

EPHRAIM MOGALE LOCAL MUNICIPALITY



BID DOCUMENT

TENDER NO. EPMLM/8/3/492

INVITATION TO INTERESTED ESTABLISHED DEVELOPERS TO SUBMIT
PROPOSALS FOR THE DEVELOPMENT OF A SHOPPING MALL IN
MARBLE HALL

APRIL 2024

PREPARED FOR AND BY

THE MUNICIPAL MANAGER

EPHRAIM MOGALE LOCAL MUNICIPALITY

Private Bag x 111

MARBLE HALL

0450

Tel: (013) 261 8400

Fax: (013) 261 2985

NAME OF BIDDER : _____

CSD SUPPLIER NO : _____

TEL NUMBER : _____

FAX NUMBER : _____

EPHRAIM MOGALE LOCAL MUNICIPALITY



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HALL**

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EPHRAIM MOGALE LOCAL MUNICIPALITY



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INVITATION TO INTERESTED ESTABLISHED DEVELOPERS TO SUBMIT PROPOSALS FOR THE DEVELOPMENT OF A SHOPPING MALL IN MARBLE HALL

1.1 TENDER NOTICE AND INVITATION TO TENDER

IMPORTANT NOTICE ON DISQUALIFICATIONS

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an “Acceptable Bid”, and as such will be rejected.

The Municipality shall adjudicate and award tenders in accordance with **the Preferential Procurement Policy Framework Act 5 of 2000 and revised Preferential Procurement Regulation of 2022** on 100 points functionality and on a 80/20 points system, where 80 points are for the price and 20 points for Specific goals according to the said legislation.

1. If the bidder is not registered on the National Treasury’s Central Supplier Database (CSD) with a compliant tax status and active business status,
2. If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted.
3. Failure to complete the schedule of quantities as required, i.e only lump sums provided.
4. Scratching out without initialising next to the amended rates or information, writing over or painting out rates affecting evaluation of the bid.
5. The use of correction fluid (i.e. tippex) or any erasable ink, e.g. pencil.
6. The Bid document has not been properly signed by a party having Authority to do so, according to the example of **“Authority of Signatory”**.
7. No authority of signatory submitted – where it is stated that a **duly signed and dated original or certified copy of the company’s relevant resolution on the company letterhead** of their members or their board of directors, must submitted.
8. **Particulars required in respect of the bid have not been completed, except if information required on Preference Schedule in respect of specific goals, is not completed, the bid will not be disqualified but no preference points will be awarded.**
9. The bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
10. The bid has been submitted either in the wrong tender box or after the relevant closing date and time.
11. If any municipal rates and taxes or municipal service charges are owed by the bidder and any of it directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three (3) months.

12. If any bidder who during the last five (5) years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
13. The Accounting Officer must ensure that irrespective of the procurement process followed, no ward may be given to a person;
 - i. Who is in the service of the state, or
 - ii. If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder, is a person in the service of the state, or
 - iii. Who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest.
14. Bid offers will be rejected if the bidder or any of its directors is(are) listed on the National Treasury List of Restricted Suppliers and List of Tender Defaulters, as persons prohibited from doing business with the state.
15. Bid offers will be rejected if the bidder has abused the Ephraim Mogale Local Municipality's Supply Chain Management System.
16. Failure to attach a copy of a valid signed Joint Venture/Consortium Agreement (if applicable) to the bid document.
17. Form of Offer and Acceptance not completed (**amount in figure and words**) and signed by the authorised signatory.
18. Not signing of all relevant forms in the tender document on the spaces provided.

EPHRAIM MOGALE LOCAL MUNICIPALITY



INVITATION TO INTERESTED ESTABLISHED DEVELOPERS TO SUBMIT PROPOSALS FOR THE DEVELOPMENT OF A SHOPPING MALL IN MARBLE HALL - TENDER NO: EPMLM/8/3/492

1. INVITATION TO BID AND TENDER DATA

Tenders are hereby invited from Service Providers with relevant experience and compliance documents to bid for the following.

These are subject to the PPPFA and the Preferential Regulations 2022 and the General Conditions of Contract and, if applicable, to any special conditions of contract.

Bid No	Description	Briefing	Non-Refundable Bid Document fee	Closing Date and Time
EPMLM/8/3/492	INVITATION TO INTERESTED ESTABLISHED DEVELOPERS TO SUBMIT PROPOSALS FOR THE DEVELOPMENT OF A SHOPPING MALL IN MARBLE HALL	Date: 23 April @ 11:00 Venue: Microsoft Teams Session Link will be shared to interested Bidders. by contacting the office from 22/04/2024	R1 140.00	11-June-2024 @ 12H00

The municipality will adjudicate and award bids in accordance with the PPR 2022 using the 80/20- or 90/10-point system, where 80/90 will be allocated to price and 20/10 for Specific goals of the contributor. Bids will remain valid for 90 days after the closing date.

Bid documents will be available from **Wednesday, 17-April-2024** by the cashiers from **08H00 to 15H30** weekdays and for free download on www.etenders.gov.za

Completed bids in sealed envelopes, clearly marked with the relevant bid number and description, should be deposited in the bid box situated at the offices of the Ephraim Mogale Local Municipality, 2 Ficus Street, Marble Hall, 0450, where bids will be opened in public.

NB: Bidders should ensure that bids are delivered in time to the correct address and properly bind the tender document together. Late bids will not be accepted. Ephraim Mogale Local Municipality does not bind itself to accept the lowest or any bid and reserves the right to accept any bid as a whole.

SCM related enquiries should be directed to the Supply Chain Management Unit at (013) 261 8450/8462/8496/8448/8541 or by email at ephmlmsupplychain@emogalelm.gov.za and Technical enquiries may be directed to Ms P Tjebane at 013 261 8502/8424/8527 / ptjebane@emogalelm.gov.za

**MOROPA M.E.
MUNICIPAL MANAGER**

EPHRAIM MOGALE LOCAL MUNICIPALITY



TENDER NO: EPMLM/8/3/492

**INVITATION TO INTERESTED ESTABLISHED DEVELOPERS TO SUBMIT PROPOSALS
FOR THE DEVELOPMENT OF A SHOPPING MALL IN MARBLE HALL**

1.2 TENDER DATA

The conditions of tender are the Standard Conditions of Tender as contained in Annex F of SANS 294:2004.

The Standard Conditions of Tender make several references to the tender data for details that apply specifically to this tender. The tender data shall have precedence in the interpretation of any ambiguity of inconsistency between it and the Standard Conditions of Tender.

Each item of data given below is cross-referenced to the sub clause in the Standard Conditions of Tender to which it mainly applies.

