



**REAL ESTATE UNIT : PROPOSED LEASE ON ERF 12281**  
**DURBAN**  
**132 SOUTH BEACH WALK**  
**CONTRACT NO:1E-3965**



## REAL ESTATE UNIT

**REQUEST FOR PROPOSAL FOR THE LEASING OF A BUILDING (RESTAURANT) SITUATED ON PROPOSED LEASE ON ERF 12281 DURBAN AS DEPICTED ON SJ Plan No.4805/9 MEASURING 81 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 property as depicted on Plan SJ 4805/9, situated on Erf 12281 Durban measuring 81 m<sup>2</sup> for commercial purposes.**

**THIS DOCUMENTS OF 57 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER / BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT.**

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

**DOCUMENTS TO BE SUBMITTED: 1 ORIGINAL AND 1 COPY**

**Closing date of the Bid: 18 February 2022  
Closing Time: 11:00**

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

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## TENDER ADVERT

**REQUEST FOR PROPOSAL FOR THE LEASING OF A PROPERTY SITUATED ON ERF 12281 DURBAN AS DEPICTED ON SJ Plan No.4805/9 MEASURING 81 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>1E-3965</b>	<b>REQUEST FOR PROPOSAL FOR THE LEASING OF A PROPERTY SITUATED ON ERF 12281 DURBAN AS DEPICTED ON SJ Plan No.4805/9 MEASURING 81 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>81 m<sup>2</sup></b>
<b>Non – compulsory briefing sessions</b>	<b>There will be no clarification meeting. Bidders are requested to submit email queries related to the bid. All email queries are to be submitted by 2022/01/14 Emailed questions and answers will be consolidated and posted on e-tenders/municipal website for the benefit of all tenders by 2022/01/28</b>	
<b>Document Availability</b>	<b>26 November 2021</b>	
<b>Documents Cost</b>	<b>Document Cost: R0.00</b>	
<b>Pre-qualifying criteria for Preferential procurement</b>	<p><b>Pre-qualification criteria will be used to advance certain designated groups. Bidders will therefore be prequalified on the following basis:</b></p> <ul style="list-style-type: none"> <li>• an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE) with B-BBEE Contribution 1 Level with 100 % black ownership</li> </ul> <p><b>NB: A bids that fail to meet any pre-qualification criteria stipulated above is an unacceptable bid and as such will not be evaluated for Stage 1 and Stage 2.</b></p>	
<b>Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act, read together with paragraph 52 (22) (a) of the EThekwini Municipality Supply Chain Management Policy.</b>	<p>In line with the objectives of the Amended Property Sector Code (09 June 2017) to promote economic transformation in the property sector in order to enable meaningful participation of Black people including women, the youth and people with disabilities and unlock obstacles to property ownership and participation in the property market by black people, preference will be given to:</p> <ol style="list-style-type: none"> <li><b>1. EME or QSE that are 100% owned by PPG (Priority Population Group)</b></li> <li><b>2. Bidders must score a minimum of 60 points for Functionality Evaluation in order to qualify for further evaluation in Price and B-BBEE.</b></li> <li><b>3. The objective criteria for location (Physical address) will be assessed based on the CIPC documents/Company registration document using the following order of preference: -</b> <ul style="list-style-type: none"> <li>• eThekwini Metropolitan Area</li> <li>• KwaZulu Natal Province</li> <li>• Republic of South Africa.</li> </ul> </li> </ol>	
<b>Mandatory Requirements</b>	<p>Bidders are to provide a funding model to indicate how and where the funding will be sourced/raised and it must include collateral to be pledged against such funding if required. The bidder to demonstrate proof of availability of 100% of the funding required for the development. This must include written support from verifiable funding institutions.</p> <ol style="list-style-type: none"> <li>1. Bidders must provide as a proof a letter confirming funding from a registered funder which is registered with Financial Sector Conduct Authority (FSCA).</li> </ol>	

