



## **PROPERTY VALUATIONS AND MANAGEMENT DIRECTORATE**

### **PROPOSED LEASE ON ERF 12281 DURBAN**

**(98 O.R. TAMBO PARADE)**

**CONTRACT NO. 33260-1E**



**PROPERTY VALUATIONS AND MANAGEMENT DIRECTORATE**

**REQUEST FOR PROPOSAL FOR THE LEASING OF A BUILDING (RESTAURANT) SITUATED ON PROPOSED LEASE ON ERF 12281 DURBAN AS DEPICTED ON SJ PLAN NO. 4805/6 MEASURING 806 m<sup>2</sup> FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS (9 YEARS AND 11 MONTHS) WITH NO RIGHTS OF RENEWAL.**

**EThekweni Metropolitan Municipality, hereby invites interested persons to submit proposals for the leasing of a building (restaurant) as depicted on Plan SJ 4805/6, situated on Erf 12281 Durban measuring 806 m<sup>2</sup> for commercial purposes.**

**THIS DOCUMENTS OF 66 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 AND A 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 ONE ORIGINAL, ONE HARD COPY AND A SCANNED VERSION OF THE 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 COPIES 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: 27 February 2026**  
**Closing Time: 11:00**

**Issued by: T.E. Mmusinyane**  
**Director: Property Valuations and Management**  
**4<sup>th</sup> Floor, Embassy Building**  
**199 Anton Lembede Street**

<b>No</b>	<b>CONTENTS</b>	<b>PAGE</b>
1.	TENDER ADVERT	4
2.	INVITATION TO BID (MDB 1)	6
3.	TERMS AND CONDITIONS FOR BIDDING (MDB 1.1)	7
4.	TAX CLEARANCE CERTIFICATE REQUIREMENTS (MDB 2)	8
5.	PRICING SCHEDULE: FINANCIAL OFFER (REU MDB 3.1)	9
6.	DECLARATION OF INTEREST (MDB 4)	11
7.	DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (MDB 5)	14
8.	PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017. (MDB 6.1)	15
9.	BIDDERS INFORMATION (MDB 7)	22
10.	DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MDB 8)	23
11.	CERTIFICATE OF INDEPENDENT BID DETERMINATION (MDB 9)	25
12.	STANDARD CONDITIONS OF SUBMISSION (MDB 10)	28
13.	EVALUATION CRITERIA (REU MDB 11)	33
14.	BID SPECIFICATION (REU MDB 12)	36
15.	PROPERTY INFORMATION (REU MDB 13)	43
16.	REGISTRATION DOCUMENTS (MDB 14)	48
17.	AUTHORITY TO SUBMIT BID (MDB 15)	49
18.	DECLARATION OF MUNICIPAL FEES (MDB 16)	50
19.	PROPOSAL FOR THE PROPOSED LEASE ON REMAINDER OF ERF 12281 DURBAN (REU MBD 17)	51
20.	SUSTAINABILITY MODEL (FUNDING/ DONOR/ SPONSOR) (REU 18)	53
21.	PUBLIC/SOCIAL BENEFIT PROPOSAL (MDB 19)	54
22.	PROPOSED EMPOWERMENT PLAN (MDB 20)	55
23.	EXPERIENCE AND CAPABILITIES OF KEY STAFF (MDB 21)	56
24.	ACCESS TO FUNDING (MDB 22)	58
25.	CONDITIONS OF LIMITATION ON AWARDING MULTIPLE PROPERTIES TO A SINGLE BIDDER (MDB 23)	59
26.	ANNEXURES A: DEMOGRAPHIC PROFILE	61
27.	ANNEXURE: ETHEKWINI MUNICIPALITY COUNCIL'S DECISION DATED 27/5/2021	62
28.	CONFIDENTIALITY DECLARATION: POPIA	64

## TENDER ADVERT

**REQUEST FOR PROPOSAL FOR THE LEASING OF A BUILDING (RESTAURANT) SITUATED ON PROPOSED LEASE ON ERF 12281 DURBAN (DURBAN) MEASURING 806 m<sup>2</sup> FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS (9 YEARS AND 11 MONTHS) WITH NO RIGHTS OF RENEWAL.**

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

<b>BID NUMBERS</b>	<b>TENDER DESCRIPTIONS</b>	<b>SITE SIZE</b>
<b>33260-1E</b>	<b>REQUEST FOR PROPOSAL FOR THE LEASING OF A BUILDING (RESTAURANT) SITUATED ON PROPOSED LEASE ON ERF 12281 DURBAN (DURBAN) MEASURING 806 m<sup>2</sup> FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS (9 YEARS AND 11 MONTHS) WITH NO RIGHTS OF RENEWAL.</b>	<b>806 m<sup>2</sup></b>
<b>Non – compulsory briefing sessions</b>	<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 11 November 2025 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 29 January 2026 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 eThekwini website by the 12 February 2026</p>	
<b>Document Availability</b>	<b>31 October 2025</b>	
<b>Documents Cost</b>	<b>Document Cost: R0,00</b>	
<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>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 63 represents the current demographic profile of existing leases that would apply to this bid.</li> </ol> <p>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.</p>	
<b>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.</b>	<p>Bidders are to provide a funding model to demonstrate 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>	
<b>Above R10 Million</b>	<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</p>	

	statements are required to be submitted.
<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 the mandatory requirements.</li> <li>• Any rental offer below the reserve price.</li> <li>• Bids that deviate from tender specification.</li> <li>• Any proposal that does not include refurbishment of the property or the proposed usage is not in line with the zoning of the property.</li> <li>• Any bidder or its directors who was previously awarded a development lease and that they are yet to fully comply with the suspensive conditions of the lease.</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>27 February 2026</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 ID copies 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</li> <li>• JV/Consortium - JV/Consortium Agreement plus CIPC and/or certified ID copies 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 23.</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>Address</b>	Ground floor Engineering Directorate, Municipal Centre 166 K.E. Masinga Road (formerly Old Fort Road) DURBAN
<b>Evaluation</b>	<b>Functionality, Rental Offer and Preference Goal of contributor using 80/20.</b> <ul style="list-style-type: none"> <li>80 for rental value and 20 for Preference Goal status level of contributor</li> </ul>