Sub-clause	Data
1.	The employer is the EPHRAIM MOGALE LOCAL MUNICIPALITY .
2.	<p>The Project Document issued by the employer consists of the following:</p> <p><u>THE TENDER</u></p> <p>1. TENDERING PROCEDURES</p> <p>1.1 Tender Notice and Invitation to Tender</p> <p>1.2 Tender Data</p> <p>2. RETURNABLE DOCUMENTS</p> <p>2.1 List of Returnable Documents</p> <p>2.2 Returnable Schedule</p> <p>THE CONTRACT</p> <p>3. AGREEMENT AND CONTRACT DATA</p> <p>3.1 Form of Offer and Acceptance</p> <p>3.2 Contract Data</p>

Sub-clause	Data
	<p>4. PRICING DATA</p> <p>4.1 Pricing Instructions</p> <p>4.2 Bills of Quantities</p> <p>5. SCOPE OF WORK</p> <p>5.1 Description of Works</p> <p>6. ANNEXURES</p> <p>6.1 Ephraim Mogale Local Municipality Supply Chain Policy (available on the website at www.ephraimmogalelm.gov.za)</p>
2.1	<p>The employer's agent is: P Tjebane Ephraim Mogale local Municipality P O Box 111, MARBLEHALL,0450 Tell: 013 261 8502/8424/8527 Fax: 013 261 2985 Email: ptjebane@emogalelm.gov.za</p>
3.	<p>The arrangements for a compulsory clarification meeting are: Date: 23 April at 11:00 Venue: Microsoft Teams Session Link will be shared to interested Bidders. by contacting the office from 22/04/2024</p>
4.	<p>The employer's address for delivery of tender offers and identification details to be shown on each tender offer package are:</p> <p>Location of tender box: Ephraim Mogale local Municipality, 2 Ficus Street Marble Hall. Identification details: EPMLM/8/3/492– INVITATION TO INTERESTED ESTABLISHED DEVELOPERS TO SUBMIT PROPOSALS FOR THE DEVELOPMENT OF A SHOPPING MALL IN MARBLE HALL</p>
5.	<p>A two-envelope procedure will not be followed.</p>
6.	<p>Closing time for submission of tender offers is: Tuesday, 11-June- 2024 @ 12H00.</p>
7.	<p>Telephonic, telegraphic, telex facsimile or e-mailed tender offers will not be accepted.</p>
8.	<p>The tender offer validity period is 90 days.</p>
9.	<p>The tendered lump sums and rates shall be final and binding irrespective of the total tender price</p>
10.	<p>The tenderer is required to submit with his tenders a copy of their Central Supplier Database registration or summary report for validation.</p>

Sub-clause	Data
11.	<p>The time and location for opening of tender offers: Time: 12H00 on Tuesday, 11-June-2024 Location: Tender Box at Ephraim Mogale local Municipality, 2 Ficus Street, Marble Hall.</p>
12.	<p>Bid Evaluation Criteria</p> <p>The bid will be evaluated as per the below listed stages:</p> <p>(a) First Bid documents that have been disassembled and copies of the Bid documents will be disqualified outright.</p> <p>(b) Second Bidders will be checked for compliance with Bid Conditions and administrative responsiveness. Non-compliance with any of the requirements will render the Bid non-responsive and it will not be carried forward to the next stage.</p> <p>(c) Third The Bidder's experience, staffing and methodology will be evaluated. Each Bid will be assessed and awarded points for Functionality. Failure to achieve 70 points out of the 100 for Functionality will render the Bid non-responsive.</p> <p>Only Bidders that score the specified minimum number of points for Functionality will be deemed to be acceptable and carried forward to the next stage. The rest will be disqualified. The points for functionality will not be carried forward to the remainder of the evaluation.</p> <p>(d) Fourth Points will be calculated for price on the relevant prices in accordance with the preference point system, 90/10 or 80/20.</p> <p>(f) Fifth Tender preferences claimed (80/20) or (90/10) Points will be awarded to a tenderer for attaining the specific goals in line with the table below. The points scored by a tenderer in respect of specific goals must be added to the points scored for price as calculated.</p>

Sub-clause	Data		
	90/10		
	Preference Points for specific goals	Means of Verification	Number of Points
	100 % Black Ownership	Identification document	4
	Women	Identification document	3
	People with Disability	Medical Report indicating disability	2
	Youth (18 to 34 Years of age)	Identification document	1
(e) Final	<p>The financial offer will be scored using the following:</p> $P_s = W_1 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$ <p>Where</p> <p>P_s = Points scored for functionality and price of the bid/proposal</p> <p>W_1 = (1) 80 where the financial value inclusive of VAT of all responsive tenders received have a value below R 50 000 000</p> <p>P_t = Rand value of tender under consideration</p> <p>P_{\min} = Rand value of the lowest acceptable tender</p> <p>Up to 100 minus W_1 tender evaluation points will be awarded to tenderers who complete the referencing schedule and who are found to be eligible for the preference claimed.</p>		
13.	<p>Tender offers will only be accepted on condition that:</p> <p>a) The tenderer or any of its directors is not listed in the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; and</p> <p>b) The tenderer has not over the last five years failed to satisfactorily perform a contract for the employer and has been issued with a written notice to this effect.</p> <p>c) The tenderer is registered on the Central Supplier Database with a complaint overall tax status</p>		
14.	The number of paper copies of signed contract to be provided by the Employer is one (1) .		

Annex F: Standard Conditions of Tender

F.1 General

F.1.1 Actions

The employer and each tenderer submitting a tender offer shall comply with these conditions of tender. In their dealings with each other, they shall discharge their duties and obligations as set out in F.2 and F.3, timeously and with integrity, and behave equitably, honestly and transparently.

F.1.2 Tender Documents

The documents issued by the employer for the purpose of a tender offer are listed in the tender data.

F.1.3 Interpretation

F.1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these conditions of tender.

F.1.3.2 These conditions of tender, the tender data and tender schedules which are only required for tender evaluation purposes, shall not form part of any contract arising from the invitation to tender.

F.1.3.3 For the purposes of these conditions for the calling for expressions of interest, the following definitions apply:

- a) **Comparative offer** means the tenderer's financial offer after the factors of non-firm prices, all unconditional discounts and any other tendered parameters that will affect the value of the financial offer have been taken into consideration
- b) **Corrupt practice** means the offering, giving, receiving or soliciting of anything of value to influence the action of the employer or his staff or agents in the tender process; and
- c) **Fraudulent practice** means there is representation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the employer, including collusive practices intended to establish prices at artificial levels.
- d) **Quality (functionality)** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs

F.1.4 Communication and employer's agent

Each communication between the employer and a tenderer shall be to or from the employer's agent only, and in a form that can be read, copied and recorded. Writing shall be in the English language. The employer shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the employer's agent are stated in the tender data.