	<p>The letter must reflect the full amount of the development cost or;</p> <p>2 If there is a shortfall, the bidder must demonstrate access to equity as how they fund the shortfall or if the shortfall will be covered through Bank guarantee.</p> <p>3. If the bidder has sufficient funds in the bank account, the bidder must provide a bank guarantee from a Financial Institution that is registered with a Financial Sector Conduct Authority confirming that such money will be reserved for the proposed development.</p>
<b>Selection Criteria</b>	<ul style="list-style-type: none"> <li>Any rental offer below the reserve price will not be considered.</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>18 February 2022</b>
<b>Conditions of submission of the 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: - Natural persons- certified copy of ID document/ passport - Partnership- copy of Partnership Agreement plus IDs of all partners - Company- current CM29 - Close Corporation- current copy of CK1 and/or CK2C - Trust- letter of appointment from the Master of the High Court of SA and deed of trust - Proof of registration of NPO or NGO (Copy of Provincial Registration Certificate etc.)</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) for all their properties/ Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted for all the properties of the directors.</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 Joint Venture B-BBEE Certificate.</li> <li>Completion and signature of all bid documents.</li> <li>Central Supplier Data Base (CSD) registration.</li> </ul>
<b>Address</b>	<p>Ground floor, Engineering Unit, Municipal Centre  166 K.E. Masinga Road (formerly Old Fort Road)  DURBAN</p>
<b>Evaluation</b>	<p><b>Functionality, Rental Offer and B-BBEE Level of contributor using 80/20.</b></p> <p>80 for rental value and 20 for B-BBEE status level of contributor</p>

MBD 1:

**INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ETHEKWINI METROPOLITAN MUNICIPALITY)</b>					
BID NUMBER	1E-3965	CLOSING DATE	18 February 2022	CLOSING TIME:	11:00
DESCRIPTION	REQUEST FOR PROPOSAL FOR THE LEASING OF A PROPERTY SITUATED ON ERF 12281 DURBAN AS DEPICTED ON SJ Plan No.4805/9 MEASURING 81 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>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					
FACSMILE NUMBER	CODE		NUMBER		
EMAIL ADDRESS					
VAT REGISTRATION					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)		Yes	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		Yes
		No			No
<b>(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE / SWORN AFFIDAVIT (FOR EMEs &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)</b>					
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID SIGNED					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>					

**TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>																				
<p>1.1 BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–OR DOWNLOADED ONLINE (NOT TO BE RE-TYPED)</b></p> <p>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.</p>																				
<b>2. TAX COMPLIANCE REQUIREMENTS</b>																				
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>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.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART 3 BELOW.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>																				
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>																				
<p><b>3.1 IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">YES</td> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">NO</td> </tr> </table> <p><b>3.2 DOES THE ENTITY HAVE A BRANCH IN THE RSA?</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">YES</td> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">NO</td> </tr> </table> <p><b>3.3 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">YES</td> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">NO</td> </tr> </table> <p><b>3.4 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">YES</td> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">NO</td> </tr> </table> <p><b>3.5 IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">YES</td> <td style="width: 20%;"><input type="checkbox"/></td> <td style="width: 20%;">NO</td> </tr> </table> <p><b>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.</b></p>	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO																	
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO																	
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO																	
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO																	
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO																	

**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: .....

**MBD 2**

**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**

<p><b>A minimum / reserve amount of R5 850 as per month excluding VAT.</b></p> <p>Any offer below the RESERVED/ MINIMUM RENTAL will not be considered and such bids would accordingly be disqualified.</p>	
<b>Rental Offer 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: \_\_\_\_\_

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

**Declaration of Interest**

<p>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</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------

the state in the past twelve (12) months?				
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 levied on the property including electricity, water, sewerage and sanitation removal, which are levied on the property. in the event of the amount stated above, being increased at any time during the lease period, or any renewal thereof, the monthly rental payable by the lessee will be automatically increased by the percentage increase in such amount, from the date on which such increase becomes effective.