MBD 1:

**INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ETHEKWINI METROPOLITAN MUNICIPALITY)</b>					
<b>BID NUMBER</b>	<b>33260-1E</b>	<b>CLOSING DATE</b>	<b>27 FEBRUARY 2026</b>	<b>CLOSING TIME:</b>	<b>11:00</b>
<b>DESCRIPTION</b>	<b>REQUEST FOR PROPOSAL FOR THE LEASING OF A BUILDING (RESTAURANT) SITUATED ON PROPOSED LEASE ON ERF 12281 DURBAN (DURBAN) MEASURING 806 m<sup>2</sup> FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS (9 YEARS AND 11 MONTHS) WITH NO RIGHTS OF RENEWAL.</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A LEASE AGREEMENT WITH ETHEKWINI METROPOLITAN MUNICIPALITY.</b>					

**BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT MUNICIPAL CENTRE, 166 K.E. MASINGA ROAD (formerly Old Fort Road) AND PLACED IN THE TENDER BOX LOCATED IN THE GROUND FLOOR FOYER.**

<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE 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>					



**5) Tender documentation**

By accessing the **JDE System** (using <https://rfq.durban.gov.za/>) and viewing any available Tenders, prospective Service Providers will be able to download the relevant Tender documentation.

**6) Submission of tender offers**

**Tender Offers** are to be delivered, in “hard copy” format, to the Delivery Location as stated in the **Tender Conditions**.

In addition to the above, **Tender Offers are also to be SUBMITTED ELECTRONICALLY** (uploaded) on the eThekwini Municipality JDE System (Supplier Self Service (JDE-SSS) Module). Notwithstanding the **electronic submission**, a tender offer will only be deemed valid if the “hard copy” submission has been made. The “hard copy” submission will be deemed to be the ruling version.

Bidders are responsible for resolving all access rights and submission queries on the JDE System before the tender closing date/ time.

**7) Viewing the Tender opening schedule**

Users on the **JDE System** will be able to view the **Tender Opening Schedule** for each closed Tender. The tender opening schedule will also be made available on the eThekwini Municipal website at URL:

<https://www.durban.gov.za/pages/business/publication-of-received-bids>

**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.

2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**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 bidder 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**

<b>A minimum / reserve amount of R97 370,00 as per month excluding VAT.</b>	
Any offer below the RESERVED/ MINIMUM RENTAL will not be considered and such bids would accordingly be disqualified.	
<b>Rental Offer Per Month</b>	R
<b>Rental Offer in words</b>	R
<b>Escalation per annum</b>	7%
<b>Bidder / Entity Name</b>	
<b>Represented By</b>	
<b>Capacity</b>	
<b>Signature</b>	
<b>Date</b>	

eThekwini Vendor Portal Registration Number:

**PR**

C.S.D Registration Number:

**MAAA**

S.A.R.S Pin Number:

**OFFER TO BE VALID FOR 150 DAYS FROM THE CLOSING DATE OF BID**

**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? <input type="checkbox"/> Yes <input type="checkbox"/> 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

Refer to the Consolidated MBD Documents in Section 4(d) for the definition of “in service of the State”

**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 property on the date of signature of the Lease Agreement by the parties.

### 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?

YES	NO
-----	----

If yes, furnish particulars:

.....  
.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

YES	NO
-----	----

If yes, furnish particulars:

.....  
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

YES	NO
-----	----

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:

.....  
.....

4 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 I am 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)**

1.0 Are you by law required to prepare annual financial statements for auditing?	Circle Applicable	
	YES	NO

1.1 **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.**

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 I am 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%	4	2
	≥51% and <100%	7	3.5
	100%	10	5
<p><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)</p> <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>			
<p>The <b>Category Weightings</b> of the Ownership Categories will be:</p> <ul style="list-style-type: none"> <li>• w1 = 50%</li> </ul>			

**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%		
Location	80/20	90/10
Not in South Africa	0	0
South Africa	4	2
KZN	7	3.5
ETM	10	5
<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)	10	N/A		N/A
<b>RDP Goal:</b> The promotion of South African owned enterprises. (w2)	10	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>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 59 represents the current demographic profile of existing leases that would apply to this bid.</li> <li>2) 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> </ol>
<p>Tender(s) received need to be evaluated firstly in terms of the functionality evaluation and thereafter in terms of preference point system. 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.

**MDB 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 21st July 1972 (as amended) have been complied with.

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

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**

.....  
**Position**

.....  
**Name of Bidder**

## 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;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

<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; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<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)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

<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.

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

## **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.
- Any bidder or its directors who was previously awarded a development lease and that they are yet to fully comply with the suspensive conditions of the lease.
- 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**

- 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 ID copies 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
  - JV/Consortium - JV/Consortium Agreement plus CIPC and/or certified ID copies of all JV/Consortium partners
  - Entity valid BBEE Certificate issued by agency accredited by SANAS /Valid Sworn affidavit or valid BBEE certificate JV/Consortium issued by agency accredited by SANAS or BBEE 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.
  - 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 Director: Property Valuations and Management
- 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.

