



**WINNIE MADIKIZELA- MANDELA LOCAL MUNICIPALITY**

**TENDER DOCUMENT**

**FOR**

**TOWNSHIP ESTABLISHMENT (MIDDLE INCOME)**

**CONTRACT NO: WMM-LM 24/08/23/03 TSE**

**25 August 2023**

**ISSUED BY:**

Issued and Prepared by:

Winnie Madikizela-Madikizela Local Municipality

Development Planning Department

51 Main Street

Bizana

4800

Municipal Manager: Mr. L. Mahlaka

Contact Person: Ms. D. Makasi

Tel: 064 864 3629

**NAME OF TENDERER:** \_\_\_\_\_

**AMOUNT:** \_\_\_\_\_

## Letter of Consent

Name and Domiciliumcitandi of organization

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The Municipal Manager

Winnie Madikizela-Mandela Local Municipality

P.O. Box 12

Bizana

4800

Sir/Madam

### Granting of authority to request information from any legal entity relevant to this Bid

I/we acknowledge that the information herein contained shall constitute the basis on which my/our Bid is to be considered. I/we grant approval that any source regarding this Bid may be fully investigated and that all such information shall be of material value to Winnie Madikizela-Mandela Local Municipality and directly relevant to the consideration of my/our Bid.

I/we \_\_\_\_\_ grant my/our consent to such source to provide confidential information.

I/we warrant that all the information herein contained is to the best of my/our knowledge and belief true and correct in all material respects and I/we am /are not aware of any information which, should it become known to the Winnie Madikizela-Mandela Local Municipality, would affect the consideration of my/our Bid in any way. The Winnie Madikizela-Mandela Local Municipality wishes to inform you that all information regarding your personal matters is treated as strictly confidential.

Please tick the appropriate box.

	<b>I/We hereby consent to the above</b>
	<b>I/We hereby withhold consent and fully understand the implications and ramifications of my/our decision and will not hold the Winnie Madikizela-Mandela Local Municipality responsible for not considering my/our Bid.</b>

Signature: ..... Date: .....

Witness: ..... Signature: .....



**WINNIE MADIKIZELA MANDELA LOCAL MUNICIPALITY  
ADVERT**

PROJECT NAME	CONTRACT NUMBER	CIDB GRADE	CLOSING DATE
1. Township Establishment	WMM-LM 24/08/23/03 TSE	N/A	14/09/2023

Bid proposals are hereby invited from suitably qualified and accredited service providers who are interested to submit their proposals to tender for the above-mentioned projects for Winnie Madikizela-Mandela Local Municipality.

Bid documents can be downloaded from e-tender portal website. ([www.etenders.gov.za](http://www.etenders.gov.za) )

Bids should score a minimum point of 70% in order to be considered for further evaluation.

The bids will be evaluated on the **80/20 or 90/10** preferential points system

Failure to submit the following fully completed document(s) will render the bid null and void:

- A copy of Entity Registration Documents, Certified ID Copy(ies) of Director(s) (not older than 3 months), proof of CSD Registration
- SARS Valid PIN Printout
- Bid documents MBD1, MBD4, MBD6.1, MBD 8 and MBD 9 MBD 6.2 and 6.4 are all compulsory submissions
- Billing Clearance Certificate or Statement of Municipal Accounts confirming that no undisputed municipal accounts are overdue by more than 30 days and letter signed by the bidder declaring that all accounts have been disclosed and no account is more than 30 Days in areas
- Evaluation Criteria: 80 or 90= Price, 20 or 10= Specific Goals as per the attached MBD 6.1 respectively
- In case of a joint venture, an original valid Tax Compliance Document of both partners should be submitted as well as a signed agreement by both parties clearly indicating the lead partner

**Advert Date: 25 August 2023**

**Closing Date: All tenders must be emailed to [tenders.scm@mbizana.gov.za](mailto:tenders.scm@mbizana.gov.za) by no later than the date and time stated above after which they will be opened. All tenders must be clearly marked the Name of the project and Reference number indicated above, failure to do so your bid may not be considered. There is no tender briefing.**

