

BID CLOSES AT 11h00 MONDAY 24 NOVEMBER 2025

CSD REGISTRATION NUMBER:

COMPANY REGISTRATION NUMBER:

EMAIL ADDRESS:

CONTACT PERSON:

ADDRESS:

TELEPHONE NO.: CELL NO.:

NAME OF TENDERER:

SUMMARY FOR TENDER OPENING PURPOSES

ENQUIRIES: CONTRACT MANAGEMENT PRACTITIONER
ISSUED BY:
NKANDLA MUNICIPALITY
PRIVATE BAG X 161 NKANDLA 3855
TEL: 035 833 2000/40

BID NUMBER: NKA/TEC02/25/26
LEASING OF ERF 199 FOR THE DEVELOPMENT OF SHOPPING MALL

SIGNATURE

27-10-2025
NKANDLA MUNICIPALITY CONTRACT MANAGEMENT PRACTITIONER



NKANDLA LOCAL MUNICIPALITY

LEASING OF ERF 199

BID NO: NKA/TEC02/25/26

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BIDDER'S CONTACT DETAILS

This information shall be used for any correspondence or contact with the bidder. Please indicate whether you want to receive any correspondence via e-mail or send to your postal address by registered mail.

Name of the Bidder:	
Contact Person:	
Email Address:	
Telephone Number:	
Fax Number:	
Physical Address:	
Postal Address:	

NOTE: The service provider shall be deemed to have satisfied himself/herself/themselves as to all the conditions and circumstances affecting this Bid, including the physical aspects of working areas, and by the submission of a Bid, will confirm acceptance of the conditions and circumstances applicable to any subsequent contract.

ADVERTISEMENT

LEASING OF ERF 199

BID NO: NKA/TEC02/25/26

REQUEST FOR PROPOSAL**LEASING OF ERF 199 FOR THE DEVELOPMENT OF SHOPPING MALL****BID NO: NKA/TEC02/25/26**

Proposals are hereby invited from suitable and reputable land developers for the leasing of a Medium Impact Mixed Use site for the development of a shopping mall.

In terms of Regulation 35 of the Local Government: Municipal Finance Management Act 56 of 2003, the Nkandla Municipality is desirous to lease land for the development of a shopping mall in Nkandla. Land will be leased in terms of the council's assets policy at a market related prices determined by the Municipal Professional Evaluator (Metgovis).

SITE TO BE LEASED

Erf/site no	Extent(m ²)	Market value (R) (vat exclusive)	Zoning	Method of contracting	Co-ordinates reference
Erf 199	2,5410m ²	R2 800 000.00	Medium impact mixed use	Long-term lease (50 years)	28°37'12.96"S, 31°5'39.67"E

BID DOCUMENTS AND COMPULSORY SITE BRIEFING FOR ABOVE BID

The physical address for collection of bid documents is Nkandla Municipality, Finance Department Main Building, Lot 292, Maree Road, Nkandla, upon presentation of a receipt proving prior payment of a non-refundable fee of **R 772.00** (inclusive of VAT), having been made at the Municipal Finance Department, or deposited on the municipal bank account: FNB; Account No 62720610717, Branch 220930 (Use company name and bid number as reference). Bid documents will be available as from 09h00 on Monday, 27 October 2025 until 13h00 on Friday 31 October 2025 and will also be made available on www.nkandla.gov.za or www.etenders.gov.za. A compulsory briefing session will be held on Wednesday 29 October 2025 at 10:00 am, Municipal Council Chamber.

SUBMISSIONS

Duly completed tender documents sealed in an envelope, endorsed with tender number and Project Name are to be deposited in the Tender Box at the Municipal Offices, Lot 292 Maree Road, Nkandla, by no later than **Monday at 11h00 on the 24th November 2025 (closing date)**, at which time the bids will be opened in public. Proposals are to be submitted on the bid documentation provided by the Municipality.