- 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 EThekwini 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 [Mbali.Cebekhulu@durban.gov.za](mailto:Mbali.Cebekhulu@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 score of 70 points out of 100 for functionality, based on the following criteria:

FUNCTIONAL CRITERIA	MAX POINTS	RETURNABLE DOCUMENTS TO BE USED IN EVALUATION
<b>PROPOSED CONCEPT</b>	<b>20</b>	
<p><b>Conformity of the Proposal to the vision for the property and the Business Concept (20)</b></p> <p>The proposed site layout, extent of buildings in square metres, height, elevations and floor plans= <b>10 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>10 Points</b></p> <p>No submission = <b>0 Points</b></p>	20	<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 building</li> <li>• Architectural aesthetic of the proposed development</li> </ul>
<b>COMPANY PROFILE, EXPERIENCE AND/OR EXPERTISE OF TENDERER</b>	<b>30</b>	
<p>Current /past portfolio of at least 2 similar businesses being successfully operated in the last 5 years:</p> <p>3 or above similar business successfully operated: <b>15 Points</b></p> <p>2 similar business successfully operated: <b>10 Points</b></p> <p>1 similar business successfully operated or less than 5 years: <b>5 Points</b></p> <p>No submission or no past portfolio of similar business being successfully operated = <b>0 Points</b></p>	15	<p>List of similar business being operated currently or previously, profile, brochures and including website where available. REU MBD 21</p>
<p>Demonstrate experience and/or expertise of key operator(s) to run operations related to the restaurant business:</p> <p>Between two to ten years: <b>15 Points</b></p> <p>Less than two years: <b>10 Points</b></p> <p>No submission or no past portfolio of similar business being successfully operated = <b>0 Points</b></p>	15	<p>Resumes C/V- and Company profiles. REU MBD 21</p>
<b>GENERAL MAINTENANCE PLAN OF THE FACILITY</b>	<b>15</b>	
<p>(Bidders are to submit a detailed Maintenance Plan document for the duration of the lease covering the following aspects.</p>		<p>A Comprehensive Maintenance plan covering all aspects mentioned.</p>

<p>1. Soft services (cleaning, security etc)  2. Maintenance schedule (Planned and emergency)  3. Annual maintenance</p> <p>A maintenance plan is covering all 3 items = <b>15 Points</b>  A maintenance plan is covering 2 of items = <b>10 Points</b>  A maintenance plan is covering 1 of item = <b>5 Points</b>  No submission of the maintenance plan = <b>0 Points</b></p>		
<b>TRANSFORMATION AND EMPOWERMENT PLAN</b>	<b>15</b>	
<p>a) Job Creation Plan including the plan to absorb the current low level employees. = <b>5 Points</b>  b) Training = <b>5 Points</b>  d) Local SMME Supported = <b>5 Points</b></p>	5	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.
<b>PROPOSED BUSINESS PLAN</b>	<b>20</b>	
<p>a) Financial/ Sustainability Plan/ Proposal</p> <p>Total realistic monetary investment value into the building based on the similar projects backed by the estimated fit for purpose cost and a financial feasibility.</p> <p><b>0 Points</b> = total investment not specified</p> <p><b>10 Points</b> = total investment value of specified.</p>	10	REU MDB 17
<p><b>a) Funding Model</b></p> <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 = <b>10 Points</b></li> </ul> <p>Non-Submission of any of the above or lack of demonstration of funding of any shortfall = <b>0 Points</b></p>	10	REU MBD 22
<b>TOTAL</b>	<b>100</b>	

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

## STAGE 2: EVALUATION FINANCIAL OFFER & PREFERENCE GOAL

- 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:

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

Where

$P_s$  = Points scored for financial offer of bid under consideration

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

$P_{\max}$  = 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 GOAL	20
Total	100

The following Specifications apply to this bid:

**1. Property Information**

<b>PROPERTY DESCRIPTION</b>	Erf 12281 Durban
Ownership	eThekwini Metropolitan Municipality
Land Size	806 m <sup>2</sup>
Zoning	Beach
Proposed Use	Restaurant
FAR	As per scheme
Coverage	As per scheme
Height	N/A
Access	98 O R Tambo Parade
Building lines	As per scheme
Structural and Physical feature	Currently developed as a restaurant and take away facility
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 or rezoning shall be the responsibility of the Developer.  The bidder is required to comply will all relevant building regulation laws, including but not limited to SPLUMA, NEMA, Municipal Bylaws etc.

**2. Overview**

The Ethekwini Municipality is the owner of property described as Erf 12281 Durban situated on the Durban Beachfront at 98 O R Tambo Parade measuring 806 m<sup>2</sup>. The building on the property consists of a restaurant and take-away facility.

Durban, South Africa’s famous Surf City that is now part of the greater eThekwini Metropolitan Municipality, is justifiably proud of its Golden Mile – a stretch of some of the safest swimming beaches in South Africa.

Durban’s beachfront promenade is patronised by early morning joggers, cyclists, pram-pushing moms, dog-walking seniors and a host of perambulating city dwellers who love taking in the fresh, salt-laden morning breeze. From Addington Beach, just north of the Point and Durban Harbour, the promenade passes a laid-back African-style restaurant overlooking the beach with a quaint pub on the pier that gives patrons a bird’s-eye view of surfers and bathers.

To the south is Vetch’s Pier, with its great snorkelling opportunities, and a sheltered region popular among kayakers, windsurfers and jet-ski enthusiasts. Next stop is uShaka Marine World, an impressive shipwreck-themed aquarium incorporating the Wet 'n' Wild water park.

The aquarium is home to a diversity of Indian Ocean marine species and includes 2 restaurants, one of which forms part of a shark tank. Curio and clothing shops, along with daily dolphin and penguin shows, complete this tourist attraction.

Both southern and northern beaches attract thousands throughout the year with waves ideal for swimming, surfing and body-boarding. You'll pass several piers along Durban's beachfront, most of which are used daily by anglers, and there's a host of hotels overlooking the beachfront, many offering excellent accommodation and restaurants. There are also more relaxed beer and burger spots, and a couple of trendy coffee shops worth a visit.

Travellers with small children might prefer to spend time at the paddling pools, where slides and fountains add to the kids' enjoyment. There's also the Rachel Finlayson salt-water swimming pool, as well as fast-food eateries on and around North Beach.