No late, incomplete or facsimile bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. Winnie Madikizela-Mandela Local Municipality reserves the right to accept part or full bid. For technical enquiries, please contact Ms. N. Mafumbatha, email: [mafumbathan@mbizana.gov.za](mailto:mafumbathan@mbizana.gov.za) during working hours. For Supply Chain Management related enquiries, please contact Mr. Z. Khala at (079) 886 0942, email: [khalaz@mbizana.gov.za](mailto:khalaz@mbizana.gov.za) during working hours

.....  
**Mr. L. Mahlaka**  
**Municipal Manager**

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b>					
BID NUMBER:		CLOSING DATE:	14 September 2023	CLOSING TIME:	12 H00 pm
DESCRIPTION					
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE SENT VIA EMAIL TO THE EMAIL ADDRESS PROVIDED BELOW OR AS PER TENDER REQUIREMENTS					
<a href="mailto:TENDERS.SCM@MBIZANA.GOV.ZA">TENDERS.SCM@MBIZANA.GOV.ZA</a> for tenders above R200 000 inclusive of VAT					
OR					
<a href="mailto:QUOTES.SCM@MBIZANA.GOV.ZA">QUOTES.SCM@MBIZANA.GOV.ZA</a> for quotations below R200 000 but above R30 000 inclusive of VAT					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
PEOPLE LIVING WITH DISABILITY [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes  <input type="checkbox"/> No		MILITARY VETERAN		<input type="checkbox"/> Yes  <input type="checkbox"/> No
<b>[DOCUMENTARY PROOF/ SWORN AFFIDAVIT (FOR PEOPLE LIVING WITH DISABILITIES) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR TARGETED GOALS]</b>					
1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]		2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES, ANSWER PART B:3]	
3 TOTAL NUMBER OF ITEMS OFFERED			4 TOTAL BID PRICE	R	
5 SIGNATURE OF BIDDER	.....		6 DATE		
7 CAPACITY UNDER WHICH THIS BID IS SIGNED					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT			CONTACT PERSON		
CONTACT PERSON			TELEPHONE NUMBER		
TELEPHONE NUMBER			FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS		
E-MAIL ADDRESS					

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</b>
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.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
<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>	

**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: .....

## **1. INTRODUCTION**

Winnie Madikizela-Mandela Local Municipality in undertaking the Town Planning and Surveying of various portions within Bizana commonage with the intention to revalidate the General Plan. The Local Municipality of Winnie Madikizela-Mandela Local Municipality has identified the need to conduct a township establishment on the Remainder of Erf 110 Bizana Municipal commonage.

### Property Description

The land parcel to be developed is situated within the municipal commonage and forms part of the land earmarked for middle income. It forms part of Erf 1996 a portion of the Remainder of Erf 110. Erf 1996 Mbizana is an unregistered portion of Erf 110 Mbizana. Erf 110 Mbizana is registered in the ownership of Mbizana Local Municipality under Title Deed T4171/2003. The township is located on the southeast of the Extension 2. towards Port Edward. It is bounded by the road to Umhlanga location, to the south and Extension 2. Proposed township is 44.978 ha in extent.

Apart from small pockets of privately-owned land in the urban center and land around within municipal, the balance of land in the Winnie Madikizela-Mandela Local Municipal area is mainly state land held in trust by the Minister of Rural Development and Land Reform. Individual use right and “ownership” is held in terms of lesser forms of tenure. Procedures to unlock the potential of this land and its resources are both complex and time consuming. Various other communities in the WMMLM have lodged land claims in terms of the Restitution of Land Rights Act 22 of 1994. Almost 80% of land within Bizana Urban Area is subjected to land claims.

## **2. BACKGROUND & PROBLEM STATEMENT.**

The municipality has identified the establishment and development of a township to comprise of a predominately Single Residential township for middle income with a mixed-use component consisting of Business, Institutional, Government and Municipal land uses. The Township Establishment is a key initiative towards developing the local community as per the spatial proposal of the council adopted Spatial Development Framework 2019. This development is in line with the municipality's focus in promoting more integrated human settlement orientation as part of the paradigm shift from merely providing low income erven.

Winnie Madikizela-Mandela Local Municipality has in the past 5 years appointed consultants to prepare Nodal Development Framework (NDF 2013) this was followed by the Spatial Development Framework (SDF 2019). These two strategic spatial frameworks triggered the planning of the Remainder of Erf 110 commonage as it was given priority for spatial restructuring and growth of Winnie Madikizela-Mandela Local Municipality with conceptual intensification and mixed-use zones along R61 connecting to the Central Business District.