F.1.5 The employer's right to accept or reject any tender offer

F.1.5.1 The employer may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The employer shall not accept or incur any liability to a tenderer for such cancellation and rejection, but will give written reasons for such action upon written request to do so.

F.1.5.2 The employer may not subsequent to the cancellation or abandonment of a tender process or the rejection of all responsive tender offers re-issue a tender covering substantially the same scope of work within a period of six months unless only one tender was received and such tender was returned unopened to the tenderer.

F.2 Tenderer's obligations

F.2.1 Eligibility

Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with employer.

F.2.2 Cost of tendering

Accept that the employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer satisfy requirements.

F.2.3 Check documents

Check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.

F.2.4 Confidentiality and copyright of documents

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation.

F.2.5 Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

F.2.6 Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, which the employer may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

F.2.7 Clarification meeting

Attend, where required, a clarification meeting at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

F.2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the employer at least five working days before the closing time stated in the tender data.

F.2.9 Insurance

Be aware that the extent of insurance to be provided by the employer (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

F.2.10 Pricing the tender offer

F.2.10.1 Include in the rates, prices, and the tendered total of the prices (if any) all duties, taxes (except Value Added Tax (VAT), and other levies payable by the successful tenderer, such duties, taxes and levies being those applicable 14 days before the closing time stated in the tender data.

F.2.10.2 Show VAT payable by the employer separately as an addition to the tendered total of the prices.

F.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

F.2.10.4 State the rates and prices in Rand unless instructed otherwise in the tender data. The conditions of contract identified in the contract data may provide for part payment in other currencies.

F.2.11 Alterations to documents

Not make any alterations or additions to the tender documents, except to comply with instructions issued by the employer, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

F.2.13 Submitting a tender offer

F.2.13.1 Submit a tender offer to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

F.2.13.2 Return all returnable documents to the employer after completing them in their entirety, either electronically (if they were issued in electronic format) or by writing in black ink.

F.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the employer.

F.2.13.4 Sign the original and all copies of the tender offer where required in terms of the tender data. The employer will hold all authorized signatories liable on behalf of the tenderer. Signatories for tenderers proposing to contract as joint ventures shall state which of the signatories is the lead partner whom the employer shall hold liable for the purpose of the tender offer.

F.2.13.5 Seal the original and each copy of the tender offer as separate packages marking the packages as "ORIGINAL" and "COPY". Each package shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.6 Where a two-envelope system is required in terms of the tender data, place and seal the returnable documents listed in the tender data in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Each envelope shall state on the outside the employer's address and identification details stated in the tender data, as well as the tenderer's name and contact address.

F.2.13.7 Seal the original tender offer and copy packages together in an outer package that states on the outside only the employer's address and identification details as stated in the tender data.

F.2.13.8 Accept that the employer will not assume any responsibility for the misplacement or premature opening of the tender offer if the outer package is not sealed and marked as stated.

F.2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the form required, may be regarded by the employer as non-responsive.

F.2.15 Closing time

F.2.15.1 Ensure that the employer receives the tender offer at the address specified in the tender data not later than the closing time stated in the tender data. Proof of posting shall not be accepted as proof of delivery. The employer shall **not** accept tender offers submitted by telegraph, telex, facsimile or e-mail, unless stated otherwise in the tender data.

F.2.15.2 Accept that, if the employer extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

F.2.16 Tender offer validity

F.2.16.1 Hold the tender offer(s) valid for acceptance by the employer at any time during the validity period stated in the tender data after the closing time stated in the tender data.

F.2.16.2 If requested by the employer, consider extending the validity period stated in the tender data for an agreed additional period.

F.2.17 Clarification of tender offer after submission

Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the total of the prices or substance of the tender offer is sought, offered, or permitted. The total of the prices stated by the tenderer shall be binding upon the tenderer.

Note: Sub-clause F.2.17 does not preclude the negotiation of the final terms of the contract with a preferred tenderer following a competitive selection process, should the Employer elect to do so.

F.2.18 Provide other material

F.2.18.1 Provide, on request by the employer, any other material that has a bearing on the tender offer, the tenderer's commercial position (including notarized joint venture agreements), preferencing arrangements, or samples of materials, considered necessary by the employer for the purpose of a full and fair risk assessment. Should the tenderer not provide the material, or a satisfactory reason as to why it cannot be provided, by the time for submission stated in the employer's request, the employer may regard the tender offer as non-responsive.

F.2.18.2 Dispose of samples of materials provided for evaluation by the employer, where required.

F.2.19 Inspections, tests and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

F.2.20 Submit securities, bonds, policies, etc.

If requested, submit for the employer's acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

F.2.21 Check final draft

Check the final draft of the contract provided by the employer within the time available for the employer to issue the contract.

F.2.22 Return of other tender documents

If so instructed by the employer, return all retained tender documents within 28 days after the expiry of the validity period stated in the tender data.

F.2.23 Certificates

Include in the tender submission or provide the employer with any certificates as stated in the tender data.

F.3 The employer's undertakings

F.3.1 Respond to clarification

Respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

F.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each tenderer during the period from the date that tender documents are available until seven days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the Employer may grant such extension and, shall then notify all tenderers who drew documents.

F.3.3 Return late tender offers

Return tender offers received after the closing time stated in the Tender Data, unopened, (unless it is necessary to open a tender submission to obtain a forwarding address), to the tenderer concerned.

F.3.4 Opening of tender submissions

F.3.4.1 Unless the two-envelope system is to be followed, open valid tender submissions in the presence of tenderers' agents who choose to attend at the time and place stated in the tender data. Tender submissions for which acceptable reasons for withdrawal have been submitted will not be opened.

F.3.4.2 Announce at the meeting held immediately after the opening of tender submissions, at a venue indicated in the tender data, the name of each tenderer whose tender offer is opened, the total of his prices, preferences claimed and time for completion, if any, for the main tender offer only.

F.3.4.3 Make available the record outlined in F.3.4.2 to all interested persons upon request.

F.3.5 Two-envelope system

F.3.5.1 Where stated in the tender data that a two-envelope system is to be followed, open only the technical proposal of valid tenders in the presence of tenderers' agents who choose to

attend at the time and place stated in the tender data and announce the name of each tenderer whose technical proposal is opened.

F.3.5.2 Evaluate the quality of the technical proposals offered by tenderers, then advise tenderers who remain in contention for the award of the contract of the time and place when the financial proposals will be opened. Open only the financial proposals of tenderers, who score in the quality evaluation more than the minimum number of points for quality stated in the tender data, and announce the score obtained for the technical proposals and the total price and any preferences claimed. Return unopened financial proposals to tenderers whose technical proposals failed to achieve the minimum number of points for quality.