### **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 paragraph 7.2 of eThekweni Inner City Local Area Plan has outlined the vision Beachfront as follows:

#### **7.2 BEACH**

Bounded by Bay Terrace to the South, Argyle Road (M17) to the north, the M4 to the west, and the beach to the east; the precinct encompasses the primary tourist beaches, including what is known colloquially as the Golden Mile with its hotel strip, and the back of beach area.

##### **7.2.1 ROLES**

###### **7.2.1.1 STRATEGIC**

The strategic role of the beachfront is clearly tourism. The beach and associated promenade is Durban's playground.

###### **7.2.1.2 ECONOMIC**

The primary economic role is also tourism and entertainment, but includes significant residential and commercial property assets, along the coast as well as in the 'back of beach' zone. Commercial uses are mostly entertainment related or providing local amenity for residents.

###### **7.2.1.3 SOCIAL**

The beachfront is Durban's largest and most inclusive public open space, so the social roles are important. Local, National, and International recreational events take place within the precinct, and the area is very well used by residents across the metro.

###### **7.2.1.4 ECOLOGICAL**

From an ecological perspective, the beach edge is the physical coastline and has an important coastal drainage role. Biodiversity is being improved with the revegetation of several of the dunes which is designed to improve the resilience of the area to storm damage.

##### **7.2.2 KEY IDEAS**

- Protect and enhance the beachfront as a key tourism asset
- New connections and reconfigured M4
- Release land for fine grained, perimeter block, mixed use green/brown field/infill/conversion development in support of creating high density, integrated walkable neighborhoods.
- Reinforce and optimize the pattern of green open spaces parallel to the beachfront, one block back to create a second layer of higher value properties
- Protect biodiversity and adopt a managed retreat approach to infrastructure along the coast
- Provide landscaping shade and protection to encourage outdoor use.
- The implementation of land-scape to provide a softening to the urban environment and provide a tropical environment commensurate with the beach front activity.
- Development should promote a mix of interesting, vibrant and exciting leisure activities during the day and in the evening that will attract both residents and visitors. This needs to go beyond the provision of restaurant site opportunities. Opportunities exist for cultural recognition and artworks.”

Figure 83: Beach Precinct Vision



## **CONDITIONS OF THE COMMERCIAL LEASE.**

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

### **Property Tenure**

After the award of the tender, the successful Tenderer (hereinafter referred to as the “Lessee”) will be required to sign a Lease Agreement within 21 days of being requested to do so by the City (hereinafter referred to as the “Lessor”), which may include inter alia the following conditions as well as additional property-specific and development conditions as may be determined by the Director: Property Valuations and Management

1. The rental shall be paid by the Lessee to the Lessor monthly in advance.
2. The rental shall escalate annually at 7% per annum on the anniversary of the lease commencement date.
3. The cost of water and electricity consumption is excluded from the rental amount and is to be apportioned and paid by the prospective tenant.
4. The Lessee will be required to pay a deposit equal to one (1) month’s rental (excluding VAT) when requested to do so.
5. The lease will be for a period of nine (9) years and eleven (11) months.
6. The Lessor shall not be liable for any latent or patent defects in the Property.
7. The Lessee shall maintain the Property and the responsibility area throughout the lease.
8. All Improvements effected to the Property will become the property of the Lessor once constructed.
9. The Lessee will be required to install any fixtures and fittings and equipment in the interior of the Property which are required for the Lessee to carry on its business and activities in terms of this Lease, but only after it first obtains the written consent of the Lessor.
10. The installation of any such fixtures, fittings and equipment must be paid for by the Lessee. The Lessee is not entitled to claim compensation for such installation from the Lessor.
11. The Lessee may not improve or renovate the property without first obtaining the Lessors written consent.
12. Possession of the property shall be taken on signature of the Lease Agreement, unless agreed otherwise between the Parties in writing.
13. Where activities require registration with relevant statutory bodies the bidder is required to ensure that this is done prior to commencing operation on the property.
14. The successful bidder shall at his own cost maintain, secure and keep the property in a safe, clean and tidy condition in compliance with all relevant legislation i.e. Safety Act,


bylaws, Environment (OHASA). Repairs of any damage caused by negligent or wilful action of any person within the property shall be for the lessee's account.

15. The lessee shall provide security for the facility and shall undertake all repairs of the property, maintain the sewerage and drain pipes in good order and free from obstruction, effect repairs or make good any damage made necessary or caused by any of the lessee's employees, members, guests or other persons whom it permitted to use the facility or any portion thereof or caused by the unlawful or forcible entry of any person whatsoever.
13. Successful 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 refurbishing, upgrading, extension and/or alterations and;
  - o A time schedule for the refurbishing/alteration of the building.
14. The successful bidder is required to submit to Municipality a comprehensive operational and maintenance plan for the duration of the lease.
15. The lessee shall take out public liability insurance in the amount of R5 000 000.00 (Five Million Rand) to cover any possible claims. The public liability insurance of the Property may be reviewed on every anniversary of the Commencement Date and in circumstances where a review takes place, the Lessor and Lessee will agree on the level of public liability insurance required. If the Parties cannot agree on the level of insurance required within 14 (fourteen) Days of the review date in question, an appropriate level of insurance will be determined by an expert appointed by the Lessor or by the Lessor's insurance brokers, with the consent of the Lessee, which consent must not be unreasonably refused. The expert will determine an appropriate level of public liability cover in the light of prevailing market conditions and their findings will be final and binding on the Parties, who will bear the costs of the appointment and functioning of the expert in equal shares.
18. That, all environmental, Health 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, there shall be no increase in the development footprint and any increase in footprint will require Head: Environmental Planning and Protection Directorate's authorisation and other necessary approvals.
20. That, should the proposed lease of the property for the intended use impacts negatively to the surroundings, communities or to the natural environment, Environmental Health Directorate may call for mitigation measures to be implanted.
21. That the Municipality shall have the right of entry to the property at all times for inspection purposes, to construct services and to maintain services without the lessee having the right to claim for any damages which may occur.
22. That, the ground levels within the lease property shall not be altered in any way without the prior approval of the Municipality and the lessee shall be held responsible for any damages caused to the services within the leased area.
23. That, the Municipality shall not be held liable for any form of compensation whatsoever to the lessee in the event that the lease is cancelled.