#### 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**

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 Full Name: .....

3.2 Identity Number: .....

3.3 Company Registration Number: .....

3.4 Tax Reference Number: .....

3.5 VAT Registration Number: .....

3.6 Are you presently in the service of the state\* \*\* \* YES / NO

3.6.1 If so, furnish particulars.

.....  
.....

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

3.7.1 If so, furnish particulars.

.....  
.....

\* MSCM 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.

3.8 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

3.8.1 If so, furnish particulars.

.....  
.....

3.9 Are you, aware of any relationship (family, friend, other) between a 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

3.9.1 If so, furnish particulars

.....  
.....

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

3.10.1 If so, furnish particulars.

.....  
.....

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state? YES /NO

3.11.1 If so, furnish particulars.

.....  
.....

**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

.....

.....

Position

Name of Bidder

**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:

1. Are you by law required to prepare annual financial statements for auditing?

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.

**\*YES / NO**

.....  
.....

2. 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?

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. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material noncompliance or dispute concerning the execution of such contract?

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**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 of 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) Either 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) B-BBEE Status Level of Contributor
- 1.4 The maximum points for this bid are allocated as follows:

	<b>POINTS</b>
RENTAL OFFER	<b>80</b>
B-BBEE STATUS LEVEL OF CONTRIBUTOR	<b>20</b>
Total points for Rental offer and B-BBEE must not exceed	<b>100</b>

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser 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 purchaser.

**2. DEFINITIONS**

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1

of the Broad-Based Black Economic Empowerment Act;

- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“Functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means: 1) B-BBEE Status level certificate issued by an authorized body or person; 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **Priority population group (PPG)** must mean black individuals who fall into population groups that were not offered a franchise in the national elections before or after the introduction of the 1984 tri-cameral parliamentary system and only received a franchise during 1994”.
- (j) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (k) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR FINANCIAL OFFER

#### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for financial offer on the following basis: **80/20**

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

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

#### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (80/20 system)</b>
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 4.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 4.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 4.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 4.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 4.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

4.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

4.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

**4.9 Objective Criteria: The Municipality will give preference to EME or QSE that are 100% owned by PPG (Priority Population Group). The objective criteria for location (Physical address) will be assessed based on the CIPC documents/Company registration document using the following order of preference: -**

- eThekweni Metropolitan Area
- KwaZulu Natal Province
- Republic of South Africa.

4.10 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 the highest number of preference points for B-BBEE.
2. However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, 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. BID DECLARATION**

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: ..... (maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

	YES		NO
--	-----	--	----

(Tick applicable box)

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

	YES		NO
--	-----	--	----

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

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

- 7.1. Name of company/ firm:.....
- 7.2. VAT registration number:.....
- 7.3. Company registration number:.....

**7.4. TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
  - One person business/sole propriety
  - Close corporation
  - Company
  - (Pty) Limited
- [TICK APPLICABLE BOX]

**7.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**7.6. COMPANY CLASSIFICATION**

- Manufacturer
- Supplier

- Professional service provider
- Other service providers, e.g. transporter, etc.  
[TICK APPLICABLE BOX]

**7.7. MUNICIPAL INFORMATION**

Municipality where business is situated: .....  
 Registered Account Number: .....  
 Stand Number: .....

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

**7.9.** I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES  1.....  2.....	..... SIGNATURE(S) OF BIDDERS(S)
---------------------------------------	-------------------------------------

**MDB 7: BIDDERS INFORMATION**

Name of Bidder			
ID /Passport/ Registration Number			
Nature of bidder one (tick one)	Natural Person/ 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)

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"/>
4.7.1	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**

## **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 MDB 13.
- The bidder(s) will be deemed to be familiar with the state, real rights registered against the property, the zoning and locality of the property.

#### **PRE-QUALIFICATION CRITERIA**

**Pre-qualification criteria will be used to advance certain designated groups. Bidders will therefore be prequalified on the following basis**

- an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE) with B-BBEE Contribution 1 Level 100% which is Black Owned.