F.3.6 Non-disclosure

Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

F.3.7 Grounds for rejection and disqualification

Determine whether there has been any effort by a tenderer to influence the processing of tender offers and instantly disqualify a tenderer (and his tender offer) if it is established that he engaged in corrupt or fraudulent practices.

F.3.8 Test for responsiveness

F.3.8.1 Determine, on opening and before detailed evaluation, whether each tender offer properly received:

- a) complies with the requirements of these Conditions of Tender,
- b) has been properly and fully completed and signed, and
- c) is responsive to the other requirements of the tender documents.

F.3.8.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the Employer's opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) change the Employer's or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

F.3.9 Arithmetical errors

F.3.9.1 Check responsive tender offers for arithmetical errors, correcting them in the following manner:

- a) Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern.
- b) If bills of quantities (or schedule of quantities or schedule of rates) apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- c) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

F.3.9.2 Consider the rejection of a tender offer if the tenderer does not correct or accept the correction of his arithmetical errors in the manner described in F.3.9.1.

F.3.10 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.

F.3.11 Evaluation of tender offers

F.3.11.1 General

Appoint an evaluation panel of not less than three persons. Reduce each responsive tender offer to a comparative offer and evaluate it using the tender evaluation method that is indicated in the Tender Data and described below:

Method 1: Financial offer	<ol style="list-style-type: none"> 1) Rank bid offers from the most favorable to the least favorable comparative offer. 2) Recommend highest ranked bidder for the award of the contract, unless there are compelling and justifiable reasons not to do so.
Method 2: Financial offer and preferences	<ol style="list-style-type: none"> 1) Score bid evaluation points for financial offer. 2) Confirm that bidders are eligible for the preferences claimed and if so, score bid evaluation points for preferencing. 3) Calculate total bid evaluation points. 4) Rank bid offers from the highest number of bid evaluation points to the lowest. 5) Recommend bidder with the highest number of bid evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.
Method 3: Financial offer and quality	<ol style="list-style-type: none"> 1) Score quality, rejecting all bid offers that fail to score the minimum number of points for quality stated in the Bid data. 2) Score bid evaluation points for financial offer. 3) Calculate total bid evaluation points. 4) Rank bid offers from the highest number of bid evaluation points to the lowest. 5) Recommend bidder with the highest number of bid evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.
Method 4: Financial offer, quality	<ol style="list-style-type: none"> 1) Score quality, rejecting all bid offers that fail to score the minimum number of points for quality stated in the Bid data. 2) Score bid evaluation points for financial offer.

and preferences	3) Confirm that bidders are eligible for the preferences claimed, and if so, score bid evaluation points for Preferencing.
	4) Calculate total bid evaluation points.
	5) Rank bid offers from the highest number of bid evaluation points to the lowest.
	6) Recommend bidder with the highest number of bid evaluation points for the award of the contract, unless there are compelling and justifiable reasons not to do so.

Score financial offers, preferences and quality, as relevant, to two decimal places.

F.3.11.2 Scoring Financial Offers

Score the financial offers of remaining responsive tender offers using the following formula:

$N_{FO} = W_1 \times A$ where:

N_{FO} = the number of tender evaluation points awarded for the financial offer.

W_1 = the maximum possible number of tender evaluation points awarded for the financial offer as stated in the Tender Data.

A = a number calculated using either formulas 1 or 2 below as stated in the Tender Data.

Formula	Comparison aimed at achieving	Option 1	Option 2
1	Highest price or discount	$A = (1 + \frac{P - P_m}{P_m})$	$A = P / P_m$
2	Lowest price or percentage commission / fee	$A = (1 - \frac{P - P_m}{P_m})$	$A = P_m / P$

where:

P_m = the comparative offer of the most favourable tender offer.

P = the comparative offer of tender offer under consideration.

F.3.11.3 Scoring quality (functionality)

Score quality in each of the categories in accordance with the Tender Data and calculate total score for quality.

F.3.12 Insurance provided by the employer

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the employer to provide.

F.3.13 Acceptance of tender offer

F.3.13.1 Accept tender offer only if the tenderer complies with the legal requirements stated in the Tender Data.

F.3.13.2 Notify the successful tenderer of the employer's acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period. Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the employer and the successful tenderer as described in the form of offer and acceptance.

F.3.14 Notice to unsuccessful tenderers

After the successful tenderer has acknowledged the employer's notice of acceptance, notify other tenderers that their tender offers have not been accepted.

F.3.15. Prepare contract documents

If necessary, revise documents that shall form part of the contract and that were issued by the employer as part of the tender documents to take account of:

- a) addenda issued during the tender period,
- b) inclusion of some of the returnable documents,
- c) other revisions agreed between the employer and the successful tenderer, and
- d) the schedule of deviations attached to the form of offer and acceptance, if any.

F.3.16 Issue final contract

Prepare and issue the final draft of contract documents to the successful tenderer for acceptance as soon as possible after the date of the employer's signing of the form of offer and acceptance (including the schedule of deviations, if any). Only those documents that the conditions of tender require the tenderer to submit, after acceptance by the employer, shall be included.

F.3.17 Complete adjudicator's contract

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

F.3.18 Provide copies of the contracts

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

EPHRAIM MOGALE LOCAL MUNICIPALITY



TENDER NO: EPMLM/8/3/492

INVITATION TO INTERESTED ESTABLISHED DEVELOPERS TO SUBMIT PROPOSALS FOR THE DEVELOPMENT OF A SHOPPING MALL IN MARBLE HALL

2. RETURNABLE SCHEDULES FOR TENDER EVALUATION

A	MBD 1 – BIDDING INFORMATION & TERMS OF BIDDING	
B	MDB 4 - DECLARATION OF INTEREST	
C	MDB 6.1 - PREFERENCE SCHEDULE	
D	MDB 8 - PAST SCM PRACTICES	
E	MDB 9 - CERTIFICATE OF INDEPENDENT BID	
F	AUTHORITY OF SIGNATORY	
G	PROOF OF BANKING DETAILS	
H	MUNICIPAL UTILITY ACCOUNT	
I	SCHEDULE OF PROPOSED SUBCONTRACTORS	
J	RECORD OF ADDENDA	
K	PROFESSIONAL REGISTRATION	
L	SCHEDULE OF TENDERER'S EXPERIENCE	
M	FORM OF OFFER & ACCEPTANCE	
N	COMPANY PROFILE	
O	SCOPE OF WORKS	

