BBBEE certificate JV/Consortium issued by agency accredited by SANAS or BBBEE Certificate from CIPC.</li> </ul> </li> <li>• Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.</li> <li>• Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.</li> <li>• Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.</li> <li>• In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation, a JV / Consortium agreement and a BBBEE certificate.</li> <li>• Central Supplier Database (CSD) registration valid on tender closing date.</li> <li>• Company resolution for bid signing powers.</li> <li>• Completed and signed bid documents including MBD 1 to MBD 22.</li> <li>• If the entity or any of its directors are listed on the National Treasury register of defaulters, the bid will be rejected.</li> </ul>
<b>Delivery Address</b>	<p>Bidders must submit a "hard copy" submission to the Tender Box located in the ground floor foyer of the Municipal Buildings, 166 KE Masinga Road (Old Fort Rd), Durban and an electronic submission via SSS. Bidders must ensure that the hard copy and electronic submission are the same, failing which the submission will be deemed invalid. Bidders are responsible for resolving all access rights and submission queries before the tender closing date. Tender closing date and time remain unchanged.</p>
<b>Evaluation</b>	<p><b>Functionality, Rental Offer and Preference Goal of contributor using 80/20.</b> 80 for rental value and 20 for Preference Goal status level of contributor</p>

**INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ETHEKWINI METROPOLITAN MUNICIPALITY)</b>					
<b>BID NUMBER</b>	<b>7E-29084</b>	<b>CLOSING DATE</b>	<b>13 December 2024</b>	<b>CLOSING TIME:</b>	<b>11:00</b>
<b>DESCRIPTION</b>	<b>REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING AND REDEVELOPMENT OF ERF 2939 AMANZIMTOTI, MEASURING 3 873 M<sup>2</sup> S AS DEPICTED ON SJ PLAN No. 4688/3 FOR A PERIOD OF 20 YEARS (95 BEACH ROAD)</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A LEASE AGREEMENT WITH ETHEKWINI METROPOLITAN MUNICIPALITY.</b>					

Bidders must submit a “hard copy” submission to the Tender Box located in the ground floor foyer of the Municipal Buildings, 166 KE Masinga Road (Old Fort Rd), Durban and an electronic submission via SSS. Bidders must ensure that the hard copy and electronic submission are the same, failing which the submission will be deemed invalid. Bidders are responsible for resolving all access rights and submission queries before the tender closing date. Tender closing date and time remain unchanged.

<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSMILE NUMBER	CODE		NUMBER		
EMAIL ADDRESS					
VAT REGISTRATION					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)		Yes	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		Yes
		No			No
<b>(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE / SWORN AFFIDAVIT (FOR EMEs &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)</b>					
SIGNATURE OF BIDDER				DATE	
CAPACITY UNDER WHICH THIS BID SIGNED					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>					

**TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1 BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—OR DOWNLOADED ONLINE (NOT TO BE RE-TYPED)**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFITABLE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART 3 BELOW.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

**3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

3.1 IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

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

3.2 DOES THE ENTITY HAVE A BRANCH IN THE RSA?

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

3.3 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

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

3.4 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

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

3.5 IS THE ENTITY LIABE IN THE RSA FOR ANY FORM OF TAXATION?

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

**IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.**

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1 In order to meet this requirement bidders are required to complete in full the attached form TCC "001" "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).

6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).

**PRICING SCHEDULE: FINANCIAL OFFER**

1. This offer is made for the property in accordance with the Property Information stated in MBD 13 and in accordance with the bid specification in MBD 12.
2. **Unless stated otherwise all prices excludes VAT.**
3. **FINANCIAL OFFER**

<p><b>A minimum / reserve rental amount of R56 666.00 per month.</b></p> <p>Any offer below the RESERVED/ MINIMUM RENTAL will not be considered and such bids would accordingly be disqualified.</p>	
<b>Rental Offer</b>	
<b>Rental Offer in words</b>	
<b>Escalation per annum and rental to be reviewed every five years</b>	<b>8%</b>
<b>Bidder / Entity Name</b>	
<b>Represented By</b>	
<b>Capacity</b>	
<b>Signature</b>	
<b>Date</b>	

**OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.**

eThekwini Vendor Portal Registration Number:

**PR**

C.S.D Registration Number:

**MAAA**

S.A.R.S Pin Number:

**Completion of the following is compulsory. Failure to declare the following will invalidate your offer.**

**Declaration of Interest**

Are any of the entity's directors, managers, principle shareholder or stakeholders currently in the service of the state or have been in the service of the state in the past twelve (12) months?

**Yes**  **No**

Is any spouse, child or parent of the entity's directors, managers, principle shareholder or stakeholder currently in the service of the state or have been in the service of the state in the past twelve (12) months? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Name of entity's member	Position in Entity	Name of Relative (if applicable)	Name of State Institution	Nature of Relationship
Do you or any other directors, managers, principle shareholder or stakeholder of your entity have any relationship (spouse, family, friend, associate) with persons in the service of the state and/or who may be involved with the evaluation of this quotation? If yes please furnish particulars below <input type="checkbox"/> Yes <input type="checkbox"/> No				
Name of entity's member	Position in Entity	Name of Relative (if applicable)	Name of State Institution	Nature of Relationship

**OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.**

**4. PAYMENT FOR RATES, TAXES AND SERVICES**

In addition to the above amount the lessee will be responsible for the payment of all municipal services and other costs deemed necessary on the property, including rates and taxes, electricity, water, sewerage and sanitation removal, which are levied on the property.

**5. POSSESSION OF THE SITE**

The lessee will take possession of the site on the date of signature of the Lease Agreement by the parties.

## MBD4: DECLARATION OF INTEREST

**NOTES**

MSCM Regulations: "in the service of the state" means to be:

- (a) a member of:
  - (i) any municipal council.
  - (ii) any provincial legislature.
  - (iii) the national Assembly or the national Council of provinces.
- (b) a member of the board of directors of any municipal enterprise.
- (c) an official of any municipality or municipal enterprise.
- (d) an employee of any national or provincial department, national or provincial public enterprise 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 enterprise.
- (f) an employee of Parliament or a provincial legislature.

"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.

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

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 and/or take an oath declaring his/her interest.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Name of enterprise

Name of enterprise's representative

3.2 ID Number of enterprise's representative

3.3 Position enterprise's representative occupies in the enterprise

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 / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted.

3.8 Are you presently in the service of the state?

Circle  
Applicable

YES	NO
-----	----

If yes, furnish particulars:

.....

.....

3.9 Have you been in the service of the state for the past twelve months?

If yes, furnish particulars:

YES	NO
-----	----

.....

.....

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
-----	----

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 Are 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
-----	----

If yes, furnish particulars:

.....  
.....

The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted.

Full Name	Identity No.	State Employee No.	Personal income tax No.
Use additional pages if necessary			

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct.*

**NAME (Block Capitals):** .....

**Date**

**SIGNATURE:** .....

.....

**MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION  
(ALL APPLICABLE TAXES INCLUDED)**

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire. **(APPLICABLE)**

	Circle Applicable	
1.0 Are you by law required to prepare annual financial statements for auditing?	YES	NO
1.1 <b>If YES, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.</b>		
2.0 Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	YES	NO
2.1 If NO, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.		
2.2 If YES, provide particulars. ..... .....		
3.0 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	YES	NO
3.1 If YES, provide particulars. ..... .....		
4.0 Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	YES	NO
4.1 If YES, provide particulars. ..... .....		

**If required by 1.1 above, tenderers are to include, at the back of their tender submission document, a printout of their audited annual financial statements.**

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, and, if required, that the requested documentation has been included in the tender submission.*

**NAME (Block Capitals):** \_\_\_\_\_ **Date** \_\_\_\_\_

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

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

**1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids: - the 80/20 system for requirements with a Rand value up to R50 000 000 (all applicable taxes included);
- 1.2 a) The value of this bid could not be determined, therefore the lowest acceptable tender will be used to determine the applicable preference point system; or  
 b) The 80/20 preference point system will be applicable to this tender.
- 1.3 Points for this bid shall be awarded for:
  - (a) Price; and
  - (b) Preference goals
- 1.4 The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
RENTAL OFFER	<b>80</b>
Preference goals	<b>20</b>
Total points for Price and Preference goal must not exceed	<b>100</b>

- 1.5 Failure on the part of a bidder to submit proof of CSD report, Consolidated BBEE Certificate for Consortium, Joint Venture, Trust or Consortium, Joint Venture, Trust Agreement together with the bid, will be interpreted to mean that preference points for Preference points are not claimed.
- 1.6 The Municipality reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the Municipality.

**2. DEFINITIONS**

- (a) **highest acceptable tender**” means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders;
- (b) **“tender”** means a written offer in the form determined by an organ of state in response

to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation.

- (c) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts.
- (d) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes
- (e) **“tender for income-generating contracts”** means a written offer in the form determined by Municipality in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the Municipality and a third party that produces revenue for the Municipality, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions.
- (f) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
- (g) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of the tender invitation;
- (h) **“tender for income-generating contracts”** means a written offer in the form determined by Municipality in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the Municipality and a third party that produces revenue for the Municipality, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions.
- (i) **“specific goals”** means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994;

### 3. DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

(a)

**PRICE POINTS:** A maximum of 80 or 90 points is allocated for price on the following basis:

**80 / 20 Points System**

OR

**90 / 10 Points System**

$$P_s = 80 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

$$P_s = 90 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where:

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{max}$  = Price of highest acceptable tender

- (b) A maximum of 10 or 20 points may be awarded to a tenderer for the specific goal specified for the tender.
- (c) The points scored for the specific goal must be added to the points scored for price and the

total must be rounded off to the nearest two decimal places.