24. That, the lessee I bidder must bear all costs in connection with any required survey to define the boundaries of the property or location of any beacons, services, etc. which may be necessary through the granting of this lease.
25. That, the property must be maintained in a clean and tidy state at all times and lessee must leave the property in a state which is acceptable to the Municipality when the lease is terminated.
26. That, the lessee must ensure that no plants with extensive root systems which can damage the services are planted within the property.
27. That, should any nuisance whatsoever arise through the lease and use of the property, the successful bidder shall take such immediate action as required by the Municipality to overcome the nuisance or the lease shall be terminated.
28. 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 advice and provide a detailed plan and how the numbers are achieved

1. SITE INFORMATION

<b>Property Description</b>	Erf 12281 Durban
<b>Size (Lease area)</b>	806 m <sup>2</sup>
<b>Zoning</b>	Beach
<b>Structures and Physical features</b>	Restaurant
<b>Current Use</b>	Restaurant
<b>Minimum Acceptable Rental Offer</b>	R97 370,00
<b>Highest and Best Use</b>	The highest and best use is for a restaurant.
<b>Services</b>	

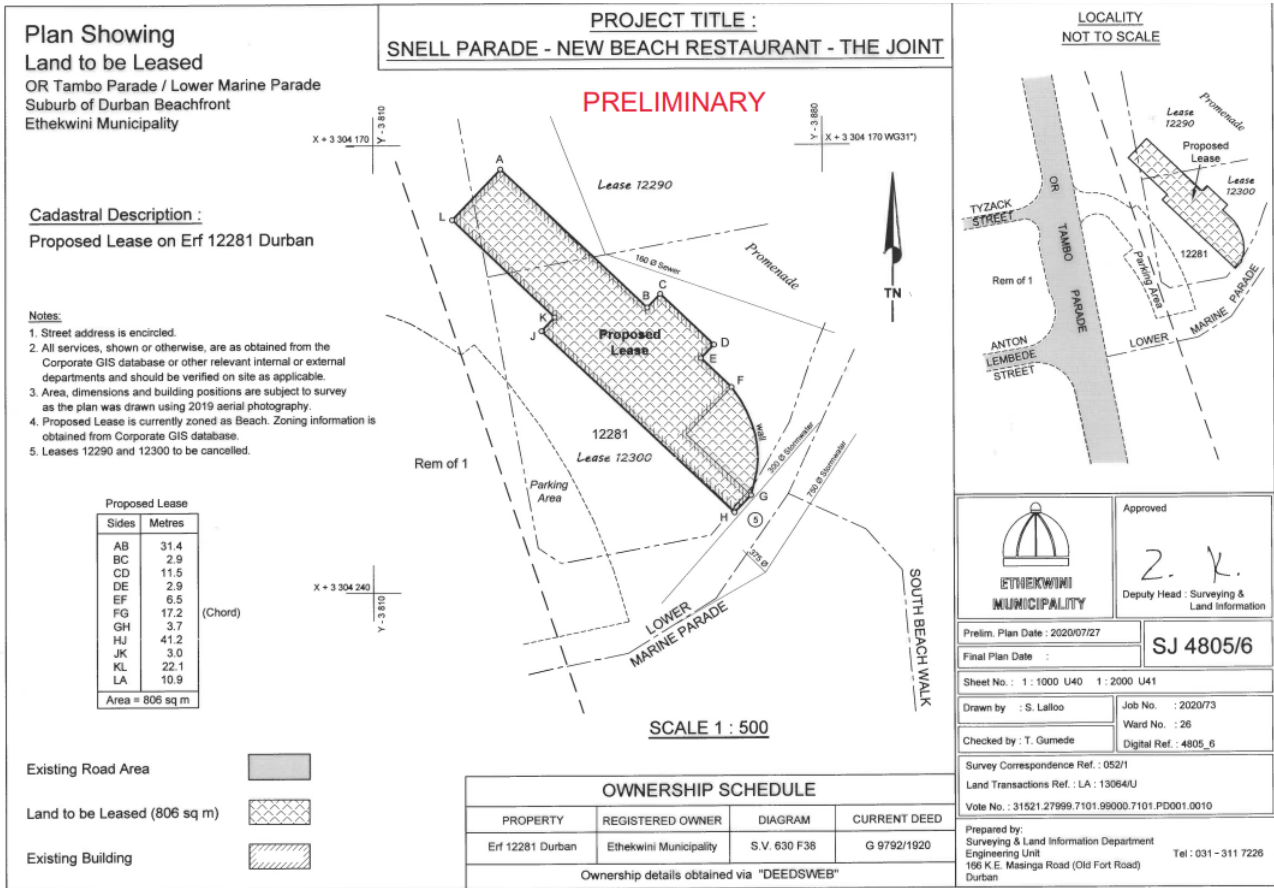
## Ariel Photo



46

1E-33260 - REQUEST FOR PROPOSAL FOR THE LEASING OF A BUILDING (RESTAURANT) SITUATED ON PROPOSED LEASE ON ERF 12281 DURBAN AS DEPICTED ON SJ Plan No.4805/6 MEASURING 806 m<sup>2</sup> FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS (9 YEARS AND 11 MONTHS) WITH NO RIGHTS OF RENEWAL.

# HANDPLAN



1E-33260 - REQUEST FOR PROPOSAL FOR THE LEASING OF A BUILDING (RESTAURANT) SITUATED ON PROPOSED LEASE ON ERF 12281 DURBAN AS DEPICTED ON SJ Plan No.4805/6 MEASURING 806 m<sup>2</sup> FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS (9 YEARS AND 11 MONTHS) WITH NO RIGHTS OF RENEWAL.