**NB: A bids that fail to meet any pre-qualification criteria stipulated above is an unacceptable bid and as such will not be evaluated for Stage 1 and Stage 2.**

#### **SELECTION CRITERIA**

- Any offer below the reserve price will not be considered.
- Failure to meet the pre-qualification criteria.
- Failure to meet the mandatory criteria.
- NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2

#### **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 IDs of all partners
  - Company- current CM29
  - Close Corporation- current copy of CK1 and/or CK2C

- Trust- letter of appointment from the Master of the High Court of SA and deed of trust
- Proof of registration of NPO or NGO (Copy of Provincial Registration Certificate etc)
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual for all his or her properties/ Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted.
- 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.
- 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) for all their properties / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted  In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation and a JV / Consortium agreement
- Central Supplier Data Base registration
- Completed and signed bid documents including MBD 1, 2, 3,4,5,8,9, 15,16,17,18,19, and 20,21,22.

## **SUBMISSION OF PROPOSALS**

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and MBDs contained in this document.
- In this regard:
  - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
  - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
  - The Bidder(s) must submit one (1) original and three (3) copies of the of the completed Bid document.
  - All Proposal documentation received shall be deemed EThekwini Municipality property and shall not be returned or thus requested back by any Bidder.
- Proposals must be sealed, clearly marked with RFP name and number, and addressed to Head: Real Estate marked.
- 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, Ground Floor, Municipal Building, 166 K.E. Masinga Road, Durban.
- **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 Proposal Call document and a submission of the MBDs will indicate the Bidder(s) unconditional acceptance of all the terms and conditions contained in the Proposal Call document.
- 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 Proposal Call documents.
- 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 1.1.
- 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 EThekweni 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 [Sindy.Magadla@durban.gov.za](mailto:Sindy.Magadla@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 60 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>Detailed High level conceptual design outlining the intended uses = <b>Points 10</b></p> <p>Submission of concept design layout and 3D. = <b>10 Points</b></p> <p>No submission = <b>0 Points</b></p>	20	A detailed concept plan-the bidder must submit a detailed concept plan that include all the information as outlined on this page. The Business concept should include a list and description of services to be offered, must submit drawings showing the proposed layout and appearance of the facility and the site to be leased site. All final designs must be approved by Council and before construction can commence on the site.
<b>Company Profile, experience and/or expertise of tenderer</b>	<b>30</b>	
<p>Current /past portfolio of at least 1 similar businesses being successfully operated in the last 3 years:</p> <p>2 or above similar business successfully operated: <b>15 Points</b></p> <p>1 similar business successfully operated: <b>10 Points</b></p> <p>1 similar business successfully operated for less than 3 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	List of similar business being operated currently or previously, profile, brochures and including website where available. MBD 22
<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	Resumes C/V- and Company profiles. MBD 22
<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>1. Soft services (cleaning, security etc)</p> <p>2. Maintenance schedule (Planned and emergency)</p>		A Comprehensive Maintenance plan covering all aspects mentioned.

3. Annual maintenance  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>		
<b>TRANSFORMATION AND EMPOWERMENT PLAN</b>	<b>15</b>	
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>	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>	
a) Financial/ Sustainability Plan/ Proposal  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.  <b>0 Points</b> = total investment not specified  <b>10 Points</b> = total investment value of specified.	10	REU MDB 17
b) Funding Model  Letter from registered funding institutions confirming funding for the project Proof of available funds (Letter from bank/financial institution or verifiable entity providing financial facilities to fund opportunity or financial statements of the bidder. = <b>10 Points</b>  Non Submission of a Letter from registered funding institutions confirming funding for the project Proof of available funds (letter from the bank or financial institution . = <b>0 Points</b>	10	Signed letter from registered funding institutions confirming funding for the project  An original current (not older than three months on date of submission) letter from the bank/ funding institution confirming the bidder's working capital available
<b>Total</b>	<b>100</b>	