FORM A: MBD 1

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE EPHRAIM MOGALE LOCAL MUNICIPALITY					
BID NUMBER:	8/3/492	CLOSING DATE:	11 June-2024	CLOSING TIME:	12:00
DESCRIPTION	INVITATION TO INTERESTED ESTABLISHED DEVELOPERS TO SUBMIT PROPOSALS FOR THE DEVELOPMENT OF A SHOPPING MALL IN MARBLE HALL				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT;					
EPHRAIM MOGALE LOCAL MUNICIPALITY (BUDGET & TREASURY AND TECHNICAL BUILDING)					
NO. 2 FICUS STREET					
MARBLE HALL					
0450					
NOTE: THE BID BOX IS ONLY ACCESSIBLE MONDAY - FRIDAY DURING OFFICE HOURS (08:00 TO 16:30)					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]	
TOTAL NUMBER OF ITEMS OFFERED	.....		TOTAL BID PRICE	R	
SIGNATURE OF BIDDER	.....		DATE	.....
CAPACITY UNDER WHICH THIS BID IS SIGNED		.....		
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	SCM		CONTACT PERSON	Palesa Tjebane	
CONTACT PERSON	JOSEPH MADISHA		TELEPHONE NUMBER	013 261 8502/8424/8527	
TELEPHONE NUMBER	013 261 8450/ 8462		FACSIMILE NUMBER	013 261 2985	
FACSIMILE NUMBER	013 261 2985		E-MAIL ADDRESS	ptjebane@emogalelm.gov.za	
E-MAIL ADDRESS	ephmlmsupplychain@emogalelm.gov.za				

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED)
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE 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 B:3.
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 LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
<p>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.</p>	

**NB: BIDDERS ARE TO ATTACH THEIR CSD REPORTS AND TAX CLEARANCE CERTIFICATES
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:

FORM B: MBD4

MBD4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority 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. Also select the applicable answers

- 3.1 Full Name of bidder or his or her representative:
- 3.2 Identity Number:
- 3.3 Position occupied in the Company (director, trustee, shareholder²)
- 3.4 Company Registration Number:
- 3.5 Tax Reference Number:
- 3.6 VAT Registration Number:
- 3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
- 3.8 Are you presently in the service of the state* YES / NO

3.8.1 If yes, furnish particulars.

¹MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company

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

3.9.1 If yes, furnish particulars

.....
.....

3.10 Do you, have any relationship (family, friend, other) with person in the service of the state and who may be involved with the evaluation and or adjudication of this bid? YES / NO

3.10.1 If yes, furnish particulars

.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between bidder and any persons in the service of the state who may be involved with the evaluation and adjudication of this bid? YES / NO

3.11.1 If yes, furnish particulars

.....
.....

3.12 Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state? YES / NO

3.12.1 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

3.13.1 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 companies or business whether or not they are bidding for this contract? YES / NO

3.14.1 If yes furnish particulars:

.....
.....

4. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Employee Number

CERTIFICATION

I, THE UNDERSIGNED

(NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder

FORM C : MBD 6.1**MBD 6.1****PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL
PROCUREMENT REGULATIONS 2022**

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, TENDERERS 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 invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

a) The applicable preference point system for this tender is the **90/10** preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	90
SPECIFIC GOALS	10
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“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;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state 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 organ of state and a third party that produces revenue for the organ of state, 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; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 90 points is allocated for price on the following basis:

90/10

$$Ps = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 90 points is allocated for price on the following basis:

90/10

$$Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, 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 goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend 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, an organ of state 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; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Means of Verification	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)
100 % Black Ownership	Identification document	4	
Women	Identification document	3	
People with Disability	Medical Report indicating disability	2	
Youth (18 to 34 Years of age)	Identification document	1	

DECLARATION WITH REGARD TO COMPANY/FIRM

- 4.3. Name of company/firm.....
- 4.4. Company registration number:
- 4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One-person business/sole propriety
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) 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;
- iv) 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.

	..... SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:	.....
DATE:	.....
ADDRESS:	.....

FORM D: MBD 8**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>The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</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>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</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:		
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"/>
4.7.1	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

FORM E: MBD 9**MBD 9****CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
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

MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

MBD 9

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

Etender Document

FORM F: CERTIFICATE OF AUTHORITY

Indicate the status of the tenderer by ticking the appropriate box hereunder. **THE TENDERER MUST COMPLETE THE CERTIFICATE SET OUT BELOW FOR THE RELEVANT CATEGORY AND ATTACH A LETTER ON THE COMPANY LETTERHEAD.**

Please tick appropriate box:

A Company	B Partnership	C Joint Venture	D Close Corporation	E Sole Proprietor

A. CERTIFICATE FOR COMPANY

I,....., chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on20...., Mr/Mrs.....acting in the capacity of.....,was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1.....
Chairman

2.....
Date

B. CERTIFICATE OF PARTNERSHIP

We, the undersigned, being the key partners in the business trading as hereby authorise Mr/Mrs....., acting in the capacity of.....to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.

C. CERTIFICATE FOR JOINT VENTURE

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Mrs....., authorised signatory of the company, acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract.....and any other contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

NAME OF FIRM	ADDRESS	AUTHORISING SIGNATURE, NAME & CAPACITY
Lead partner		

D. CERTIFICATE FOR CLOSE CORPORATION

We, the undersigned, being the key members in the business trading as.....hereby authorise Mr/Mrs.....

Acting in the capacity of....., to sign all documents in connection with the tender for Contract.....and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

NOTE: This certificate is to be complete and signed by all the key members upon whom rests the direction of the affairs of the Close Corporation as a whole.

E. SOLE PROPRIETOR

I,....., chairperson and sole owner of, hereby confirm that by resolution of the board (copy attached) taken on20...., Mr/Mrs.....acting in the capacity of.....,was authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of the company.

As witness

1.....

 Chairman

2.....

 Date

BIDDERS SHOULD ATTACH A DULY SIGNED AND DATED ORIGINAL OR CERTIFIED COPY OF THE LETTER OF AUTHORITY ON THE COMPANY’S LETTERHEAD, FAILURE TO DO SO WILL LEAD TO THE DISQUALIFICATION OF THE BID AS NON-RESPONSIVE

FORM G: BIDDER'S BANKING INFORMATION

DETAILS OF BIDDERS'S BANK ACCOUNT

I/We furnish the following information:

- a) Name of Bank:
- b) Branch of Bank
- c) Town/city/suburb where bank is situated.....
- d) Contact Person at the Bank:
- e) Telephone number of Bank: Code: Number:
- f) Account Number:

I/We hereby authorise the Employer to approach the above Bank for a reference.

NOTE:

BIDDERS SHOULD ENSURE THAT THEIR BANK ACCOUNT DETAILS HAVE BEEN VERIFIED ON THE CSD REPORT. IF SUCH IS NOT VERIFIED, BIDDERS SHOULD ATTACH A COPY OF THEIR BANK CONFIRMATION LETTER

Signature..... Date.....

Name..... Position.....

Tenderer.....