		ZONE: BEACH						
<p><b>SCHEME INTENTION:</b> To :-</p> <ul style="list-style-type: none"> <li>• promote and use the sea shore in a sustainable manner and as part of broader coastal management,</li> <li>• provide a mix of uses which permits recreational, pleasure, tourism and commercial activities, and</li> <li>• preserve the open character of the beach zone through the appropriate use of scale and positioning of development.</li> </ul>								
<p><b>MAP COLOUR REFERENCE:</b> Orange Dots on White background</p>				<p><b>MAP REFERENCE:</b></p>				
PRIMARY			SPECIAL CONSENT		PRECLUDED			
<ul style="list-style-type: none"> <li>• Action Sports Bar</li> <li>• Beach Amenity Facility</li> <li>• Garden Nursery</li> <li>• Conservation Area</li> <li>• Flea Market</li> <li>• Government / Municipal</li> <li>• Health Studio</li> <li>• Museum</li> <li>• Nature Reserve</li> <li>• Nature-Based Tourism</li> <li>• Place of Public Entertainment</li> <li>• Restaurant / Fast Food outlet</li> <li>• Shop</li> <li>• Utilities Facility</li> <li>• Zoological Garden</li> </ul>			<ul style="list-style-type: none"> <li>• Museum</li> <li>• Base Telecommunications Transmission Station</li> <li>• Conference Facility</li> <li>• Mobile Home Park &amp; Camping Ground</li> <li>• Night Club</li> <li>• Special Building</li> <li>• Any other use authorised in terms of Section 9.4 (Important Buildings and Objects)</li> </ul>		<ul style="list-style-type: none"> <li>• All other uses not indicated in the Primary and Special Consent columns</li> </ul>			
ADDITIONAL CONTROLS - LAND USE								
1. Parking shall be in accordance with Section 8 of this scheme.								
DEVELOPMENT PARAMETERS								
SPACE ABOUT BUILDINGS			DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION(m <sup>2</sup> )	HEIGHT	PARKING	COVERAGE	FLOOR AREA RATIO
BUILDING LINE	SIDE	REAR						
Nil	Nil	To the discretion of the Municipality	N/A	N/A	Refer to additional development parameters below	Parking provided by the Municipality	N/A	N/A
ADDITIONAL CONTROL - DEVELOPMENT PARAMETERS								

ADDITIONAL CONTROL - DEVELOPMENT PARAMETERS

**Height:**

The following height provisions shall apply to the Beach Zone:

- (a) North of the Umgeni River or between the North Pier and the southern boundary of Bell Street, no part of any

52

- building or structure shall exceed a height of 9.0m above mean sea level (MSL).
- (b) In the Bluff and Merewent areas, no part of any building or structure shall exceed a height of 12.0m above mean sea level.
- (c) (i) In the central beachfront area between the southern boundary of Bell Street and the southern bank of the Umgeni River, no part of any building or structure shall project above a straight line drawn at right angles to the general line of the beach and passing from a point 1.0m above the level of the ground along a line AB, namely the eastern edge of the sidewalk of Erskine Terrace, OR Tambo Parade and Snell Parade, to a point at sea level along a line CD on the seashore at mean seal level (see plan no. 1849.398).
- (ii) The Municipality may permit buildings of greater height than the general limit specified in (i) above, provided these are designed to be contained within an imaginary vertical cylinder 9m in diameter and 9.0m high. Such minor structures should be not closer to one another than 200m, provided that this may be relaxed at the discretion of the Municipality.
- (iii) The provisions of (ii) above do not apply between the line of prolongation of the northern boundary of Anton Lembede Street (Smith Street) and a line parallel to and 200 metres south of the prolongation of the northern boundary of Molyneux Road.
- (d) Notwithstanding the provisions of (a), (b) and (c) hereof, the following shall be permitted:
- (i) Masts, poles or towers of a decorative or functional nature shall be permitted provided that they are not designed to be occupied and do not exceed a height of 50.0m above mean sea level; and
- (ii) Lifeguard towers and ancillary facilities inclusive of ablutions and administrative offices.
- (e) The Municipality may authorise the erection of a building or structure to a greater height than that stipulated in sub-paragraph (c)(i) hereof, if it considers that the proposed building or structure will be so situated in relation to any existing building or structure, topography or established vegetation that there will be no additional adverse visual impact, or if the Municipality considers that the proposed building or structure will have an insignificant or minor visual impact and such building or structure will provide a useful public amenity.
- Provided that any such application shall be supported by an analysis of actual sea views in the area where the building is to be sited, with a graphic impression of the proposal illustrating the potential visual impact thereof.
- (f) In respect of (c)(ii) and (e) above, the Municipality may at its discretion, require application for Special Consent in order that public comment may be obtained and taken into account.
- (g) The two North beach restaurant buildings have fixed height limits based on a beach development, i.e. 12.9m and 12.4m respectively (see plan no. 1829.746).
- (h) The height provisions provided for under (a), (b), (c), and (d) hereof shall be reflected in Fig 2A and Fig 2B of this Scheme.