SCM	Ms. L.N Mtshali	Lethiwe.Mtshali@nkandla.gov.za	068 268 9927
Technical	Ms. N.M Dube	Nomonde.Dube@nkandla.gov.za	067 985 9588

ENQUIRIES

- **STAGE 1: COMPLIANCE TO MANDATORY**, Failure to comply with all the mandatory information as requested above will result the proposal deemed nonresponsive.
 - **STAGE 2 : FUNCTIONALITY**, Proposals will be subjected to a prequalification in terms of functionality, Functionality: 100 points, minimum qualifying points will be 70 points for further evaluation. **Detailed evaluation criteria contained in the tender document.**
- Nkandla Local Municipality subscribes to the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000). The 80/20 preference points system will be applicable during the evaluation and adjudication of this bid. The amended PPPFA regulation 2022 will be used.
- The above Bid will be evaluated and adjudicated according to the following criteria:**

Nkandla Municipality's SCM policy will apply. Bidders are required to submit mandatory documents: SARS tax pin issue certificate, CSD registration report, CK, letter of commitment and proof of municipal rates (i.e. municipal rate certificate/lease agreement/council letter, any of the directors should not be in arrears for more than 3 months). Fully completed tender document where bidders will be required to provide them to proceed to next stage. The Council reserves the right to negotiate further conditions and requirements with the successful bidder and reserve the right not to appoint. Proposals that are late, incomplete, unsigned, faxed or e-mailed will not be accepted or considered. The municipality will accept no responsibility for the late delivery of bids by courier services or any other forms of mailing. Proposals shall remain valid for 90 days from the closing date (24 November 2025).

SUPPORTING DOCUMENTS AND CONDITIONS

BID NO: NKA/TEC02/25/26		LEASING OF ERF 199	
MBD 1			
PART A			
INVITATION TO BID			
YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE NKANDLA LOCAL MUNICIPALITY			
BID NUMBER	NKA/TEC02/25/26	CLOSING DATE	24 NOVEMBER 2025
DESCRIPTION	LEASING OF ERF 199 FOR THE DEVELOPMENT OF SHOPPING MALL.		
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).			
RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT			
LOT 292			
Maree road			
Nkandla			
3855			
SUPPLIER INFORMATION			
NAME OF BIDDER			
POSTAL ADDRESS			
STREET ADDRESS			
TELEPHONE NUMBER	CODE	NUMBER	
CELLPHONE NUMBER	CODE	NUMBER	
FACSIMILE NUMBER	CODE	NUMBER	
E-MAIL ADDRESS			
VAT REGISTRATION NUMBER			
TAX \COMPLIANCE STATUS			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA ?			
☐ Yes ☐ No [IF YES ENCLOSE PROOF]			
ARE YOU A FOREIGN BASED BIDDER?			
☐ Yes ☐ No [IF YES, ANSWER PART B:3]			
SIGNATURE OF BIDDER			
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			
DEPARTMENT			
CONTACT PERSON			
TELEPHONE NUMBER			
FACSIMILE NUMBER			
E-MAIL ADDRESS			
Lethiwe.Mishali@nkandla.gov.za			
Nomonde.Dube@nkandla.gov.za			

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED- (NOT TO BE RE-TYPED) OR ONLINE
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B.3.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- 3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
- 3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- 3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- 3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO
- 3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO
- IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

SPECIFICATIONS

LEASING OF ERF 199

BID NO: NKA/TEC02/25/26

Nkandla Local Municipality has identified a parcel of land within the town, equipped with bulk infrastructure services, for the development of a shopping mall. The municipality aims to enhance the value of its land portfolio and generate long-term, recurring income by facilitating the development of council-owned land. In light of this, the municipality invites proposals from reputable property development companies for the development of a shopping mall in Nkandla town.

1. OBJECTIVES

- To promote economic growth and development within Nkandla
- To enhance socio-economic activities in the municipality
- To attract new businesses to the area
- To improve the overall attractiveness of the town
- To retain the working population within Nkandla
- To encourage business retention
- To expand the local business sector

2. DESCRIPTION OF ERVEN TO BE DEVELOPED

Nkandla local municipality is the registered owner erf 199.