FORM H: DECLARATION WITH REGARDS TO MUNICIPAL SERVICES, RATES AND TAXES

I _____ the undersigned, declare on behalf of (Name of Bidder) _____ that;

the bidder and (or) any of its director(s) does not owe any municipal services, rates and taxes to the municipality or any other municipality or municipal entity any amount which could be in arrears for an period for a period more than three months.

In the event that this declaration is found to be false, the bid will be rejected and found to be nonresponsive.

1. COMPANY		
NAME OF MUNICIPALITY	ACCOUNT NUMBER	ACCOUNT HOLDER / OWNER
2. DIRECTOR(S)		
NAME OF MUNICIPALITY	ACCOUNT NUMBER	ACCOUNT HOLDER / OWNER

NOTE:

TENDERER TO SUBMIT A COPY OF A MUNICIPAL ACCOUNT OF THE COMPANY AND THAT OF ITS DIRECTOR(S) NOT IN ARREARS AND NOT OLDER THAN THREE (03) MONTHS; OR

IN THE EVENT THAT THE BIDDER IS LEASING, A LEASE AGREEMENT ALONG WITH THE ACCOUNT OF THE LEASED PROPERTY SHOULD BE ATTACHED; OR

A CONFIRMATION LETTER FROM THE LOCAL MUNICIPALITY NOT OLDER THAN THREE MONTHS CONFIRMING THAT SERVICES ARE NOT CHARGED/LEVIED AND BIDDER AND COMPANY DOES NOT OWE

(FAILURE TO DO SO WILL LEAD TO THE DISQUALIFICATION OF THE BID AS NON-RESPONSIVE)

Signature..... Date.....

Name..... Position.....

Tenderer.....

FORM I: SCHEDULE OF PROPOSED SUBCONTRACTORS

Will you be subcontracting on this project?

(Tick the appropriate box)

Yes / No

We notify you that it is our intention to employ the following subcontractors for work in this contract.

If we are awarded a contract we agree that this notification does not change the requirement for us to submit the name of proposed subcontractors in accordance with requirements in the contract for such appointments. If there are no such requirements in the contract, then your written acceptance of this list shall be binding between us.

	Name of Subcontractor	Contact Details	Description of Work to be executed by Subcontractor
1.			
2.			
3.			
4.			
5.			

Signature.....

Date.....

Name.....

Position.....

Tenderer.....

FORM J: RECORD OF ADDENDA TO TENDER DOCUMENTS
--

Was there an addendum issued for this project?

(Tick appropriate box and complete table accordingly)

Yes / No

We confirm that the following communications received from the employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

	Date	Title of Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Attach additional pages if more space is required.

Signature..... Date

Name..... Position.....

Tenderer.....

FORM K: PROFESSIONAL REGISTRATION

It is a **compulsory requirement** that the Municipality only appoint a bidder with a Verifiable and active Registration with the below profession.

BIDDERS MUST SUBMIT PROOF OF REGISTRATION OF PROFESSIONAL TEAM'S WITH PROFESSIONAL BODIES

Proof qualifies as a copy of Qualifications and Registration with the mentioned Built Environment Bodies:

- Architect – Proof of Registration with The South African Council for the Architectural Profession,
- a professional Architect.
- Town Planner Proof of Registration with the South African Association of Consulting Professional Planners.
- Civil Engineer - Proof of Registration as a Professional Engineer with the Engineering Council of South Africa
- Quantity Surveyor - Proof of Registration with South African Council for the Quantity Surveying Profession.
- Any other related professional body.

NB! Proof of registrations needs to be attached for functionality points scoring otherwise no points will be allocated.

Signature..... Date

Name..... Position.....

Tenderer.....

FORM L: SCHEDULE OF TENDERER'S EXPERIENCE

The following is a statement of **similar works successfully executed/completed** by myself/ourselves in the last five years:

INSTITUTION NAME	RELEVANT PROJECT NAME	CONTACT PERSON	CONTACT DETAILS	PROJECT VALUE (R)*	PROJECT START & END DATE

** The project value on the above table should correspond to the supporting documents that will be attached as returnables or NO functionality points will be allocated.*

NB: COMPLETE THE TABLE ABOVE ON COMPANY EXPERIENCE (COMPULSORY TABLE) AND ALSO ATTACH PROOF OF PROJECTS LISTED ON THE ABOVE TABLE (FAILURE TO DO SO WILL LEAD TO THE DISQUALIFICATION OF THE BID AS NON-RESPONSIVE)

Signature..... Date

Name..... Position.....

Tenderer.....

EPHRAIM MOGALE LOCAL MUNICIPALITY



FORM M: COMPANY PROFILE

The bidder is to attach a detailed ed company profile, indicating professional expertise and the capacity to undertake the project.

Signature..... Date.....
Name..... Position.....
Tenderer.....

Etender Document

EPHRAIM MOGALE LOCAL MUNICIPALITY



FORM N: SCOPE OF WORKS

Proposals are hereby invited in terms of Section 83 of the Municipal Systems Act, (Act 32 of 2000) as amended and section 110 and 112 of the Municipal Finance Management Act, (Act 56 of 2003) for the interested investors to submit proposals for the development of marble hall regional mall

1. SUMMARY OF BRIEF

Proposals are requested from suitable and reputable investors/bidders who are competent, have the necessary stature and extensive experience in the development of a shopping mall.

This assessment process will look at the capability and proven track record of the bidders behind the submission together with financial capacity to deliver the project amongst other things. The investor/bidder should have necessary track record of developing shopping malls and is expected to provide proof to that effect.

2. BACKGROUND

The Marble Hall Town is the hub and the Urban Core of Ephraim Mogale Local Municipality. The municipality found it important to revive the economy of Marble Hall to expand development and investment to the municipality's rural development areas over the long term. It is important to ensure the hub does not fail and that the economic growth of the municipality is boosted through various developments. The Spatial Development Framework has identified that Portion 980 of the Farm Loskop 12 KS as a well-positioned site for the Mixed-Use precinct and/or Regional Shopping Centre. The Portion 980 of Loskop Farm is strategically located to accommodate more specialized goods and services as well as entertainment. The Marble Hall town is not directly competing with the lower order centres but provide a city-wide service to the larger municipal area and include goods and services on a higher level as contemplated for a Regional Centre.

The Municipality’s Planning and Economic Development Department has identified portion 980 Loskop Noord JS as the land with economic opportunity to accommodate Regional Shopping Centre or any shopping centre deemed suitable. It is proposed that this centre should include more specialised goods and services as well as entertainment, and not to provide convenience goods as main purpose, as in the case with Local Convenience Centres found elsewhere in Marble Hall and the municipal area. Hence it should not directly compete with the lower order centres but provide a Municipal-wide service to the larger municipal area and include goods and services on a higher level as contemplated for a Regional Centre. It is proposed that this centre be in the range of a Small Regional Shopping Centre or a Regional Shopping Centres. The centre may therefore range anything between 35,000m² GLFA to 10,000m² GLFA depending on the actual need. A development of this magnitude will require between 10ha to 20ha of land which includes the buildings and parking areas etc.