- (d) Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 6 and 7 of the Preferential Procurement Regulations 2022 read together with Section 4 (4) and 4 (5) of the Ethekwini Municipality: SCM Policy 2023, preference points must be awarded for specific goals stated in the tender.

For the purposes of this tender the tenderer will be allocated points based on the points claimed for the goal(s) stated in Table 1 below, as supported by proof/ documentation stated in the Conditions of Tender:

- 4.2 In cases where the municipality intends to use Regulation 3(2) of the Regulations, which states that if it is unclear whether the 80/20 or 90/10 preference point system applies, the municipality must, in the tender documents, stipulate in the case of:

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system:

- 4.3 then the municipality must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Specific Goals for the tender and points claimed are indicated as per table 1 and table 2 below. Tenderers are to indicate their points claim for each of the Specific Goals**

#### Ownership Goal

The tendering entity's Percentage Ownership, in terms of the Ownership Category(s) listed below, is to be used in the determination of the tenderer's claim for Preference Points.

Table 1

Goal Weighting 50%			
Ownership Categories	Criteria	80/20	90/10
Race: Black (w1)	0%	0	0
	>0% and <51%	8	4
	≥51% and <100%	15	7.5
	100%	20	10
<b>Proof of claim as declared on MBD 6.1</b> (1 or more of the following will be used in verifying the tenderer's status) <ul style="list-style-type: none"> <li>• Companies and Intellectual Property Commission registration document (CIPC)</li> <li>• CSD report.</li> <li>• B-BBEE Certificate of the tendering entity.</li> <li>• Consolidated B-BBEE Certificate if the tendering entity is a Consortium, Joint Venture, or Trust (Issued by verification agency accredited by the South African Accreditation System).</li> <li>• Agreement for a Consortium, Joint Venture, or Trust.</li> </ul>			
The <b>Category Weightings</b> of the Ownership Categories will be: w1 = 50%			

**RDP Goal: The promotion of South African owned enterprises**

The tendering entity's **Address** (as stated on the National Treasury Central Supplier Database (CSD) or on the eThekweni Municipality Vendor Portal) is to be used in the determination of the tenderer's claim for **Preference Points** for this Specific Goal.

Table 2

Goal Weighting 50%		
<b>Location</b>	<b>80/20</b>	<b>90/10</b>
Not in South Africa	0	0
South Africa	5	2.5
KZN	10	5
ETM	20	10
<b>Proof of claim as declared on MBD 6.1</b> (1 or more of the following will be used in verifying the tenderer's status)		
<ul style="list-style-type: none"> <li>• CSD report</li> </ul>		

Tenderers are to indicate their points claim for each of the Specific Goals.

The Specific Goals to be allocated points in terms of this tender	Number of points ALLOCATED (80/20 system)	Number of points ALLOCATED (90/10 system)	Number of points CLAIMED (80/20 system)	Number of points CLAIMED (90/10 system)
<b>Ownership Goal:</b> Black (w1)	20	n/a		n/a
<b>RDP Goal:</b> The promotion of South African owned enterprises. (w2)	20	n/a		n/a
w1 = 50%, w2=50% (where: w1 + w2 = 100%)				

- 4.4 All bidders will have to submit BEE rating certificates, issued by either verification agencies accredited by the South African Accreditation System (SANAS) or by registered auditors approved by the Independent Regulatory Board for Auditors (IRBA) or sworn affidavits in a case of Exempted Micro Enterprises or Qualifying Small Enterprise.
- 4.5 Any enterprise with an annual Total Revenue of R 10 million or less qualifies as an Exempted Micro Enterprise.
- 4.6 Exempted Micro-Enterprises are deemed to have B-BBEE Status of "Level Four Contributor" having a BBEE procurement recognition of 100% in terms of the Codes of Good Practice.
- 4.7 An Exempted Micro Enterprise (EME) with at least 51% black ownership qualifies as a Level 2 contributor with BBEE level of 125% in terms of the Codes of Good Practice.
- 4.8 An Exempted Micro Enterprise with 100% black ownership qualifies as a Level 1 contributor with BBEE level of 135% in terms of the Codes of Good Practice.
- 4.9 An Exempted Micro Enterprise that is regarded as a specialized enterprise with at least 75% black beneficiaries qualifies as a Level 1 contributor with BBEE level of 135% in terms of the Codes of Good Practice.
- 4.10 An Exempted Micro Enterprise that is regarded as a specialized enterprise with at least 51% black beneficiaries qualifies as a Level 2 contributor with BBEE level of 125% in terms of the Codes of Good Practice.

- 4.11 A Qualifying Small Enterprise (QSE) with at least 51% black ownership qualifies as a Level 2 contributor.
- 4.12 A QSE with 100% black ownership qualifies as a Level 1 contributor.
- 4.13 A QSE that is regarded as a specialized enterprise with at least 51% black beneficiaries qualifies as a Level 2 contributor with BBEE level of 125% in terms of the Codes of Good Practice.
- 4.14 A QSE with less than 51% black ownership is required to submit a BBEE level verification certificate issued by BBEE verification professional.
- 4.15 A Trust, consortium or joint venture:
- (a) must submit a B-BBEE status level certificate in order to qualify for points;
  - (b) will qualify for points as an unincorporated entity provided, that they submit their consolidated scorecard is prepared for separate tender; and
  - (c) where no consolidated scorecard exists, the weighted average (in accordance with participation percentages) will be used and rounded off to the nearest status level.
- 4.16 If a service is provided by only tertiary institutions, such services must be procured from the tertiary institutions identified by means of bidding process. Tertiary institutions must submit their B-BBEE status in terms of the B-BBEE Codes of Good Practice Specialized Scorecard.
- 4.17 This tender is subject to an Objective Criteria in terms of Section 2 (1) (f) of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) as follows:

<p><b>Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act 5 of 2000 is to give effect to Section 25 (5) of the Constitution of the Republic of South Africa</b></p>	<p>In line with Section 25 (5) of the Constitution “The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.”</p> <p>The objective criteria will be applied in the following manner:</p> <ol style="list-style-type: none"> <li>2) The demographic profile of property ownership or access to property will be assessed using the Municipality’s lease register in relation to the location of the subject property and the level of participation in the sector. Preference will be given to the most underrepresented groups within that property profile. The graph depicted under Annexure A on page 59 represents the current demographic profile of existing leases that would apply to this bid.</li> </ol> <ul style="list-style-type: none"> <li>• Bidders must score a minimum of 70 points for Functionality Evaluation in order to qualify for further evaluation in Price and Preference Goal and the Objective Criteria.</li> </ul>
<p>Tender(s) received need to be evaluated in terms of the preference point system first. Once the highest points scorer has been ascertained only then the objective criteria will be applied.</p>	

- 4.18 Award of where Bidders have Scored Equal Points Overall
1. In the event that two or more bids have scored equal total points, the successful bid will be the one scoring highest points for specific goals.
  2. However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal points for special goals, the successful bid will be the one scoring the highest score for functionality.

3. Should two or more bids be equal in all respects; the award will be decided by the drawing of lots.

**5. DECLARATION WITH REGARD TO COMPANY/FIRM**

5.1. Name of company/ firm:.....

5.2. VAT registration number:.....

5.3. Company registration number:.....

**5.4. TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

**5.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
.....  
.....  
.....

**5.6. COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.
- Property Development /Management .

[TICK APPLICABLE BOX]

**5.7. MUNICIPAL INFORMATION**

Municipality where business is situated: .....

Registered Account Number: .....

Stand Number: .....

5.8. Total number of years the company/firm has been in business :.....

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, certify that the points claimed, based on the specific goals as specified in the tender, qualifies the tendering entity for the preference(s) shown.

I acknowledge that:

- 1) The information furnished is true and correct.
- 2) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- 3) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct.
- 4) If the specific goals have been claimed or obtained on a fraudulent basis, or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have:
  - (a) disqualify the person from the tendering process.
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct.
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation.
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

<p>WITNESSES</p> <p>1.....</p> <p>2.....</p>	<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>
--	--

**CONSTITUTIONAL COURT JUDGEMENT**

Pursuant to the Constitutional Court judgement which declared Preferential Procurement Regulation 2017 (Regulations) invalid and no force and effect, this procurement document abides by the court order and any reference made to the said Regulations is hereby revoked and replaced by Preferential Procurement Policy Framework Act of 2000.

**MBD 7: BIDDERS INFORMATION**

Name of Bidder			
ID /Passport/ Registration Number			
Nature of bidder (tick one)	Natural Person/ Sole Proprietor		
	School/NGO/Trust		
	Company/ CC/ Partnership		
	Joint Venture (JV)		
Postal Address		Tel	
		Cell	
		Email	
		Fax	
<b>BIDDER BANKING DETAILS</b>			
Name of bidder's Banker			
Contact details of banker			

I,.....  
 ...( "The Bidder").