The proposed land use is earmarked for the development of a shopping mall (retail shops, restaurants etc) in Nkandla town. The Subject Property is partially developed, currently used for tenanted residential purposes. It is the municipality's intention to demolish these single squatters. The municipality advises that they are undecided about the residential building on eastern side of the subject property.

Shopping Mall

- Located in town
- Erf number 199, Nkandla
- Erf is approximately 25410 square meters in extent
- Erf is zoned as Medium Impact Mixed Use
- The erf is within the serviced area

• Date of Valuation

10 October 2025

• Title Deed Information

Owner The Subject Property is registered in the name of Nkandla Municipality under Title Deed T17862/2006.

Lease Amount

Method of contracting	Long-Term Lease (50 years)
Market Valuation	R 2 800 000.00
Market Rental Per Month	R19,000 per month escalating by an inflationary index annually

Municipal Rates

Municipal Value	Market Valued R 2 800 000
Owner	Nkandla Municipality
Outstanding Rates	R4 556,01
Use Category	Residential
Extent	2,5410m ²
Zoning	Zoned as 'Medium Impact Mixed Use'
Effective date of the valuation roll	1 st July 2025

Property features

- Location The subject property is located on the eastern side of Nkandla central business district (CBD) on the corner of Madiyane Main Road just before the Department of Transport Offices.
- Zoning The Subject Property is zoned for Medium Impact Mixed Use, accommodating development of a shopping mall (Shops, restaurants etc) that is proposed.
- The subject property is located within 273m from the Nkandla CBD in an eastern direction.
- The property is located at co-ordinate reference: 28°37'12.96"S, 31° 5'39.67"E

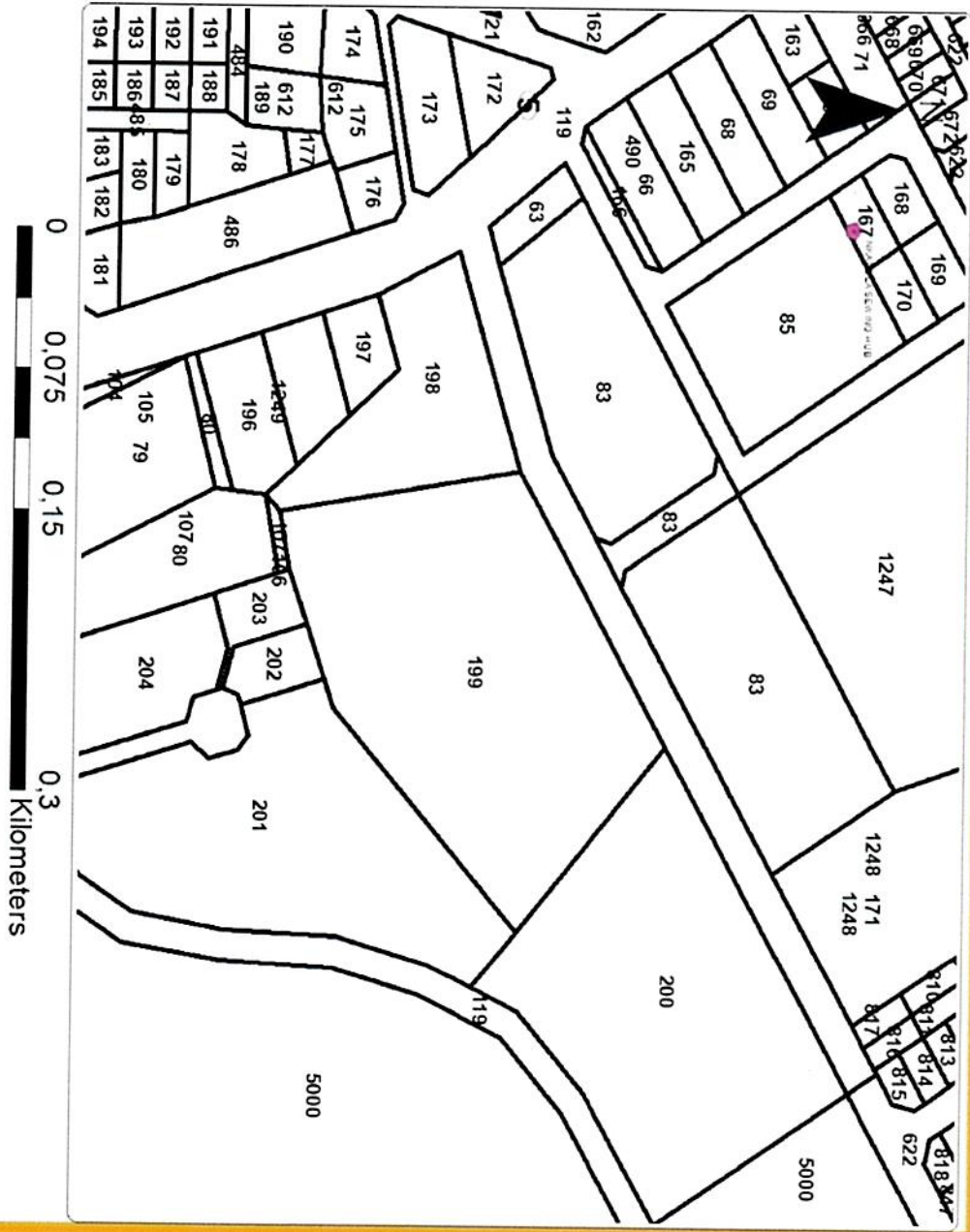
See the Figure below with the locality map.