The Municipality’s Planning and Economic Development department is seeking prospective developers to submit proposals for development of a Centre in the range of a Community Shopping Centre or a Small Regional Centres or a Regional Shopping Centre will be suitable for the identified site. The centre may therefore range anything between 35 000 m² GLFA to 100 000 m² GLFA depending on the actual need as will be determined by the Developer. However, it is essential that the size and function of this Centre be confirmed by way of a detail market study (feasibility study) conducted as part of, or prior to the process of obtaining the land use rights. Portion 980 of Loskop Farm is still farmland, therefore a proper process for subdivision and rezoning will be required to ensure the development is successful. This development may provide other ‘spin-offs’ and a “kick-off” for the development of the Mixed Development precinct along the Activity Corridor.

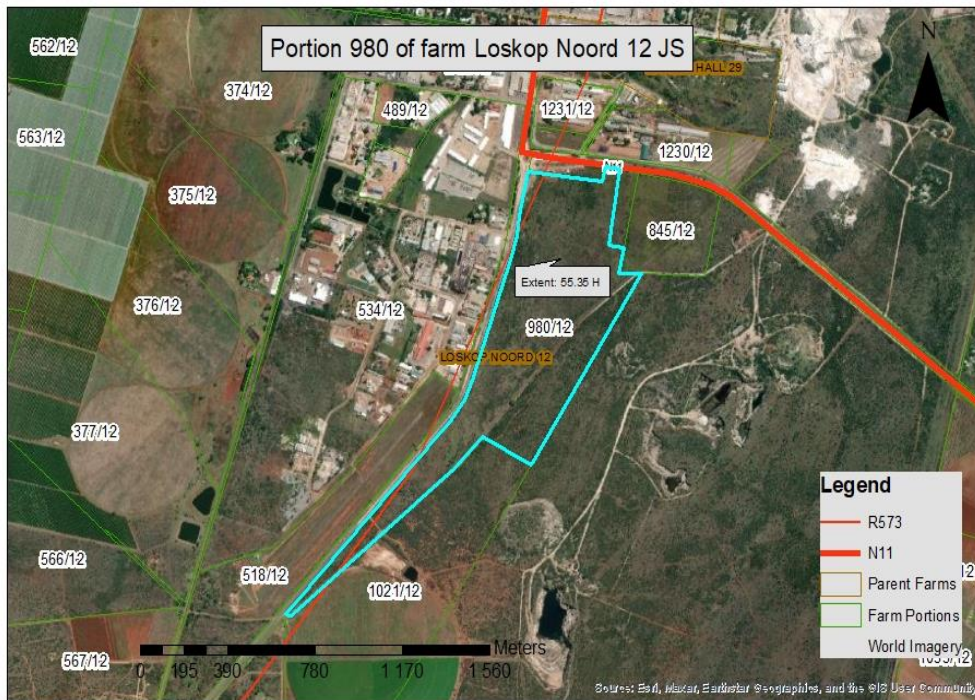
3. GENERAL INFORMATION ABOUT DEVELOPMENT SITE

Property Description:	Marble Hall Portion 980 of the farm Loskop 12JS. Sekhukhune District, Limpopo Province.
Property Extent:	55.3509 ha
Estimated area required for development:	5-10ha
Zoning:	Agriculture
Existing Land Use:	The Site is currently Vacant

4. SURROUNDING LANDUSES

The immediate surrounding land uses dominant around the development can be summarized as follows:

- West: Marblehall Industrial Area
- North: Marblehall CBD
- East: Mining Area
- South: Marblehall Golf Estate



5. ACCESSIBILITY

The site gain access from N11 route running north-south through the municipal area and intersecting with the urban core, linking the municipality with Botswana and Mokopane in the north and in the south with Groblersdal and Durban and R573 route linking the municipal area in the west to Gauteng and the Moloto corridor and also converge with N11 in the urban core.

6. ENGINEERING SERVICES

The bidder is expected to identify all the installed engineering services.

7. ENVISAGED DEVELOPMENT

7.1 Project Objective

The objective of this project is to dispose/lease the property owned by Ephraim Mogale Local Municipality for the development of the regional shopping mall.

7.2 Land Use

It is anticipated that the proposed development is Regional Shopping Mall

7.3 Creation of Job Opportunities:

The municipality is interested in stimulating the local economy by developing the Regional Shopping Mall which will contribute to the creation of employment opportunities within the Marble Hall Town in particular and Ephraim Mogale Local Municipality in general. Thus, the proposed development will also be aggressively interrogated against the objective of job creation during construction and operational phase.

7.4 Specialist studies

The preferred bidder/bidder is expected to undertake specialist's studies that should ultimately result in the acquisition of development rights for the development site. These studies will include, but not limited to the following.

- 7.4.1 Motivational Memorandum for the proposed Development
- 7.4.2 Market/Retail study/feasibility study
- 7.4.3 Engineering Assessment Report;
- 7.4.4 Traffic Impact Assessment;
- 7.4.5 Site Development Plan
- 7.4.6 Any other applicable studies

In view of the above, the preferred bidder shall assemble, at own cost, a reputable professional and implementation team that shall ensure that the above is undertaken with the aim to achieve the municipal objectives.

7.5 Infrastructure and Services

The bidder is expected to ensure that all engineering services' infrastructure is upgraded to ensure the viability of the proposed development:

8. SECTION 6: PROJECT OUTCOMES/DELIVERABLES

- 1) A complete Regional Shopping Mall
- 2) A total number of jobs (Temporary and permanent) to be created and which must contribute positively towards local economic development and poverty alleviation.
- 3) Landscaping and improvement of the public open space in support of the proposed development
- 4) Improvement of the current infrastructure in support of the proposed development to be clearly indicated

9. SECTION 7: SKILLS REQUIRED/EXPERTISE REQUIREMENTS

The successful bidder must comprise of experienced team with a track record of developing Regional shopping Malls and confirmation of completed projects.

10. SECTION 8: PROJECT TIME FRAME

The project is expected to be completed in 36 months from date of the acceptance of the appointment. The bidder will be required to commence with the assignment immediately upon appointment and must supply the municipality with a detailed revised work schedule with expected time frames.

11. SECTION 9: REPORTING

The successful bidder will be expected to submit a detailed report to Ephraim Mogale Local Municipality monthly basis.

12. SECTION 10: SERVICE LEVEL AGREEMENT

Once the bidder has been appointed, a contract between the bidder and the municipality shall be prepared outlining duties and liabilities of each party. In the process, a PPP package shall be prepared between the municipality and preferred bidder in line with prevailing legislation (i.e. MFMA, MSA etc.).