Winnie Madikizela-Mandela Local Municipality urban space is the area for the proposed predominately residential for the middle-class township establishment which will see robust mixed-use development across spaces in order to accomplish principles of intensification, infill, densification, and compaction and also give effect to liveability, efficiency, mobility and in doing so shrink elements of poverty, unemployment and inequalities as well as to cater for middle income group in Bizana.

These terms of reference aim at the appointment of the service provider to conduct township establishment comprises of predominantly residential for the middle income with integrated uses and necessary studies required for the establishment and approval of the township. The main purpose is to ensure that the lapsed layout plan over erf 1996 a Portion of Erf 110 Mbizana is revalidated in order for development to commence. A General Plan was undertaken by a Land Surveyor. The General Plan was, however not submitted to the Surveyor General Office for approval.

### **3. SCOPE OF WORK.**

The scope of work entails doing a revalidation of a General Layout Plan through township establishment and will also be subject to the need and desirability to conduct surveying project. A detailed scope of work is as follows:

#### **PHASE 1**

##### **Consultation**

The service provider in consultation with the Municipality will be expected to design and implement a consultation process plan.

Consultation is central to this development process and assumes critical significance when dealing with development that involves more than one organisation / party. The Service Provider needs to communicate and consult with the municipality in order to be effective but they also need to exchange information with other relevant stakeholders which necessitates lateral communications. Failure to recognise this need may lead to discrepancy of approach.

The consultant is required to engage in this process plan, ensure that all issues are captured within the required timeframe and ensure that all relevant stakeholders are included throughout the process. The Service Provider shall participate in stakeholder meetings and produce information material for stakeholders as required, but guided by legislation or policies.

#### Environmental Impact Assessment (EIA)

The Service Provider will be required to conduct an Environmental Impact Assessment to ensure that decision makers consider the environmental impacts when deciding whether or not to proceed with a project.

#### Geotechnical Study

The Service Provider will be required to conduct a geotechnical study to confirm the ground conditions beneath the site and to identify any problems that may be associated with the stability of the site or the subsoils with respect to the proposed development.

#### Tacky Survey

The Service Provider will be required to carry out tacky survey to determine the existing features, fences etc.

#### Layout Plan



The Service Provider will be required to assess and revalidate the existing settlement layout plan to obtain approval from the municipality.

#### Report

The Service Provider will be required to compile the report accompanying the layout plan and submit it to the municipality.

#### Bulk Services study

The Service Provider will be required to conduct bulk studies for the required infrastructure for services to the envisaged township.

#### Storm water Management Plan

The service provider will be required to prepare the storm water management plan for the proposed road within the layout plan.

#### Traffic Impact Assessment

The service provider will conduct the necessary transport studies as per the layout plan.

#### **Deliverable**

- Report and layout plan
- Motivational report
- An environmental Permit for the development or Record of Decision
- Cad layout, GIS Maps, Soft copy of the report in word format
- Transport Impact Assessment
- Flood Line study

#### **Feasibility analysis**

A feasibility analysis report for the project; will also be expected. The five principle areas of feasibility that the Service Provider is expected to also take into consideration are technical, economic, legal, operational and scheduling.

**Technical:** Is the project technically feasible? The Service Provider Given has to overview technical capabilities of the organization, including the availability of skilled staff and appropriate facilities.

**Economical:** Is the project affordable given the economic resources available? Even if it can be afforded, is the projected return on investment sufficient? A project that is simply too expensive and which doesn't offer sufficient economic benefits is not feasible.

**Legal:** Is the proposed venture in compliance with applicable laws and regulations?

**Operational:** Is the project in line with the operations and objectives of the organization?

**Schedule:** Given the recommended schedule, is it realistic to expect that the project will be completed on time? If the project takes too long to complete, costs can escalate and the overall feasibility can be negatively affected.