In my capacity as

.....  
 hereby submit a proposal in the preceding document. I have read the Proposal Call Document in full and hereby submit the MBDs in accordance with the conditions stated in the document, and further declare under oath that the information contained in the MBDs is to the best of my knowledge true and correct. I further state as follows:

Signed and sworn at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_  
 by the Bidder (s) who has stated that:

- He/she knows and understands the contents hereof and that it is true and correct;
- He/she has no objection to taking the prescribed oath; and
- That he /she regards the prescribed oath as binding on his/her conscience
- That the provisions of the regulations contained in Government Notice R1258 of 21<sup>st</sup> July 1972 (as amended) have been complied with.

\_\_\_\_\_  
 Bidder (s)

Signed before me

\_\_\_\_\_  
 COMMISSIONER OF OATHS

## 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	<p>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?</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"/>
4.5.1	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**

.....

.....

**MBD 9: 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;
  
  - a. 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
  
  - a. 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.

**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;
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; andI 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)
    - I methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
    - I 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

---

<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.

## **MBD 10: STANDARD CONDITIONS OF SUBMISSION**

The following conditions apply to all bids submitted:

- All bids must be submitted in compliance with the Bid Specifications specified in MBD 12.
- The property is made available in accordance with the information and stipulations contained in REU MBD 13.
- The bidder(s) will be deemed to be familiar with the state, real rights registered against the property, the zoning and locality of the property.

### **SELECTION CRITERIA**

**Failure to meet the following requirements will invalidate the bid:**

- Failure to meet mandatory requirement;
- Any rental offer below the reserve price;
- Bids that deviate from the tender specification.
- Any proposal that does not include redevelopment of the land or the proposed usage is not in line with the zoning of the property;
- Non-commissioning of MBD 7 and non-signature of the Municipal Bidding Documents (MBD's).
- Any development proposal that is outside the scope of this tender.

NB: Failure to comply with the above will result in the bid not being evaluated.

### **CONDITIONS OF SUBMISSION FOR REQUEST FOR PROPOSAL**

The following conditions apply to all bids submitted:

- All bids must be submitted in compliance with the Bid Specifications specified in MBD 12.
- The property is made available in accordance with the information and stipulations contained in REU MDB 13.
- The bidder(s) will be deemed to be familiar with the state, real rights registered against the property, the zoning and locality of the property.
- Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS.
- Proof of registration of the Entity as follows:

- Natural persons- certified copy of ID document/ passport
  - Partnership- copy of Partnership Agreement plus certified copy/copies of IDs of all partners
  - Company- current CM29/COR 20.1
  - Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1
  - Trust- letter of appointment from the Master of the High Court of SA and deed of trust of JV/Consortium- JV/Consortium Agreement plus CIPC and/or certified copy/copies of ID documents of all JV/Consortium partners
  - Entity valid BBBEE Certificate issued by agency accredited by SANAS /Valid Sworn affidavit or valid BBBEE certificate JV/Consortium issued by agency accredited by SANAS or BBBEE Certificate from CIPC.
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.
  - Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.
  - Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.
  - In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation, a JV / Consortium agreement and a BBBEE certificate.
  - Central Supplier Database (CSD) registration valid on tender closing date.
  - Company resolution for bid signing powers.
  - Completed and signed bid documents including MBD 1 to MBD 22.
  - If the entity or any of its directors are listed on the National Treasury register of defaulters, the bid will be rejected.

## **SUBMISSION OF PROPOSALS**

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and MBDs contained in this document.
- In this regard:
  - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
  - The Bidder(s) must submit one (1) original hard copy, one (1) copy plus scanned version of the submission including all annexures/ returnables in a USB clearly marked in bidder's name.
  - All Proposal documentation received shall be deemed Ethekwini Municipality property and shall not be returned or thus requested back by any Bidder.
- Proposals must be sealed, clearly marked with RFP name and number, and addressed to Head: Real Estate

- Bidder's return address must be clearly indicated at the back of the envelope.
- The fully completed document with annexures must be submitted before the closing date specified on the front cover and be deposited in the tender box.

## **SUBMISSION OF PROPOSALS**

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and MBDs contained in this document.
- In this regard:
  - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
  - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
  - The Bidder(s) must submit one (1) original and three (3) copies of the of the completed Bid document.
  - All Proposal documentation received shall be deemed EThekwini Municipality property and shall not be returned or thus requested back by any Bidder.
- Proposals must be sealed, clearly marked with RFP name and number, and addressed to Head: Real Estate
- Bidder's return address must be clearly indicated at the back of the envelope.
- The fully completed document with annexures must be submitted before the closing date specified on the front cover and be deposited in the tender box.
- **PROPOSALS WHICH ARE NOT SUBMITTED IN A PROPERLY SEALED AND MARKED ENVELOPE AND DEPOSITED IN THE BOX BEFORE THE CLOSING DATE, WILL NOT BE OPENED.**
- **PROPOSALS WHICH ARE NOT SUBMITTED IN THE CORRECT FORMAT WITH ANNEXURES ATTACHED, DULY COMPLETED, INITIALLED, COMMISSIONED AND SIGNED, WILL NOT BE CONSIDERED.**
- The information required in the MBDs must be provided accurately and honestly. All details provided by the Bidder(s) will be regarded as material representations, which the Municipality base the evaluation of the Proposal on. Any misrepresentation will be treated as material and will result in the disqualification of the Proposal by the Municipality. Bidders, who fail to provide such information to the satisfaction of the Municipality, will be disqualified.

## **OPENING OF PROPOSALS**

- Proposals will be opened immediately after the closing time on the closing date at the offices of the Municipality at the mentioned address. The RFP number, property description and the name of each Bidder(s) will be announced and recorded in a register.
- Bidder's return address must be clearly stipulated or indicated on the back of the envelope.

## EVALUATION OF PROPOSALS

- The Municipality reserves the right to seek clarification or further information from Bidder(s) and to appoint professionals to advise and verify information on aspects of the Proposals submitted in a manner that the Municipality deems appropriate.
- The preferred Bidder(s) may be required to make presentations to the Municipality.
- The Bidder(s) shall be deemed to know and understand the content of the Request for Proposal document and a submission of the MBDs will indicate the Bidder(s) unconditional acceptance of all the terms and conditions contained in the Request for Proposal.
- The Bidder(s) shall be deemed to have satisfied itself as to all of the conditions, procedures and performance and discharge of the obligations required in terms of the Request for Proposal.
- The non-acceptance or variation of any of the conditions, or the inclusion of any other conditions in the Proposal Call document by the Bidder(s) will be treated as a qualified bid.
- The Proposal(s) will be evaluated by the Municipality. The Municipality may accept any Proposal in whole or in part and is not bound to accept any Proposal
- Proposals will be evaluated using the evaluation criteria stated in MBD 11.
- The Proposal(s) will be adjudicated by the Municipality's Bid Adjudication Committee and awarded in terms of the City's Supply Chain Management Policy and the Land Disposal Policy.
- The Municipality will not be held responsible or liable for any costs whatsoever and /or losses incurred or suffered by the Bidder(s) or any other party or parties for whatsoever reason as a result of the Proposal.
- Any Proposal in the name of a partnership or joint venture or consortium will, on acceptance, be deemed as joint and several agreements with all parties.
- All proposals shall remain valid for a period of 120 days after the closing date, provided that bidders may extend the validity of the proposal on request of the Municipality.

## RESOLUTIONS OF DISPUTES

- Persons or bidders who are aggrieved by decisions or actions taken in the implementation In terms of Regulation 49 of the Municipal Supply Chain Management Regulations persons aggrieved by decisions or actions taken by the Municipality, may lodge an appeal within 14 days of the decision or action, in writing to the Municipality. The appeal (clearly setting out the reasons for the appeal) and queries with regard to decision of award are to be directed to the office of the City Manager, attention: Ms. S. Pillay, P.O. Box 1394, Durban, 4000; eMail: [Simone.Pillay@durban.gov.za](mailto:Simone.Pillay@durban.gov.za).
- The written complaint must contain the following information:
  - The bid reference number;
  - The section of the Policy, Regulations or Act that has been violated;
  - The details of the violation;

- The City Department or Municipal Owned Entity involved;
- Relief sought.

## **PROHIBITIONS**

- The Municipality will not, subject to such amendments to the Act and Regulations and any exemptions as the Minister may promulgate from time to time, award contracts to Bidder(s) who are owned directly or indirectly by the following categories of persons: -
- Defined as an employee or public servant in the service of the state working for Local, Provincial and National Government; or
- Defined as an employee in the service of a government owned entity including the municipal entities;
- If the employee mentioned above is actively or inactively a director, manager or principal shareholder of the service provider concerned (refer to GN44 in GG 28411 of 18 January 2006 for the exemption);
- Is a member of the board of directors of a municipal entity within its area of jurisdiction (refer to GN44 in GG 28411 of 18 January 2006 for the exemption);
- Who is an advisor or consultant contracted to the Municipality for the purposes of assisting the Municipality with defining of requirements, drafting of specifications or evaluation of the Proposals.
- The Municipality will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving as councillors for any municipality.
- The Municipality will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving in National Assembly, Provincial Legislatures and National Council of Provinces.
- Failure by the above-mentioned persons to comply with the above shall lead to cancellation of the contract.