## MBD 14: REGISTRATION DOCUMENTS

### The following documents must be attached

- Natural persons, Sole proprietors and JVs – 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 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 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		No	
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Is the bidder a natural person?				
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Is a certified ID copy attached?	Yes		No	
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Is a copy of the bidder's power of attorney attached?	Yes		No	
-------------------------------------------------------	-----	--	----	--



**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 tenanting and preservation of the natural environment.

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

<b>Proposed land use</b>	<b>Total Floor area (m<sup>2</sup>)</b>
<b>Totals</b>	

**1.2 Proposed improvements summary (if any)**

<b>Use</b>	<b>Total Floor area (m<sup>2</sup>)</b>
<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	<b>Civil and Electrical Services</b>	R
2	<b>Civil Works</b>	R
3	<b>Top Structure (Building) Costs</b>	R
4	<b>Professional Fees</b>	R
5	<b>Sundry Development Costs</b>	R
6	<b>External/Bulk Services Contributions</b>	R
7	<b>Other</b>	R
8	<b>Totals</b>	

### 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>	
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## 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**

<b>DESCRIPTION</b>	<b>TARGET</b>	<b>Bidders Commitment in numbers of persons</b>
<b>Job Creation &amp; Job intensive plan</b>		
Total number of jobs to be created in the project	Total jobs created	
Number of jobs created for unemployed black people in this project	60% of total jobs	
Number of job created for black people in this project	30 % of total jobs	
<b>Training &amp; Development programme</b>		
Number of black people Trained in some aspect 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.	
<b>Enterprise and supplier Development</b>		
Number of Local SMMEs to be supported in terms of the Enterprise and supplier development plan for this project, including Demonstration graduation of suppliers in this project	30 % of the project value.	

**REU MBD 21: EXPERIENCE AND CAPABILITIES OF KEY STAFF**

- a) Indication of experience, knowledge, qualifications and skills Please provide information on Tenderers' key members and personnel who will manage and/or operate the proposed restaurant on a day to day basis.
- b) The team must be appropriately qualified.
- c) Provide CVs

<b>Details of experience of Key staff.</b> (PLEASE EXPAND TABLE IF REQUIRED) NB: DO NOT ATTACH A SEPARATE TABLE				
<b>Name</b>	<b>Surname</b>	<b>Role &amp; Job Description</b>	<b>Highest Qualification and year achieved</b>	<b>Years of experience in related business</b>

**Relevant Company Experience**

List of similar businesses being operated currently or previously.

No	Description	1	2	3	4	5
1	Name of the main entity who is submitting this tender					
2	Tenderer's business name / Restaurant name					
3	Location of business / address					
4	From year to what year?					
5	Duration of the business					
6	Average monthly turnover					

**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 MDB 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>	
Total Operational 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>	

**REU MBD 23: CONDITIONS OF LIMITATION ON AWARDING MULTIPLE PROPERTIES TO A SINGLE BIDDER.**

**1. Objective:**

- To promote equitable distribution of leasing opportunities and encourage broader participation in bidding processes.

**2. Eligibility Restriction:**

- Each bidder is eligible to be awarded a maximum of one property per tender cycle, irrespective of the number of bids submitted or the responsiveness of the bids.

**3. Bid Submission:**

- Bidders may submit proposals for multiple properties within a single tender cycle. However, they must prioritize their bids in order of preference at the time of submission.

**4. Award Criteria:**

- In the event that a bidder is identified as the most responsive bidder for multiple properties, the award will be limited to the highest priority property as indicated in their bid submission.
- Subsequent properties for which the bidder is also the most responsive will be awarded to the next most responsive bidder who has not yet been awarded a property in the same tender cycle.

**5. Disclosure:**

- Bidders must fully acknowledge and agree to this condition by signing a declaration form as part of their bid submission. Failure to comply with this declaration may result in disqualification from the tender process.

**Properties Bid For**

Please list the properties you are bidding on, prioritized in order of your preference (1 being the highest priority). Use additional sheets if necessary.

Contract Number	Property Description	Priority (1, 2, 3)


**Bidder Declaration**

**Objective Acknowledgment:**

I/We acknowledge the objective of this tender to promote equitable distribution of leasing opportunities and encourage broader participation in the bidding process.

**Eligibility Restriction Compliance:**

I/We understand that each bidder is eligible to be awarded a maximum of one property per tender cycle, irrespective of the number of bids submitted or the responsiveness of the bids.

**Bid Submission and Award Criteria Acknowledgment:**

I/We understand that although I/we may submit proposals for multiple properties, the award will be limited to the highest priority property as indicated in this submission. Any subsequent properties for which I/we are the most responsive bidder will be awarded to the next most responsive bidder who has not yet been awarded a property in this cycle.