13. SECTION 11: BIDDER PROFILE

A detailed company profile should be submitted, indicating professional expertise and capacity to undertake the project. The company profile should also outline the following; • Regional Malls completed • Shopping Centres completed

14. SECTION 12: EVALUATION CRITERIA:

15. This stage of the programme will be evaluated using a number of criteria, key amongst these are the following:

a) Track record of the bidder to implement the whole programme i.e. Regional Shopping Mall

The prospective bidder shall submit the following minimum information:

- i) Technical Team to package the project and their experience,
- ii) A list of completed regional malls.
- iii) Due to the scale of the anticipated development, it is expected that similar projects referred to above shall be to the value of R500 million and above. Projects successfully undertaken with lower value will affect the allocation of points during assessment stage.
- iv) With regard to similar projects relating to development of regional malls, malls with GLA lower than 30 000 will affect allocation of points during assessment stage.
- v) High Level Socio Economic Impact Study of the proposed development and its value and this will be based on the land uses proposed.

b) Financial capacity of the bidder to implement the whole programme i.e. for both the Regional Mall

- i) The prospective bidder shall submit confirmation from a registered financial service provider confirming preliminary support of the prospective bidder for regional shopping mall.
- ii) Projected Value of proposed development and its socio-economic impact to the Ephraim Mogale Local Municipality.
- iii) The prospective bidder is expected to provide a high-level socio-economic impact of the proposed development and its value, and this will be based on the land uses proposed.

Consideration will be given to proposals which fit the objectives of the municipality which includes job opportunities to be created together with the regeneration impact the development will have to the overall Marble Hall Town.

c) The following tender will be evaluated according to the following stages:

- Stage 1: Administration Compliance
- Stage 2: Mandatory requirements
- Stage 3: Functionality Criteria
- Stage 4: Preferential Point System

STAGE 1: ADMINISTRATIVE COMPLIANCE

All the bids will be evaluated against the administrative responsiveness requirements as set out in the list of returnable documents.

STAGE 2: MANDATORY REQUIREMENTS

Mandatory requirements for the specific bid/project must be indicated, which include submission of the following:

BIDDERS MUST SUBMIT PROOF OF REGISTRATION OF PROFESSIONAL TEAM'S WITH PROFESSIONAL BODIES

Proof qualifies as a copy of Qualifications and Registration with the mentioned Built Environment Bodies:

- Architect – Proof of Registration with The South African Council for the Architectural Profession,
- a professional Architect.
- Town Planner Proof of Registration with the South African Association of Consulting Professional Planners.
- Civil Engineer - Proof of Registration as a Professional Engineer with the Engineering Council of South Africa
- Quantity Surveyor - Proof of Registration with South African Council for the Quantity Surveying Profession.

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

SUB-CRITERIA	Weight
<p><u>1. ENTITY EXPERIENCE</u></p> <p>DEVELOPERS' EXPERIENCE:</p> <p>1. Track record of the bidder to implement the development programme of a Regional Shopping Mall:-</p> <ul style="list-style-type: none"> - 5 Regional shopping Malls and more = 35 - 4 Regional shopping Malls Projects = 30 - 3 Regional shopping Malls Projects = 25 - 2 Regional shopping Malls Projects = 15 - 1 Regional shopping Malls Projects = 5 	<p>35</p>

<p>Please note that the above will only include malls from 30 000 GLA and above. The list to be accompanied by certified copies of appointment letters and completion certificates.</p> <p><u>Track Record</u></p> <p>2. Track record of the bidder to implement shopping complex less than 30 000 GLA:-</p> <ul style="list-style-type: none"> - 4 shopping complex projects and more = 15 - 3 Shopping complex projects = 10 - 2 Shopping complex projects = 5 - 1 Shopping complex project = 0 	15
<p><u>2. ENTITY'S CAPABILITY</u></p> <p>DEVELOPER'S CAPABILITY:</p> <p>Financial capacity of the bidder to implement the whole programme i.e. for the Regional Mall</p> <p>Confirmation from a registered financial service provider confirming preliminary support of the prospective bidder for regional shopping mall. (Proof of the availability of funding qualifies as a letter from the Bank or a recognized Financial Institution, on an official letter head, confirming the bidders' ability to access the funding required, and amount they are eligible for as per the estimated development cost.</p> <p>Projected Value of proposed development and its socio economic impact to the Ephraim Mogale Local Municipality</p> <ul style="list-style-type: none"> R 500 million and above = 35 R 300 million to R499 million =25 R 200 million to R 299 million =15 R 100 million and less =10 	40
<p><u>3. LOCAL ECONOMIC PARTICIPATION</u></p> <p>THE UTILITY BILL OR LEASE AGREEMENT OF BUSINESS MUST BE SUPPLIED AS PROOF OF THE BUSINESS LOCATION:</p> <ul style="list-style-type: none"> ▪ Operating within the Ephraim Mogale Local Municipality.= 5 ▪ Operating around Limpopo = 3 ▪ Operating outside of Limpopo = 2 	5
<p><u>4. APPROACH & METHODOLOGY</u></p> <p>Submission of a work Plan: Bidding entity to provide practical scenario-based methodologies that would be applied in the development of a site. The scenario must consider the target market that the bidders would follow from Planning to registration and transfer carefully documenting all the role-payers and/or specialists consultants/service providers to be brought on at different points along</p>	10

the programme. The bidding entity must outline all assumptions and Budget made in the scenario planning	
Total	100

- Bids which do not meet the minimum threshold of 70 points will not be considered further evaluation.
- Recommended bidder will be required to do presentation to the municipality.

STAGE 4: PREFERENTIAL POINT SYSTEM

The preferential points to be used will be the 90/10 points system in terms of the Preference.

Procurement Policy Framework Act, 2000 (Act 5 of 2000) Regulations 2022.

- 90 points for price
- 10 points for special goals

DUE TO THE ABOVE TENDER BEING A REVENUE GENERATING TENDER BIDDERS ARE ADVISED TO USE THE FOLLOWING REVERSAL FORMULA:

The following formula will be applied for purposes of evaluation:

A maximum of 90 points is allocated for price on the following basis: **90/10**

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of highest acceptable bid

Contact person.

Technical

1. Ms P Tjebane 013 261 8424/8502/8527/ ptjebane@emogalelm.gov.za

Supply chain unit

- | | | | | |
|------------------------------------|-------|------|---------|----------------------|
| 1. Supply | chain | Unit | 013 261 | 8462/8496/8541/8448/ |
| ephmlmsupplychain@emogalelm.gov.za | | | | |

END OF BID DOCUMENT

Etender Document