## **CONSIDERATION OF PROPOSALS FROM CLOSE FAMILY MEMBERS OF PERSONS IN THE SERVICE OF THE STATE**

- The Municipality does not encourage awarding of contracts to close family members of employees in decision-making positions in line with Regulation 45 of the Supply Chain Management Regulations.
- The bidder must declare and state whether a spouse, child or parent of the bidder or of a director, manager or shareholder is in the service of the Ethekewini Municipality or has been in the service of the state in the previous twelve months.

## **GENERAL ENQUIRIES**

Only email enquiries will be accepted, such enquiries must be directed to [Zandile.Ndimeni@durban.gov.za](mailto:Zandile.Ndimeni@durban.gov.za)

## REU MBD 11: EVALUATION CRITERIA

Bids which satisfy the qualification criteria will be evaluated using a two-stage evaluation process as follows:

### Stage 1: Functionality Evaluation

Bids will be evaluated in order to establish whether they meet a minimum threshold score of 70 points out of 100 for functionality, based on the following criteria:

<b>FUNCTIONAL CRITERIA</b>	<b>Max Points</b>	<b>Returnable documents to be used in evaluation</b>
<b>PROPOSED CONCEPT</b>	<b>30</b>	
<p>Conformity of the Development Proposal to the vision for the property as expressed in REU MBD 12.</p> <p><b>Development Concept - High level conceptual design outlining the intended uses = 15 Points</b></p> <p>The proposed site layout, extent of buildings in square metres, height, elevations and floor plans= <b>5 Points</b></p> <p>Ratios of the different land uses proposed inclusive of Floor plans and elevations= <b>5 Points</b></p> <p>Architectural aesthetic of the proposed development= <b>5 Points</b> No submission = <b>0 Points</b></p>	15	<p>Bidder to submit A3 size drawings and diagrams which specify the following:</p> <ul style="list-style-type: none"> <li>• Ratios of the different proposed land uses</li> <li>• Indicative building footprints/ massing form, paying attention to edges and interfaces</li> <li>• Plans that are compatible to the character of the existing built environment and provide enhancements that improve the nature of the property.</li> <li>• Architectural aesthetic of the proposed development</li> </ul>
<p><b>Development Programme</b></p> <p>High level development programme including Inception Stage, Planning, Design, Construction and Commissioning.</p> <p>A high-level plan indicating 5 stages and each timeframe for each stage = <b>15 Points</b></p> <p>A high-level plan indicating 4 of the 5 stages and each timeframe for each stage = <b>12 Points</b></p> <p>A high-level plan indicating 3 of the 5 stages and each timeframe for each stage = <b>10 Points</b></p> <p>A high-level plan indicating 2 of the 5 stages and each timeframe for each stage = <b>7 Points</b></p> <p>A high-level plan indicating 1 of the 5 stages and each timeframe for each stage = <b>2 Point</b></p> <p>A high-level plan indicating 0 of the 5 stages and each with no timeframe for each stage or no submission = <b>0 Points</b></p>	15	<p>Narrative – High level redevelopment/ refurbishment programme including Inception Stage, Planning, Design, Construction and Commissioning and including timeframes for each stage.</p>
<b>CAPACITY AND EXPERIENCE</b>	<b>24</b>	
<p><b>Professional Team (12).</b></p> <p><b>Must have 3 years post registration experience, provide CVs and Proof of Registration documents and a maximum of 2 traceable references of work that is ≥ R3 million for each project. This amount refers to consultants' fee portion of the project value.</b></p>	<b>12</b>	<p>CV's of the professional team and proof of registration with professional bodies where requested, a maximum of 2 traceable references of work that is ≥ R3 million for each project. This amount refers to consultants' fee portion of the project value.</p>

<p><b>Architect</b> with 3 years post registration experience, (registration with relevant institutions/statutory bodies and 2 traceable references = (3 Points)</p> <p>Proof of professional registration = <b>1 Point</b>  Proof of 3 years post registration experience = <b>1 Point</b>  Proof of 2 traceable references of work that is ≥ R3 million for each project = <b>1 Point</b></p> <p><b>NB:</b> No points will be allocated to the Architect without proof of registration, less than 3 years post registration and has less than 2 traceable references of work that is ≥R3 million for each project.</p>	3	REU MDB 21
<p><b>Quantity Surveyor</b> (registration with relevant institutions/statutory bodies and traceable references) = 3 Points</p> <p>Proof of professional registration = <b>1 Point</b>  Proof of 3 years post registration experience = <b>1 Point</b>  Proof of 2 traceable references of work that is ≥ R3 million for each project = <b>1 Point</b></p> <p><b>NB:</b> No points will be allocated to the Pr QS without proof of registration, less than 3 years post registration and has less than 2 traceable references of work that is ≥R3 million for each project.</p>	3	
<p><b>Engineers (civil and electrical)</b> (registration with relevant institutions/statutory bodies and traceable references) = 3 Points</p> <p>Proof of professional registration = <b>1 Point</b>  Proof of 3 years post registration experience = <b>1 Point</b>  Proof of 2 traceable references of work that is ≥ R3 million for each project = <b>1 Point</b></p> <p><b>NB:</b> No points will be allocated to the Engineer without proof of registration, less than 3 years post registration and has less than 2 traceable references of work that is ≥R3 million for each project.</p>	3	REU MBD 21
<p><b>Project Manager</b> (registration with relevant institutions/statutory bodies and traceable references) = 3 Points</p> <p>Proof of professional registration = <b>1 Point</b>  Proof of 3 years post registration experience = <b>1 Point</b>  Proof of 2 traceable references of work that is ≥ R3 million for each project = <b>1 Point</b></p> <p><b>NB:</b> No points will be allocated to the PM without proof of registration, less than 3 years post registration and has less than 2 traceable references of work that is ≥R3 million for each project .</p>	3	REU MBD 21
<p><b>Construction Team Bidder to submit, profiles, experienced and qualifications (with a minimum of 3 years' experience)</b></p>	12	Bidders to complete REU MBD 21 and provide any verifiable documents to demonstrate its experience.

<p><b>Site Manager = 3 points</b></p> <p>Proof that the Site Manager has in excess of 3 years' relevant work experience= <b>1 Point</b></p> <p>Proof of the Site Manager has completed 2 projects in the last 5 years = <b>2 Points</b></p> <p><b>NB:</b> No points will be allocated to Site manager with less than 3 years of experience and have not completed 2 projects in the last 5 years.</p>	3	Bidders to complete REU MBD 21 and provide any verifiable documents to demonstrate its experience. REU MBD 21
<p><b>Registered Health &amp; Safety Officer = 3 points</b></p> <p>Proof of professional registration as health and Safety officer = <b>1 Point</b></p> <p>Proof that the Health &amp; Safety Officer has in excess of 3 years' relevant work experience= <b>1 Points</b></p> <p>Proof of the Health &amp; Safety Officer has completed 2 projects in the last 5 years = <b>1 Point</b></p> <p><b>NB:</b> No points will be allocated to Registered Health &amp; Safety Officer with less than 3 years of experience and have not completed 2 projects in the last 5 years.</p>	3	
<p><b>Social Facilitator = 3 points</b></p> <p>Proof that the Social Facilitator has in excess of 3 years' relevant work experience= <b>1 Point</b></p> <p>Proof of the Social Facilitator has completed 2 projects in the last 5 years = <b>2 Points</b></p> <p><b>NB:</b> No points will be allocated to the Social Facilitator with less than 3 years of experience and has less than 2 traceable references of work that is for each project.</p>	3	REU MBD 21
<p><b>Main contractor- Evidence of at least 3 or more Completed Projects of a similar nature (i.e. Development/ Building Conversion/Refurbishment) = 3 points</b></p> <p>Proof of 3 more similar projects= <b>3 Points</b> Proof of 2 similar project = <b>2 Points</b> Proof of 1 similar project= <b>1 Point</b></p> <p>0 points will be awarded for contractors who have completed 0 project of a similar nature.</p>	3	REU MBD 21
<b>TRANSFORMATION AND EMPOWERMENT PLAN</b>	<b>26</b>	
<p>a Job Creation Plan including the plan During Construction = <b>4 points</b> After Construction = <b>7 points</b></p> <p>Enterprise Development (during and after construction) = <b>3 points</b></p> <p>Training and Development Programmes (throughout the lifecycle of the project) = <b>3 points</b></p> <p>Demonstrate how the development will benefit the local</p>	26	Local Employment Plan including training and skills development. The bidder is expected to provide a detailed plan outlining how it would empower SMME's and individuals through the fitment of the facility to make it operational. MBD 20

community and/or community-based organisations = <b>3 points</b>		
Procurement of Material from Local Suppliers = <b>3 points</b>		
Partnership with Women, Youth, and People with disabilities owned Companies= <b>3 points</b>		
<b>FINANCIAL CAPABILITY</b>	<b>20</b>	
<b>a) Investment Value</b>	10	REU MBD 22
The reserved price indicated on the offer page should be used as a benchmark for the market value of the property		
Total realistic monetary investment value into the project based on the similar projects backed by the QS report/ estimated development cost and a financial feasibility. = <b>10 Points</b>		
Total investment not specified = <b>0 Points</b>		
<b>Funding Model</b>	10	REU MBD 22
Bidders are to provide a funding model to incorporate how and where funding will be sourced/raised, and it must include collateral to be pledged against such funding if required. The bidder is to demonstrate proof of availability or expression of interest to fund a maximum 100% of the development cost. This must include written support from verifiable funding institutions or expression of interest to fund.		
<ul style="list-style-type: none"> <li>• A letter from a registered funder with Financial Sector Conduct Authority (FSCA) confirming availability of a maximum 100% funding of the development cost; or</li> <li>• A letter from a registered funder with Financial Sector Conduct Authority (FSCA) expressing an interest to fund a maximum 100% of the development cost; and</li> <li>• If there is a shortfall, bidder must demonstrate how they will fund the shortfall =<b>10 Points</b></li> </ul>		
Non-Submission of any of the above or lack of demonstration of funding of any shortfall = <b>0 Points</b>		
<b>Total</b>	<b>100</b>	