**Bids which do not meet the minimum of 60 points will not be considered further.**

## STAGE 2: EVALUATION FINANCIAL OFFER & B-BBEE STATUS LEVEL CONTRIBUTION

- The bidder obtaining the highest number of points will be awarded the contract.
- 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 60 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
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total	100

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2

Non-compliant contributor	0
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## REU MBD 12: BID SPECIFICATIONS

The following Specifications apply to this bid:

### 1. Property Information

PROPERTY DESCRIPTION	LOCATION	SIZE M
Remainder of Erf 12281 Durban	132 South Beach Walk	81 m <sup>2</sup>

### 2. Overview

The eThekweni Municipality is the owner of property described as Erf 12281 Durban situated on the Durban Beachfront at 132 South Beach Walk measuring 81 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 eThekweni 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 Head: Real Estate

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.
16. Successful bidders are required to submit a financial proposal which is not limited to but should include:
  - A detailed cost estimate, together with supporting documentation of the costs of refurbishing, upgrading, extension and/or alterations and;
  - A time schedule for the refurbishing/alteration of the building.
  - Failure to meet the time schedules will result in the penalties which will be in line with the lease agreement that will be signed between the EThekweni Municipality and the Lessee.
17. The successful bidder is required to submit to Municipality a comprehensive operational and maintenance plan for the duration of the lease.
18. 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.
19. 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.
20. That, there shall be no increase in the development footprint and any increase in footprint will require Head: Environmental Planning and Protection Unit's authorisation and other necessary approvals.
21. 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 Unit may call for mitigation measures to be implanted.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. That, the lessee must ensure that no plants with extensive root systems which can damage the services are planted within the property.
28. 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.
29. 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

## REU MBD 13: PROPERTY INFORMATION

### 1. Ariel Photo



Plan showing  
Land to be Leased  
South Beach Walk  
Suburb of Durban Beachfront  
Ethekwini Municipality

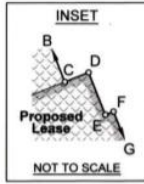
Cadastral Description:  
Proposed Lease on Erf 12281 Durban

Notes :

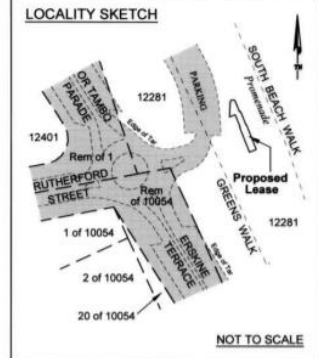
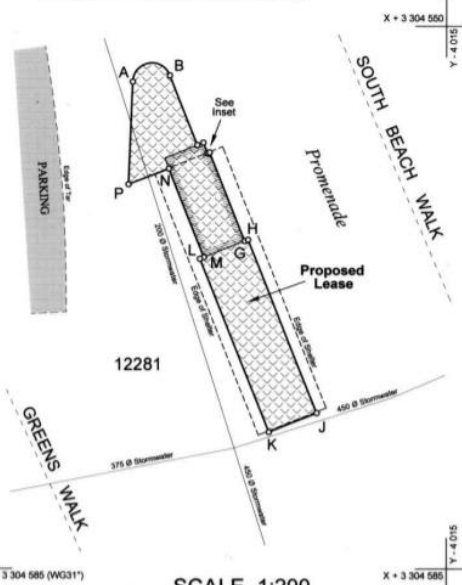
1. Street address is 132 South Beach Walk
2. All services shown or otherwise, are as obtained from the Corporate GIS database or other relevant internal or external departments and should be verified on site as applicable
3. Area, dimensions and building positions are subject to survey as the plan was drawn using 2019 aerial photography
4. Proposed Lease is currently zoned as Beach. Zoning information is obtained from the Corporate GIS database.