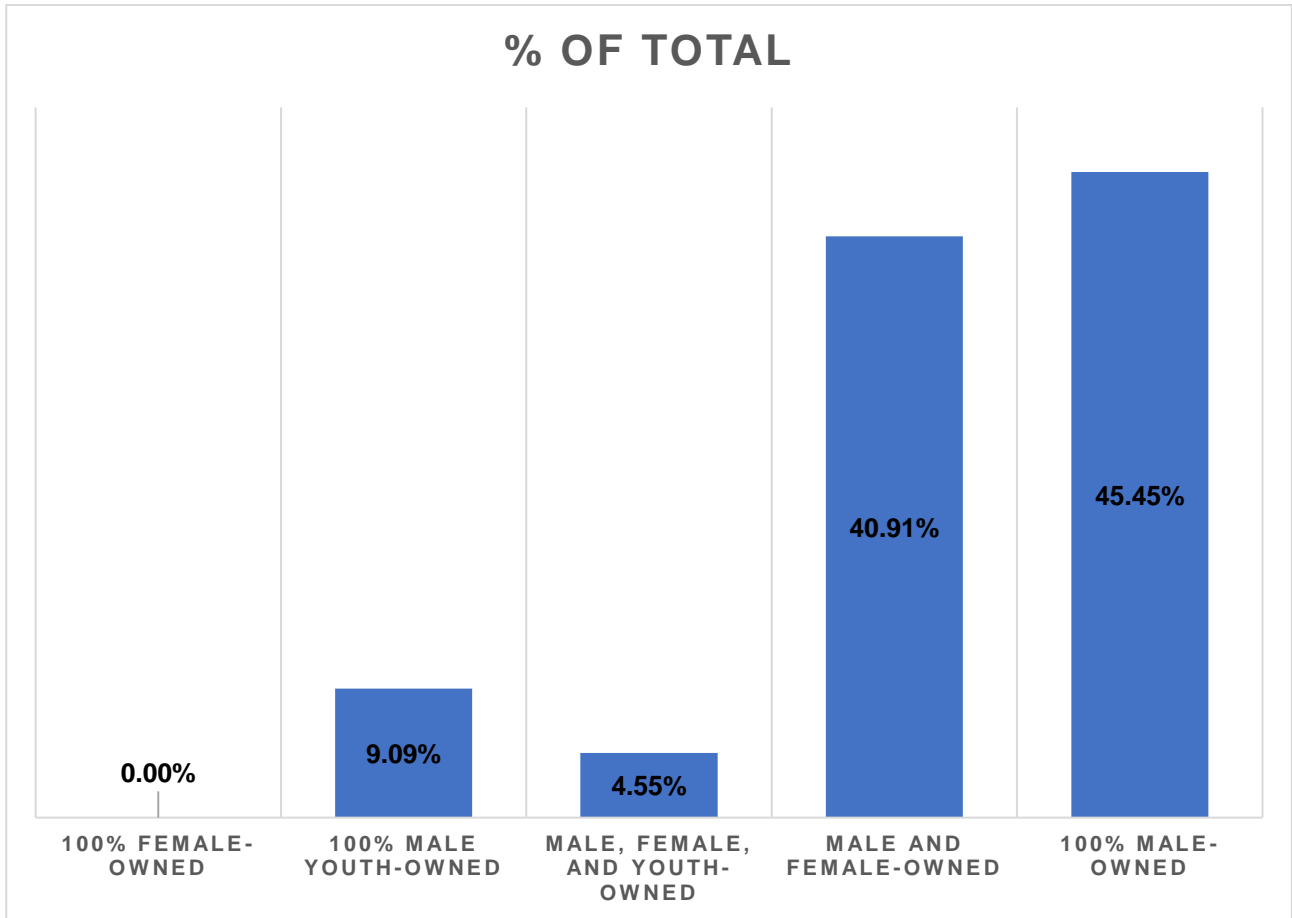
**Disclosure and Agreement:**

I/We hereby declare that the information provided is accurate and complete. I/We fully understand and agree to comply with the condition of limitation on awarding multiple properties as outlined in the tender documentation. Failure to comply with this declaration may result in disqualification from the tender process.

<b>Bidder / Entity Name</b>	
<b>Represented By</b>	
<b>Capacity</b>	
<b>Signature</b>	
<b>Date</b>	

## ANNEXURE A: DEMOGRAPHIC PROFILE

Demographic profile with specific focus on 'gender' of existing leases - Durban Beachfront



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

## ANNEXURES

### COMMITTEE RECOMMENDS:

- 4.1 That the Municipality declares in terms of Regulation 34(1)(b) of the Asset Transfer Regulations, read together with Section 14(2)(a) and (b) of the Municipal Finance Management Act 2003, that:
- 4.1.1 The beachfront properties listed below are not required to provide minimum level of basic Municipal services during the proposed lease period;
- 4.1.2 The fair market rental of the properties has been determined as follows:

- 35 -

(eThekweni Municipality  
Council Decisions - 2021-05-27)

No.	Property Description Building	Current Usage	Extent M <sup>3</sup>	Monthly Rental	Market Value	Hand Plan	Lease Period
1.	Remainder of Erf 1 Durban	Restaurant	1 393	R84 120	R6 000 000	SJ 4803/5	30 Years
2.	Remainder of Erf 1 Durban	Restaurant	122	R12 400	R900 000	SJ 4805/3	9 Years & 11 Months
3.	Erf 12281 Durban	Restaurant	81	R5 850	R500 000	SJ 4805/9	9 Years & 11 Months
4.	Remainder of Erf 1 Durban	Retail	4 028	R100 900	R7 800 000	SJ 4805/7	30 Years
5.	Rem of Erf 1 & Erf 12281 Durban	Restaurant	743	R82 620	R6 400 000	SJ 4805/10	9 Years & 11 Months
6.	Erf 12281 Durban	Restaurant	806	R97 370	R6 700 000	SJ 4805/6	9 Years & 11 Months
7.	Erf 1 Durban	Kiosk	50	R8 400	R700 000	SJ 4444/4	9 Years & 11 Months
8.	Proposed Lese on Erf 12281 Durban	Retail	1 091	R120 000	R8 700 000	SJ 4806/8	30 Years
9.	Erf 12281 Durban	Restaurant	584	R82 200	R6 000 000	SJ 4806/1	9 Years & 11 Months
			14 792	R593 550.00			

- 4.1.3 The rental above be deferred during construction/redevelopment phase where the capital cost to be invested is in excess of R10 000 000.00 (Ten Million Rand), for a period not exceeding twelve (12) months.

- 4.1.4 The long-term lease period of twenty (20) years and thirty (30) years will be subject to a redevelopment proposal that must be approved by Council and will be further subject to a five (5) years rental reviews and turnover rental clauses.
- 4.2 That the properties be leased by public tender process in accordance with the provisions of the Preferential Procurement Policy Framework which supports Radical Economic Transformation Framework and Supply Chain Management Policy.
- 4.3 That authority be granted to the Deputy Head: Surveyor & Land Information to review hand plans and, in the event where there has been a change, to confirm location and sizes of the properties before leases are concluded.
- 4.4 That in the event of objections being lodged to granting of the leases the matter be referred for resolution in terms of Section 50 of the Supply Chain Management Policy headed “Resolution of Dispute Objections Complaints and Queries”.
- 4.5 That, in the event of the lease not being concluded within twelve (12) months from date of determination of the rent, authority be granted to the Head: Real Estate to review the rental in line with the current market rentals and in the event where there has been a change in market rentals.
- 4.6 That subject to the adoption of .1 - .5 above and the approval by the Bid Adjudication Committee, the Head: Real Estate be granted authority to sign all documents necessary to conclude the agreement.

**ADOPTED, by the majority vote.**

## **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 the Property Valuations and Management Directorate. 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