**Bids which do not meet the minimum threshold of 70 points will not be considered further.**

## STAGE 2: EVALUATION FINANCIAL OFFER & PREFERENCE POINT SYSTEM

- Tender(s) received need to be evaluated in terms of the preference point system first. Once the highest points scorer has been ascertained only then the objective criteria will be applied.
- Preference points shall be calculated after financial offers have been brought to a comparative basis.
- Points scored will be rounded off to 2 decimal places.
- In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.
- A maximum of 80 points is allocated for financial offer on the following basis:

$$Ps = 80 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

Ps = Points scored for financial offer of bid under consideration

Pt = Rand value of bid under consideration (Net Present Value of the rental amount over the lease period discounted at 10%)

Pmax = Financial Offer of highest acceptable bid

- √ Only those bids that attain the minimum threshold score of 70 Points in Stage 1 will be evaluated in this stage. Bids will be evaluated as follows:

EVALUATION CRITERIA	POINTS WEIGHT 80/20
RENTAL OFFER	80
PREFERENCE GOALS	20
Total	100

The following Specifications apply to this bid:

**1. Property Information**

<b>PROPERTY DESCRIPTION</b>	Erf 2939 Amanzimtoti
Ownership	eThekwini Metropolitan Municipality
Locality	95 Beach Road, Amanzimtoti
Land Size	3 873 m <sup>2</sup>
Zoning	Entertainment
Proposed Use	As per zoning
Coverage	As per scheme
Far	As per scheme
Height	As per scheme
Access	95 Beach Road, Amanzimtoti
Building lines	As per scheme
Heritage	n/a
Structural and Physical feature	The property will be leased as vacant land
Geotechnical Conditional	Any geotechnical conditions will be the responsibility of the Developer.
Other Requirements	A Site Development Plan shall be submitted to the Local Authority. Any further town planning proposals and rezoning shall be the responsibility of the successful tenderer/bidder.  The bidder is required to comply will all of the relevant building regulation laws, including but not limited to SPLUMA, NEMA, Municipal Bylaws etc.

**2. Overview**

The subject property is located on 95 Beach Road Amanzimtoti. Amanzimtoti is a coastal town just south of Durban, KwaZulu-Natal, South Africa. The town is well known for its warm climate and numerous beaches, and is a popular tourist destination, particularly with surfers, and the annual sardine run attracts many to the Toti beaches.

The property can be accessed via the N2 (Andrew Zondo) at the Umdoni Road interchange. The immediate surrounds comprise of neighbouring beach facing restaurant, with a residential node facing the ocean. Beach road has numerous public parking bays.

**3. Vision for the property**

The proposals should align the facility to the City’s vision for the area in line with the strategies, legislative requirements and regulatory frameworks.

- The development should seek to achieve a balance with the potential land use rights in order to realise highest yield in terms of primary rights of the property.
- The built form must integrate with and enhance the character and urban quality of the surrounding area.

## CONDITIONS OF DEVELOPMENT LEASE.

The property is made available in accordance with the site information made available in MBD13.

### Suspensive Conditions

This transaction is subject to the following suspensive conditions:

#### 1. SPLUMA

1. The property's zoning is Entertainment in terms of the Town Planning Scheme and should the successful bidder choose the uses under "special consent" all applications and costs thereof shall be borne by the tenderer.
2. The application for special consent of the property shall be submitted to the relevant authorities by the successful bidder within 30 (thirty) days from date of last signature of the lease agreement.
3. Provided all reasonable *bona fide* attempts have been made by the successful bidder to ensure fulfilment of the above suspensive condition, the successful bidder or the Municipality shall be entitled to withdraw from this transaction if the above suspensive condition has not been fulfilled within 12 (Twelve) months from date of last signature of the lease agreement.
4. The successful bidder will be responsible for all cost for the above and other incidental costs relating to this transaction.

#### 2. Funding

This Agreement is subject to the suspensive condition that within 90 (ninety) days after the Signature Date, a loan be approved / bank guarantee granted to the Lessee by a funder registered with Financial Sector Conduct Authority (FSCA) inter alia, the following conditions:

- 2.1 Against registration of a first mortgage bond as security for the loan for the total development cost of the lessee.

In this regard it is specifically agreed that the aforementioned condition precedent shall be fulfilled as soon as a financial institution has issued the Lessee with a pre-agreement/quotation/ guarantee, in whichever form, as provided for in the National Credit Act, No. 34 of 2005. For the avoidance of doubt the suspensive condition shall be deemed to have been met upon approval of the Loan/ submission of the guarantee.

- 2.2 If the suspensive condition in clause 1.1 is not fulfilled within the time period contemplated above ("**the Specified Date**"), then this Agreement shall automatically lapse and be of no further force and effect, but any Party may, on written notice prior to the expiry of the specified date ("**the Notice**") to the other Party, require that the suspensive condition be fulfilled within 30 (thirty) days after the Specified date of the Notice and, failing fulfilment (to the extent legally permissible) of the suspensive condition within the aforesaid 30 (thirty) day period, then this Agreement shall cease to be of any force and effect and no Party shall

have any claim against the other of them as a result of the failure to fulfil of the suspensive condition.

### **3. Rental deferment**

The rental may be suspended for the development period stipulated on the bidder's proposal or until the Practical Completion Certificate is issued (whichever comes first) from date of registration of the lease to allow for the development of the property provided that the capital investments is above R30 million. Should the developer not complete the development within the 3-year period an application can be made to the Head: Real Estate to submit a request to full Council to consider an extension of time to complete the development in accordance with suitable terms and conditions as recommended by the Head: Real Estate.

### **3. Subcontracting of a minimum of 30% of the Construction Cost in line with paragraph 5.12.4 of the eThekweni Municipality Land Disposal and Granting of Rights Policy read together with paragraph 52 (21) (e) of the eThekweni Municipality: Supply Chain Management Policy, 2023.**

The Lessee must subcontract a minimum of 30% of the construction cost to companies owned by local companies that are 51% black owned in line with paragraph 5.12.4 of the eThekweni Municipality Land Disposal and Granting of Rights Policy read together with paragraph 52 (21) (d) of the eThekweni Municipality: Supply Chain Management Policy, 2023.

### **4. Property Tenure**

The Property shall be made available by means of a long-term lease agreement in accordance with EThekweni Municipality's standard agreement. The following terms of contract are non-negotiable:

1. The lease period will be for a period of **(Twenty) 20** years. Upon expiry or termination of the Development and Lease agreement, possession of the property will revert to the Ethekewini Municipality without any compensation.
2. Bidders are required to make an offer not less than the minimum acceptable offer for the lease of the facility on the property as part of the proposal form; as indicated in REU MBD 3.
3. The rental is reviewable every five (5) years and cannot be lower than the value at the time of award. The escalation is also reviewable every five (5) years.
4. Should the successful bidder's proposal include land use rights over and above the allowable proposed land uses, costs of acquiring consents for additional land uses will be for the bidders account.
5. The Lessee will not be entitled to cede and /or assign all or any of its rights and /or obligations relating to the construction of the Development under this agreement to any third party, without the prior written consent of eThekweni.
6. The Lessee shall not be entitled to cede and/ assign all or any rights and obligation under this agreement to any other party without a prior written consent of the Lessor, which consent shall not be unreasonably withheld or delayed unless the cession / assignment will result in a reduction of ownership % upon which the awarding of the lease was based upon by the Lessor, the BBBEE Level must be the same or better than that imposed at the time of award.