#### Key document

- Inception report
- Base Plan
- Tacky Survey
- EIA report
- Flood line study
- Geotechnical report
- Layout Plan
- Bulk services report
- Proof of submission
- All engineering report required

- Close-out report

## **PHASE 2**

### **Implementation plan**

The implementation of the outcomes of the project will be the responsibility of the Municipality. The project must, however provide guidance to the Municipality for the implementation with indicators and responsibilities to achieve this. The Implementation Plan is designed to be a key resource for the municipality in ensuring that the goals and policies of the Layout Plan and General Plan are reflected in day-to-day municipal operations and services including preparing plans and programs, reviewing development proposals, and maintaining infrastructure. The implementation plan must also consider the institutional arrangements and capacity.

Implementation Plan should address specific actions required of the municipality such as preparing an updated zoning code to accomplish consistency of the zoning and development standards with the updated General Plan's. Land use designations and policies. Opening of the township register and proclamation of the township.

### **Deliverables**

- Indicators for set objectives
- A schedule of activities and responsibilities
- Draft calls for proposals for surveying of land

## **4. PROJECT APPROACH**

The terms of reference are the municipality's point of reference, with which it will engage the service provider or consultants.

The Municipality expects the successful consultant to undertake the township establishment in line with legislation and policies at various government levels. The service provider will also provide recommendations to the Municipality on the suitable approach with which the project will be best implemented in a cost-effective manner.

Due to the nature of the project, there is a need for private and public partnership. This will enhance the involvement of the community at large throughout the entire project.

#### Proposed key development factors

The Scope of Work of this study recognises that, for the achievement of the objectives of the project, the study would have to take consideration of a wide range of technical, financial, planning, geotechnical and environmental issues. Such issues would encompass the integration of the aspects listed below.

- Project Management to ensure deadlines are met.
- Town Planning by experienced professionals.
- Geotechnical Investigations.
- Flood lines if required.
- Technical Investigations (Traffic Impact Studies, Civil Services, Electrical Services, storm water management).
- Environmental Impact Assessment (EIA).
- Knowledge of the Communities and community requirements and understanding the Local Context of Township Establishment.
- Monthly Reporting to the Local Municipality and the respective ward councillors to ensure that both parties are part of the overall progress of these projects.
- Both the municipality and the service provider should establish a good working relationship with relevant stakeholders and departments. This can be achieved through forming a steering committee which comprises of representatives from all relevant parties.
- A Service Level Agreement will be drawn-up to include terms and conditions of the projects.
- An effective public participation, to make sure that the interest of the public are put into consideration.
- The credibility of the service-providers to ensure that the quality of the product delivered is of the highest standards.

#### Proposed statutory processes

To explain the procedures and time frames, please see the project chart as attached Project plan.

***Table 4.1. Herewith an executive summary of the envisaged procedure to be followed:***

PROCEDURE	PERSON RESPONSIBLE
Determine Contours, Flood lines, Servitudes & Boundaries, Tacky survey, Base plan	Land Surveyor
Geotechnical Study	Geotech Engineer
Draft layout plan for discussion with client	Town Planner
Services Reports	Civil & Electrical Engineers
Conducting of flood line study if any	Civil Engineer
EIA Application with Final Layout & Relevant reports	EIA Consultant
Preparation of Township Establishment application	Town Planner
Submission of Township application	Town Planner
Notice of application	Municipality
Circulate application for comments	Town Planner
Comment on comments and do alterations to layout plan and general alterations	Town Planner
Environmental Authorization	DTEEA Alfred Nzo Region
Local Authority supports application	Local Authority
Approval of application	DMPT

### Town planning Application

A formal township establishment application must be lodged in terms of the Winnie Madikizela-Mandela Local Municipal Spatial Planning and Land Use Management Bylaw of 2016, read with the Spatial Planning and Land Use Management Act of 2013 and Integrated Land Use Scheme.

### Environmental Impact assessments

The process will follow the NEMA Act 108 of 1998 to determine the area which are suitable and those which are not suitable for development. This will be done by appointing environmental consultants. The final decision or Record of Decision (ROD) will be obtained from the environmental affairs department.