Proposed Lease	
Sides	Metres
AB	2.4
BC	4.8
CD	0.4
DE	0.7
EF	0.1
FG	6.1
GH	0.2
HJ	12.0
JK	3.3
KL	12.0
LM	0.3
MN	6.1
NP	2.8
PA	6.6

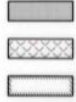
Area = 81 sq m



**PROJECT TITLE :**  
**SNELL PARADE - AFRO'S**



Existing Road Area  
Land to be Leased (81 sq m)  
Existing Building



SCALE 1:200

**OWNERSHIP SCHEDULE**

PROPERTY	REGISTERED OWNER	DIAGRAM NUMBER	CURRENT DEED
Erf 12281 Durban	Ethekwini Municipality	SV 630 F 38	G 9792/1920

Ownership details obtained via "DEEDSWEB"

 <b>ETHEKWINI MUNICIPALITY</b>	Approved
	<b>S. S</b> Deputy Head, Surveying & Land Information
Prelim. Plan Date : 2020/07/30	<b>SJ 4805/9</b>
Final Plan Date :	
Sheet No. : 1:1000 V39 1:2000 U39	
Drawn by : A. Mira	Job No. : 2020/93
Checked by : B. Byrnes	Ward No. : 26 Digital Ref. : 4805_9
Survey Correspondence Ref. : S 223	
Land Transactions Ref. : 13064V	
Vote No. : 31521.27999.7101.99000.7101.PD001.0010	
Prepared by: Surveying & Land Information Department Engineering Unit 186 K.E. Masingsa Road (Old Fort Road) Durban	
Tel : 031 - 311 7226	

## 2. SITE INFORMATION

<b>Property Description</b>	Remainder of Erf 12281 Durban
<b>Size (Lease area)</b>	81 m <sup>2</sup>
<b>Zoning</b>	Beach
<b>Structures and Physical features</b>	<p>The property is a building measuring 81 m<sup>2</sup> in a good condition.</p> <p>The interior of the structure is still in a good condition.</p>
<b>Current Use</b>	Currently vacant .
<b>Minimum Acceptable Rental Offer</b>	R5 850
<b>Highest and Best Use</b>	The highest and best use is considered to be as a restaurant and take away facility

			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

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- 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 sea 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	
Is the bidder a natural person?				
Is a certified ID copy attached?	Yes		No	
Is a copy of the bidder's power of attorney attached?	Yes		No	



**REU MBD 17: PROPOSAL FOR PROPOSED LEASE ON ERF 12281 DURBAN**

The information supplied in this section will be used to assess compliance with the “Functional Criteria”.

**1.1 Maintenance Proposal:**

Bidders are required to submit a concise sustainable maintenance plan/ and a funding plan for the duration of the lease period.

<b>Concept of activities proposed at the facility</b>	<b>Description</b>
<b>Totals</b>	

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

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

**1.3 Estimated costs of maintenance and management.**

<b>A Breakdown of all costs to be incurred by the bidder in the preparation of the facility 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 agreement awarded.</b>	
<b>Totals</b>	

**The lease agreement will be concluded with the successful tenderer.**

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

#### EMPOWERMENT TARGETS

DESCRIPTION	TARGET	Bidders Commitment in numbers of persons
<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.

<b>No</b>	<b>Description</b>	<b>1</b>	<b>2</b>	<b>3</b>
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**

**It is assumed that 50% of the shop fittings and operational cost will be financed via debt finance.**

**The bidder must however submit proof of the availability of finance to fund 50% of the development cost through equity funding**

**Please note that the following definitions will be used in assessing the proof of availability of finance:**

Proof of available funds (bank statements or financial statements of the bidder)

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.

Total Operational Cost

Total Operational Cost	R
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Debt Finance	R
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Equity Investments (if any)	R
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Source of Debt Finance <ul style="list-style-type: none"> <li>• Letter confirming access to debt funding</li> </ul>	
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Source of Equity Finance <ul style="list-style-type: none"> <li>• Written confirmation of equity funding</li> </ul> (Note: this source may not be a bank loan).	
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## 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:

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(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.**