7. Any change in the shareholding should not result in a decrease in the levels of the demographics that were recorded at the time of tender. A change in control of the lessee without the written consent of the Lessor shall be deemed to be a breach of the lease.
8. The successful bidder will be responsible for the cancellation, protection and/or relocation of all servitudes that may be registered over the property.
9. Bidders are required to demonstrate their ability and capacity to deliver and manage the proposed development.
10. The successful bidder will be responsible to obtain all statutory approvals (Environmental, Water Use Licence, Site Development Plan/s, Building Plan/s, etc.) which are required for the development of the property.
11. Development shall be subject to all related legislation and Municipal by-Laws.
12. Bidders are required to demonstrate their ability and capacity to deliver and manage the proposed development by submitting a detailed profile of the professional team and their successfully completed development. They must further demonstrate their ability to secure funds required to carry out the project.
13. The premises shall only be utilised for the purpose as advertised and may not be rezoned for any other purposes for the duration of the lease period;
14. That, a deposit equal to one month's rental shall be paid by the lessee upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up date at the time of the expiry of the lease agreement or vacation of property, subject to the property being returned in a clean and tidy condition.
15. All administrative and incidental costs relating to the drafting of the lease shall be for the lessee's account.
16. Bidders are required to submit a financial proposal which is not limited to but should include;
  - o A detailed cost estimate, together with supporting documentation of the costs of development.
  - o A time schedule for the redevelopment of the property.
17. That, the application shall be liable for the payment of all sewerage, refuse removal fees, Levied or payable in respect of the site and all electricity and water supplied to the site.
18. That all environmental and related legislation and By-laws applicable to the Property shall be complied with and that all building plans to be submitted to the Local Authority for approval prior to any construction.
19. That, all Emergency Management Services By-laws be complied with and adhered to and that access to emergency vehicles should be provided on the property.
20. The Council and its authorised representatives/agents shall have 24 hours' unrestricted access to the electricity, water and any Municipal Servitudes on the property and that no structures will be allowed within these servitudes.
21. The bidder is expected to submit a detailed empowerment plan demonstrating how the following will be achieved:
  - a. Job Creation Plan (during and after redevelopment)

- b. Enterprise Development (during and after construction)
- c. Training and Development Programmes (throughout the lifecycle of the project)
- d. Demonstrate how the development will benefit the local community and/or community based organisations
- e. Procurement of Material from Local Suppliers
- f. Partnership with Women Owned Companies

Bidders are expected to advise and provide a detailed plan and how the numbers are achieved.

REU MBD 13: PROPERTY INFORMATION

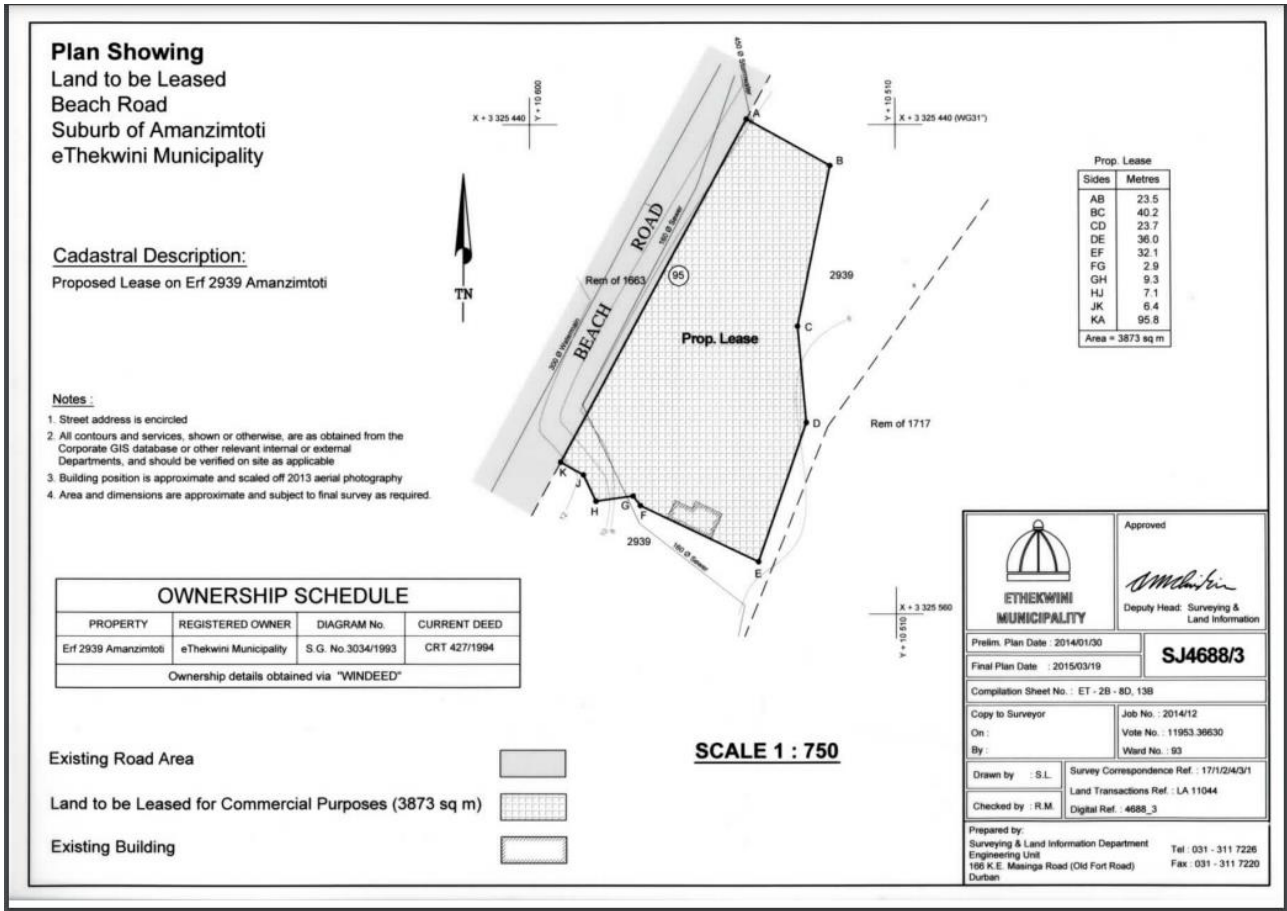
1. SITE INFORMATION

<b>Property Description</b>	Erf 2939 Amanzimtoti
<b>Size (Lease area)</b>	3 873m <sup>2</sup>
<b>Zoning</b>	Entertainment
<b>Structures and Physical features</b>	Amusement Park, restaurant (The property is to leased as vacant land)
<b>Current Use</b>	Amusement Park, restaurant (The property is to be leased as vacant land)
<b>Minimum Acceptable Rental Offer</b>	R56 666.00 per month
<b>Highest and Best Use</b>	The highest and best use is an Amusement/theme park
<b>Services</b>	 <p>Wastewater / sewer, stormwater and water are all located within the vicinity of the site as per the attached picture.</p>

2. Ariel Photo



# 1.b SJ Plan



CURRENT ZONING INFORMATION FOR ERF 2939 AMZIMTOTI

ZONE: ENTERTAINMENT							
<p><b>SCHEME INTENTION:</b> To provide, preserve, use land or buildings for Social and recreational facilities for public enjoyment. Ancillary uses such as restaurants and convenience shops are permitted at the discretion of eThekweni Municipality.</p> <p><b>MAP COLOUR REFERENCE:</b> PINK BACKGROUND WITH BLACK VERTICAL HATCH      <b>MAPREFERENCE:</b> SS/05/2012</p>							
PRIMARY		SPECIAL CONSENT	PRECLUDED				
<ul style="list-style-type: none"> <li>•Conservation Area</li> <li>•Office</li> <li>•Place of Public Entertainment</li> <li>•Private Open Space</li> <li>•Restaurant / Fast Food Outlet</li> </ul>		<ul style="list-style-type: none"> <li>•Action Sports Bar</li> <li>• Telecommunications Infrastructure</li> <li>•Betting Depot</li> <li>•Educational Establishment</li> <li>•Night Club</li> <li>•Shop</li> <li>•Special Building</li> <li>•Zoological Garden</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Premises</li> <li>• Agricultural Activity</li> <li>• Agricultural Land</li> <li>• Airport</li> <li>• Arts and Crafts Workshop</li> <li>• Beach Amenity Facility</li> <li>• Boarding House</li> <li>• Builder's Yard</li> <li>• Car Wash</li> <li>• Cemetery/Crematorium</li> <li>• Chalet Development</li> <li>• Container Depot</li> <li>• Convention Centre</li> <li>• Correctional Facility</li> <li>• Crèche</li> <li>• Direct Access Service Centre</li> <li>• Display Area</li> <li>• Dive Charter</li> <li>• Dwelling House</li> <li>• Escort Agency</li> <li>• Flat</li> <li>• Flea Market</li> <li>• Fuelling and Service Station</li> <li>• Funeral Parlour</li> <li>• Garden Nursery</li> <li>• Golf Driving Range</li> <li>• Government / Municipal</li> <li>• Health &amp; Beauty Clinic</li> <li>• Health Studio</li> <li>• Hotel</li> <li>• Industry - Extractive</li> <li>• Industry – General</li> <li>• Industry – Light</li> </ul>	<ul style="list-style-type: none"> <li>•Industry – Noxious</li> <li>•Institution</li> <li>•Landfill</li> <li>•Laundry</li> <li>•Mobile Home Park &amp; Camping Ground</li> <li>•Mortuary</li> <li>•Motor Garage</li> <li>•Motor Display Area</li> <li>•Motor Vehicle Test Centre</li> <li>•Motor Workshop</li> <li>•Multiple Unit Development</li> <li>•Museum</li> <li>•Nature Reserve</li> <li>•Office – Medical</li> <li>•Parkade</li> <li>•Pet Grooming Parlour</li> <li>•Place of Public of Worship</li> <li>•Recycling Centre</li> <li>•Reform School</li> <li>•Refuse Disposal</li> <li>•Retirement Centre</li> <li>•Riding Stables</li> <li>•Scrap Yard</li> <li>•Shop</li> <li>•Student Residence</li> <li>•Transport Depot</li> <li>•Transport Use</li> <li>•Truck Stop</li> <li>•Veterinary Clinic</li> <li>•Warehouse</li> </ul>			
ADDITIONAL CONTROLS							
<p>1. All landscaping at the discretion of the eThekweni Municipality.                  2. All uses not to exceed a Floor Area Ratio of 2.0.                  3.*Office shall be permitted when ancillary to an Educational Building.                  4.*Restaurant/Fast Food Outlet the Floor Area Ratio not to exceed 0.5.</p>							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO	
BUILDING LINE: FRONT	BUILDING LINE: SIDE AND REAR						
7.5 m	3.0 m	N/A	To the discretion of the Municipality	5	90 %	See Additional Controls	