## **5. OUTCOMES AND DELIVERABLES.**

- Tacky Survey.
- A planning process bringing together all stakeholders within timeframes.
- Gather all required documents.
- Carry out planning by means of conducting township establishment in accordance relevant planning policies.
- Base plan which indicates location, study, contours, developed and undeveloped areas and (when necessary) interpretation of all the available deeds, contracts, maps, wills, or other documents that contain a description of the boundaries.
- Draft Layout, amendment and incorporation of comments.
- Proof of circulation to stakeholders.
- Final submission of the layout plan.
- Motivation report for township establishment.
- Prepare and submit the application to the relevant Board, authority for approval.
- Coordinate meetings.
- Prepare business plans for bulk services and application to the water service authority.
- Conduct Environmental Impact Assessment.
- Conduct Geotechnical Study.
- Storm water management report.
- Flood Line Study if any are required.
- Transport impact assessment

## **6. PROJECT DURATION AND COST**

The project will be guided by the project process plan developed. The project, from appointment to the framing and submission of the diagram to the Surveyor General's office should not take longer than 8 Month from the date of appointment.

Due to the urgency of the project it is critical that timeframes are strictly adhered to. Financial penalties will be imposed for any delay or non-compliance with time and quality requirements.

#### Undue Delay Remedies

Should it be found that the delay of the project in terms of the agreed time period is unreasonable then for every 5 (five) days or other stipulated time frame there shall be a penalty in terms of percentages which will be deducted from the payment

## **7. RELEVANT SKILLS AND EXPERIENCE.**

### Expertise in the following fields will be necessary:

- Knowledge and experience in undertaking and completing similar projects
- Land Surveying
- Town and Regional Planning
- Engineering Services
- Scientists/ Environmentalists
  - Ability to undertake geotechnical study
- Infrastructure development
  - Engineering services
- Geographic Information System
  - Ability to create and read maps
- Social development
  - Social Facilitation coordination or involvement
  - Social research and analytical skills

## **8. CAPACITY BUILDING AND SKILLS TRANSFER.**

The municipality consider skills development as an integral part of the out-sourcing process. The process should ensure that skills development and transfer is achieved

within the municipality. Proposals should indicate how skills development and transfer would be achieved in the municipality.

## **9. INFORMATION GATHERING**

The successful Service Provider is expected to contact all the relevant GIS, Planning and required officials and units within the local and provincial spheres of government to obtain relevant information that is required for the project. Existing relevant information which is available within the municipality/plans will be made available to the successful service provider.

In the light of the event that the service provider needs a letter to confirm the motive for requesting information from the different spheres of government or parastatals, the municipality will provide the requested letter.

***However, the responsibility for collecting information necessary for the successful execution of the project remains entirely with the service provider.***

## **10. TERMS AND CONDITIONS OF THE BID**

### **10.1 General**

Awarding of the bid will be subject to the Service Provider's express acceptance of the municipal Supply Chain Management general contract conditions.

The municipality and Service Provider will sign a Services Level Agreement upon appointment.

Staffing requirements will be identified on the onset of the project and shall remain unchanged for the duration of the project, unless prior written consent has been granted by the Department municipality (Same as 8.4)

No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of the municipality, except where duly authorized to do so in writing by the municipality.

Copyright in respect of all documents and data prepared or developed for the purpose of the project by the Service Provider shall be vested in municipality.



The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not disclose such records or information to any third party without the prior written consent of municipality.

The municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance and non-compliance with the contract.

The short-listed service providers may be required to do a presentation in person to the municipality; at their own cost should it be deemed necessary to do so.

## **10.2 Format of Proposal**

10.2.1 All proposals are to respond to requirements as per the Terms of Reference

10.2.2 All proposals should be clearly indexed and easy to read

## **11. EVALUATION PROCEDURE**

This bid shall be evaluation in two stages. On first stage bids will be evaluated on functionality, second stage in accordance with 80/20 preference points system as stipulated above.

### **Evaluation of Functionality**

It must be noted that failure to meet 70% of the points for functionality (100) will result in the tender not considered further. This will lead to the tender deemed non-responsive

- ✓ 10 points for company experience are spread as follows:
  - i. 2 similar projects undertaken by the Tenderer in the past 5 years with references, appointment and completion certificates (10 points)
  - ii. 1 similar project undertaken by the Tenderer in the past 5 years with references, appointment and completion certificate (5 points)
- ✓ 30 points for Experience and Expertise of proposed team are spread as follows:
  - i. 5 points for the relevant 3 years-experience of the team members (Pr Engineer, Land Surveyor, Scientist, Planner)
  - ii. 10 points for the team leader (Registered Professional Planner with SACPLAN)