## **MBD 14: REGISTRATION DOCUMENTS**

**The following documents must be submitted at the time of tender closing if the tendering entity is a:**

- Natural persons, Sole proprietors and JVs – certified copy of ID document/passport
- Schools – copy of Provincial School registration certificate
- NGO – copy of Provincial registration certificate
- Society Club/ Association – copy of Constitution / founding document
- Partnership -copy of partnership agreement plus certified copy/copies of IDs of all partners
- Closed Corporation - Copy of CK1 and/or CK2 and members' agreement
- Company – current CM29,
- Trust – letter of appointment from the Master of the High Court of SA and deed of trust
- Joint Venture / Consortiums– JV agreement plus certified copy/copies of ID documents/ company Registration document of all members of JV/ Consortiums.

**MBD 15: AUTHORITY TO SUBMIT BID**

**If bidder is a legal entity, a company resolution /Power of Attorney must be attached (these documents must authorise the named person to submit this application and to enter into agreements with the eThekweni Municipality should the application be successful)**

Is a company resolution attached?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----------------------------------	-----	--------------------------	----	--------------------------

Is the bidder a natural person?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is a certified ID copy attached?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Is a copy of the bidder's power of attorney attached?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
---	-----	--------------------------	----	--------------------------

**MBD 16: DECLARATION OF MUNICIPAL FEES**

I, the undersigned, do hereby declare that the Municipal fees of

.....  
(full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture)

(hereinafter referred to as the TENDERER) are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in instalments.

The following account details relate to property of the said TENDERER:

<u>Account</u>	<u>Account Number:</u> to be completed by tenderer.																					
Consolidated Account No.	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																					
Electricity	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																					
Water	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																					
Rates	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																					
Other	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																					

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the Contractor by the Municipality shall be first set off against such arrears.

- Where the TENDERER'S place of business or business interests are outside the jurisdiction of eThekweni Municipality, a copy of the accounts/agreements from the relevant municipality must be attached (to the back inside cover of this document).
- Where the tenderer's Municipal Accounts are part of their lease agreement, then a copy of the agreement, or official letter to that effect is to be attached (to the back inside cover of this document).

**Tenderers are to include, at the back of their tender submission document, a printout of the above account's and or agreements signed with the municipality.**

**Failure to include the required document will make the tender submission non-responsive.**

**NAME (Block Capitals):** .....

**Date**

**SIGNATURE:** .....

## REU MBD 17: DEVELOPMENT PROPOSAL

Bidders are required to submit a concise development proposal for the site. The development proposal must include a concept Site Development Plan, an Architectural concept of the proposed development, proposed tenancing and preservation of the natural environment.

### 1.1 The development proposal must contain the following:

Proposed land use	Total Floor area (m2)
<b>Totals</b>	

### 1.2 Proposed improvements summary (if any)

Use	Total Floor area (m2)
<b>Totals</b>	

### 1.3 Estimated Cost of Development.

A breakdown of all costs to be incurred by the bidder in the preparation of the site must be provided. The cost provided in this section will form a critical part of the evaluation of proposals and will be a contractual condition of the development agreement awarded.		
No	Item Description	Estimated cost (Including vat)
1	Civil and Electrical Services	R
2	Civil Works	R
3	Top Structure (Building) Costs	R
4	Professional Fees	R
5	Sundry Development Costs	R
6	External/Bulk Services Contributions	R
7	Other	R
8	Totals	

### 1.4 Estimated development time frames

Estimated time, in months, from date of signature of lease agreement to date of start of construction.	<b>Months</b>
Estimated time, in months, from start of redevelopment to completion of construction.	<b>Months</b>

**REU MBD 18: SUSTAINABILITY MODEL (FUNDING/ DONOR/ SPONSOR)**

<p>Ideas in sourcing and growing the following aspects:</p> <ul style="list-style-type: none"><li>- Membership</li><li>- Subsidy</li><li>- Sponsor</li><li>- Donation</li><li>- Fund Raising</li><li>- Bank Institution</li></ul>	
---	--

## REU MBD 19: PUBLIC/SOCIAL BENEFIT PROPOSAL

It is a requirement that bidding entity or individual should demonstrate the following social benefits:

1. Demonstrate how the development will benefit disadvantaged communities, youth, women and people with disabilities	
2. Demonstrate how the development will benefit the local community and/or community-based organisations	

## REU MBD 20: PROPOSED EMPOWERMENT PLAN

### FRAMEWORK FOR ACCELERATING ECONOMIC EMPOWERMENT AND TRANSFORMATION

1. EThekwini municipality is and will remain deliberate about transformation and its economic empowerment goals and is committed to the empowerment agenda.
2. The successful bidder will be required to champion the entrenchment of true economic transformation and empowerment in its spheres of influence. The successful bidder will be required to go beyond redressing historical imbalances and towards intrinsic true value that will result in active deliberate facilitation of sustainable and meaningful participation of Black people in the mainstream of the economy through its assets, investments and projects.
3. The bidder will be required to commit to the achievement of the following specific targets by completing the table below. The commitments made on the table below will be measured against the targets and used in the evaluation of the functional compliance evaluation. The commitments made in this table will form part of the contractual obligations of the successful bidder:

#### EMPOWERMENT TARGETS

DESCRIPTION	TARGET	Bidders Commitment numbers in of persons
<b>Job Creation &amp; Job intensive plan</b>		
Total number of jobs to be created during construction	Total jobs created	
Total number of jobs to be created after construction	Total jobs created	
<b>Training &amp; Development programme</b>		
Training and Development Programmes (throughout the lifecycle of the project)	60% of workforce	
Rand value of spend to local SMMEs that have black ownership	50% of project value	
Full use of locally sourced or locally assembled material and/or products	70% of project value.	
Procurement of Material from Local Suppliers	30% of project value	
<b>Enterprise Development Enterprise (during and after construction)</b>		
<b>Mandatory requirement in line with paragraph 5.12.4 of the eThekwini Municipality Land Disposal and Granting of Rights Policy, 2019 read together with paragraph 52 (21) (e) of the eThekwini Municipality: Supply Chain Management Policy, 2023.</b>	Subcontracting a minimum of 30% of the Construction Cost to companies owned costs to local companies that 51% Black owned).	

Partnership with Women, Youth, and People with disabilities owned Companies	Total jobs number of Companies	
Demonstrate how the development will benefit the local community and/or community-based organisations		

**REU MBD 21: EXPERIENCE AND CAPABILITIES OF BIDDER**

- a) Details of proposed team including relevant experience and qualifications.
- b) The team must be appropriately qualified.
- c) Provide CVs and certified copies (copy with original stamp) of their relevant qualifications etc.

<b>Details of experience completed by professional team.</b> (PLEASE EXPAND TABLE IF REQUIRED) NB: DO NOT ATTACH A SEPARATE TABLE				
<b>DISCIPLINE &amp; Name of team member</b>	<b>EMPLOYER/ CLIENT</b>	<b>NATURE OF WORK</b>	<b>VALUE OF WORK</b>	<b>Client &amp; contact Numbers</b>
<b>Architect</b>				
<b>Quantity Surveyor</b>				
<b>Engineers (civil and electrical)</b>				
<b>Project Manager</b>				

--	--	--	--	--

**THE BIDDER MUST INCLUDE TRACABLE REFERENCES FOR EACH PROFESSION.**

**Construction Team Relevant Company Experience and References**  
 (a) Construction Team Bidder to submit, profiles, experienced and qualifications (with a minimum of 3 years' experience)  
 (b) Main contractor- Evidence of at least 3 or more Completed Projects of a similar nature (i.e. Development) - Certificate of completion or traceable reference letters must be attached for project of similar nature.

**Main contractor- Evidence of at least 3 or more Completed Projects of a similar nature (i.e. Development) - Certificate of completion or traceable reference letters must be attached for project of similar nature.**

No	PROJECT SUMMARY / SCOPE	START DATE – END DATE	PROJECT VALUE IN RANDS	CONTACTABLE REFERENCE INFORMATION
1				
2				
3				
4				
5				

**Construction Team Bidder to submit profiles, experience and qualifications (with a minimum of 3 years' experience)**

<b>DISCIPLINE &amp; Name of team member</b>	<b>EMPLOYER/ CLIENT</b>	<b>NATURE OF WORK</b>	<b>VALUE OF WORK</b>	<b>Client &amp; contact Numbers</b>
<b>Site Manager</b>				
<b>Registered Health &amp; Safety Officer</b>				
<b>Social Facilitator</b>				

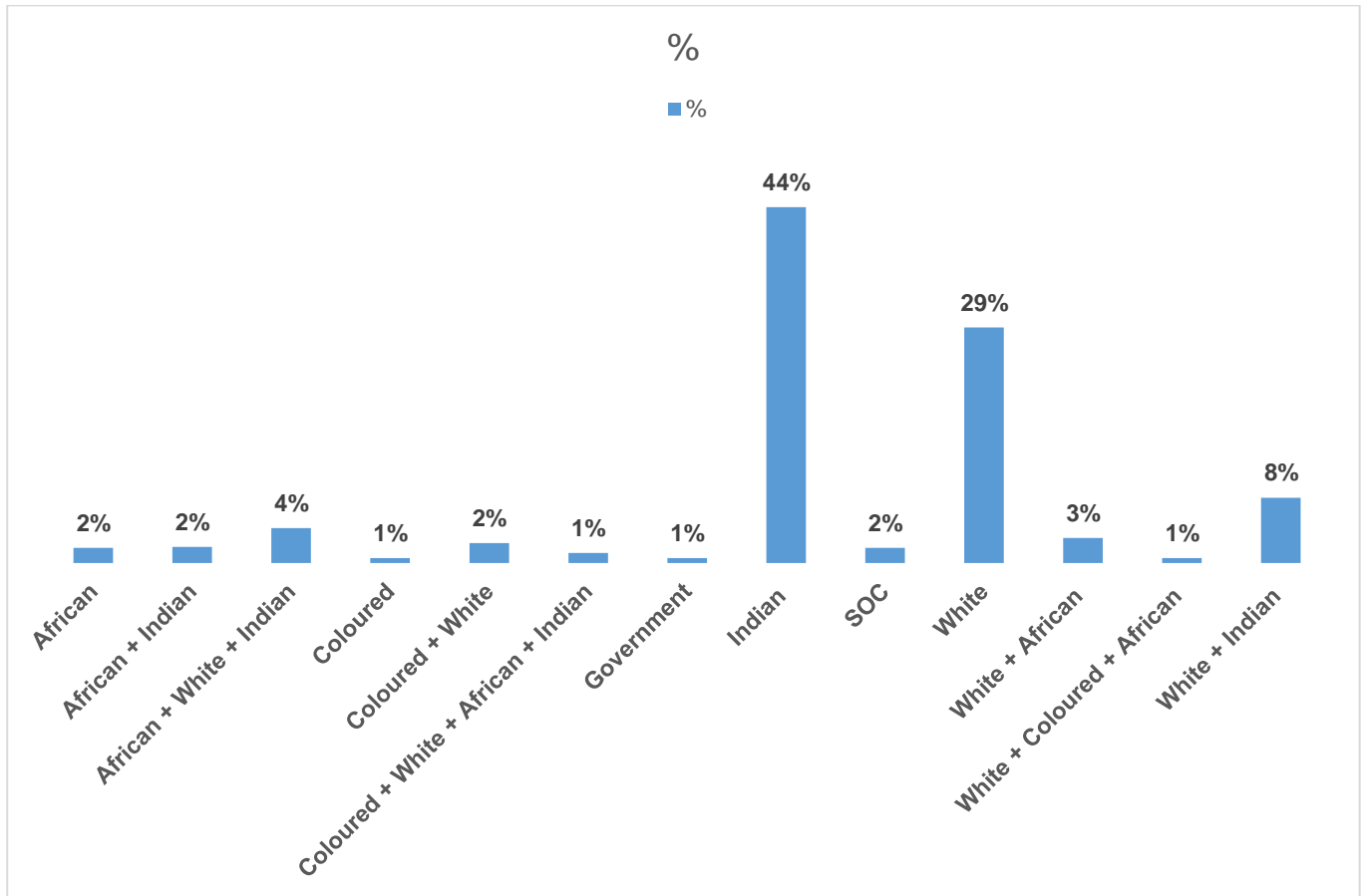
**REU MBD 22: ACCESS TO FUNDING**

<p><b>The bidder must submit proof of availability of 100% of the funding required for the development as per MBD 17.</b></p> <p><b>Please note that the following definitions will be used in assessing the proof of availability of finance:</b></p> <p>Proof of available funds qualifies as a letter/ expression of interest from a registered funder with Financial Sector Conduct Authority (FSCA) on an official letter head confirming the bidder's ability to access the funding required for the proposed development.</p> <p>Provide funding model to incorporate how and where the funding will be sourced/raised, and it must include collateral to be pledged against such funding if required.</p> <p>Development Cost (Total Investment Value)</p>	
Total Development Cost	R
Debt Finance	R
Equity Investments (if any)	R
<p>Source of Debt Finance</p> <ul style="list-style-type: none"> <li>Letter confirming access to debt funding</li> </ul>	
<p>Source of Equity Finance</p> <ul style="list-style-type: none"> <li>Written confirmation of equity funding</li> </ul> <p>(Note: this source may not be a bank loan).</p>	

## ANNEXURE A : DEMOGRAPHIC PROFILE

### DEMOGRAPHIC PROFILE APPLICABLE TO OBJECTIVE CRITERIA

Current demographic profile of 160 existing leases- Metro Wide



# In instances where the leased premises is currently vacant the historic demographic profile was used .

## COUNCIL DECISION – 31 May 2018

- 2.17 Proposed Alienation by Lease: Property Described as Erf 2939, Amanzimtoti (L823/2/1) (17/2/1/2/5):  
(Page L12 : Human Settlements and Infrastructure Committee - Agenda 2018-05-18)

At the Human Settlements and Infrastructure Committee meeting, with 30 Councillors present, 21 Councillors (ANC -18, IFP-2 EFF-1) voted in support of the recommendations and 9 DA Councillors voted against the recommendations.

Accordingly with the Democratic Alliance abstaining,

- 35 -

(eThekweni Municipality  
Council Decisions - 2018-05-31)

### COMMITTEE RECOMMENDS:

- 2.17.1 That the Municipality declares in terms of Section 34 read with Section 36 of the Municipal Asset Transfer Regulations:
- 2.17.1.1 That the said property is not required for providing the minimum level of basic Municipal services; and
- 2.17.1.2 That the property described as Erf 2939 Amanzimtoti in extent of 3873m<sup>2</sup> as depicted in SJ Plan No. 4688/3, be alienated by lease in public tender process in accordance with the provision of the Preferential Procurement Policy Framework which supports Radical Economic Transformation Framework and the Supply Chain Management Policy.
- 2.17.1.3 That the amount of R50 000.00 (Fifty Thousand Rand) per month, exclusive of VAT be set as an upset rental based on the open market value of the property.
- 2.17.2 That the property be alienated by lease for a period of twenty (20) years without an option to renew.
- 2.17.3 That in the event of objections being lodged to the granting of the lease, the matter be referred for resolution in terms of Section 50 of the Supply Chain Management Policy headed "Resolution of Disputes, Objections, Complaints and Queries"
- 2.17.4 That in the event of the lease not being concluded within six (6) months from the date of determination of the value of the site, the Head: Real Estate be authorised to review the rental in line with the current market value of the property in the event where there has been a change in the market value.
- 2.17.5 That subject to the adoption of .1 to .4 above and the approval of the Bid Adjudication Committee, the Head Real Estate be authorised to sign all the documents necessary to conclude the agreement.

**ADOPTED.**

## **CONFIDENTIALITY**

**The parties acknowledge that for the purposes of this Tender, the parties may come into contact with or have access to PI and other information that may be classified or deemed as private or confidential and for which other party is responsible. Such PI may also be deemed or considered as private and confidential as it relates to any third party who may be directly or indirectly associated with this Tender.**

**The Parties agree that they will at all times comply with POPIA and its Regulations and Codes of Conduct and that it shall only collect, use and process PI it comes into contact with pursuant to this Tender in a lawful manner, and only to the extent required to execute the services, or to provide the goods and to perform their respective obligations in terms of this Tender.**

**The Parties agree that is shall put in place, and at all times maintain, appropriate security measures to ensure the protection and confidentiality of PI that it, or its employees, its contractors or other authorized individuals comes into contact with pursuant to this Tender, whether or not they are still in the employ of the parties.**

**Unless so required by law, the Parties agree that it shall not disclose any PI as defined in POPIA to any third party without the prior written consent of the other party, notwithstanding anything to the contrary contained herein.**

# Consent Clause

I \_\_\_\_\_ ID number \_\_\_\_\_ hereby declare and confirm that I have given EThekwini Municipality consent to process my personal information, in accordance with the provisions of the Protection of Personal Information Act, 2013 for all purposes related to the carrying out of its mandate, in relation to Real Estate Unit. Such consent shall extend to the sharing of my personal information with third parties, where EThekwini Municipality is legally required to do so.

I understand that, should I refuse to provide EThekwini Municipality with the required consent and/ or information, EThekwini Municipality will be unable to provide services to me.

I also understand that I have the right to request that my personal information be corrected or deleted, if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully or that the personal information or record be destroyed or deleted if Ethekwini Municipality is no longer authorised to retain it.

I further declare that all my personal information supplied to EThekwini Municipality is accurate, up to date, not misleading, and complete in all respects.

Signed at.....this.....day of.....20.....

.....  
Name and Surname

.....  
Signature