- iii. 15 points for having NQF level 7 qualifications in Planning, and extensive experience in development and management of at least the proposed team leader and the project manager.
- ✓ 40 points for methodology
  - i. Proposed Methodology and the implementation plan;
  - ii. Appropriateness of proposed approach and methodology
  - iii. Skills transfer
  - iv. Proposed Project Management linked to the milestone and timeframe
  - v. The degree to which the methodology proposed is sound, professional, realistic and logical. Method and clarity regarding presentation of the final outputs of the project
  - vi. Programme with clear timelines and output;
  - vii. Quality assurance steps indicated;
  - viii. Clear reporting mechanism
  - ix. Indicators and means of verifying progress.

**Table 11.2. Price and Specific Goals**

CRITERIA	WEIGHTING/ POINTS
Price	80
Specific Goals	20
<b>TOTAL</b>	<b>100</b>

Supply Chain Management Policy shall apply and will be the base for evaluation of the tenders received, 80/20 system will apply.

Proposals must be accompanied by:

- A detailed cost breakdown including incidentals.
- A company profile.
- Curriculum vitae of proposed members of the team.
- Proof registration with relevant authorities.
- A valid tax clearance certificate.
- Company registration.

Non-submission of the following document will render the tender document as a non-submission:

- A valid tax clearance.

- Certified copies of company registration documents.

## 12. OUT-CLAUSE

The Municipality reserves the right not to appoint if suitable candidates are not found, at the complete discretion of the municipality.

The municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance.

## MBD 4

### DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
  - 3.1 Full Name of bidder or his or her representative:.....
  - 3.2 Identity Number: .....
  - 3.3 Position occupied in the Company (director, trustee, hareholder<sup>2</sup>):.....
  - 3.4 Company Registration Number: .....
  - 3.5 Tax Reference Number:.....
  - 3.6 VAT Registration Number: .....
  - 3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state? **YES / NO**

3.8.1 If yes, furnish particulars. ....  
.....

<sup>1</sup>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.

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

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

3.9.1 If yes, furnish particulars.....

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

3.10.1 If yes, furnish particulars.

.....  
.....

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

3.11.1 If yes, furnish particulars

.....  
.....

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

3.12.1 If yes, furnish particulars.

.....  
.....

3.13 Are any spouse, child or parent of the company's directors  
trustees, managers, principle shareholders or stakeholders  
in service of the state?

**YES / NO**

3.13.1 If yes, furnish particulars.

.....  
.....

3.14 Do you or any of the directors, trustees, managers,  
principle shareholders, or stakeholders of this company  
have any interest in any other related companies or  
business whether or not they are bidding for this contract.

**YES / NO**

3.14.1 If yes, furnish particulars:

.....  
.....

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

Full Name	Identity Number	State Employee Number

## CERTIFICATION

I, THE UNDERSIGNED (FULL NAMES)

.....

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

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

.....

**Signature**

.....

**Date**

.....

**Capacity**

.....

**Name of Bidder**

#### **MBD 6.1**

### **PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

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

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

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#### **1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 **To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point

system.

- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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

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

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

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

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

## 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

##### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps} = \mathbf{80} \left( \mathbf{1} - \frac{\mathbf{Pt} - \mathbf{P}_{min}}{\mathbf{P}_{min}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left( \mathbf{1} - \frac{\mathbf{Pt} - \mathbf{P}_{min}}{\mathbf{P}_{min}} \right) \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

##### 3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps} = \mathbf{80} \left( \mathbf{1} + \frac{\mathbf{Pt} - \mathbf{P}_{max}}{\mathbf{P}_{max}} \right) & \mathbf{or} & \mathbf{Ps} = \mathbf{90} \left( \mathbf{1} + \frac{\mathbf{Pt} - \mathbf{P}_{max}}{\mathbf{P}_{max}} \right) \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender.



For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
South African	1.5	3		
Black	1.5	3		
Women	1.75	3.5		
Youth	1.75	3.5		
Leaving with disability	1.75	3.5		
Military Veterans	1.75	3.5		

<b>Total Points Allocated</b>	<b>10</b>	<b>20</b>		
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### DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

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

- (e) forward the matter for criminal prosecution, if deemed necessary.

.....	
<b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....

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

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

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 NAMES) .....**

**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**

**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.

**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