Figure 1: Locality Map of Subject Property



The **red arrow** denotes the Subject Property.

NKANDLA LOCAL MUNICIPALITY ERF 199



NKANDLA LOCAL
MUNICIPALITY

DATE : AUGUST 2025

Figure 1: Erf 199 locality map

3. PROPOSALS TO INCLUDE THE FOLLOWING ENGINEERING SERVICES AND DEVELOPMENT REQUIREMENTS

- a. Environmental Impact Assessment (EIA)
- b. Engineering Studies
- c. Geotechnical Studies
- d. Traffic Impact Assessment
- e. Town Planning Requirements regarding zoning controls and parameters

4. ALTERNATIVE SERVICES STANDARDS

The level of services provided must meet or exceed the municipal standards. However, developers are welcome to propose alternative service standards for consideration.

5. NATURE OF PROPOSALS

Proposals must include the following information:

- a) Project execution plan
- b) Market demand analysis and affordability assessment, including a proposed marketing strategy
- c) Details of the proposed services, along with the standards and specifications to be adopted
- d) A provisional timeline outlining key activities and durations for each phase
- e) Financial arrangements supporting the development of services, accompanied by an audited financial report of the company
- f) Developer's experience in shopping mall development, including current commitments and examples of similar projects with standards and costs
- g) Lease proposal for the area of interest, including terms to secure financing and the proposed rental offer
- h) A letter or a contract commitment from the **anchor tenant**.
- i) Proposals to indicate the estimated job opportunities during and after completion.
- j) Proposed Building Plans (showing enclosed mall building).

6. COMPULSORY DUE DILIGENCE

- A compulsory physical briefing for all interested bidders will be held on the 29th of October 2025 at 10:00 a.m., Nkandla Municipal Council Chamber.
- Bidders may also book their own site visits through the town planning office.

7. TIMEFRAMES AND REMUNERATIONS

A service level agreement (SLA) will be signed with defined obligations of both parties and deliverables expected leading to payments.

8. DOCUMENTATION AND CONFIDENTIALITY

All proposals and accompanying documentation submitted by developers will be treated with strict confidentiality. The municipality commits to protecting sensitive commercial information and will only disclose such.

Developers are expected to provide accurate and truthful information in their submissions. Any false or misleading information may result in disqualification from the procurement process.

The municipality reserves the right to request additional documentation or clarification during the evaluation process to ensure a thorough and transparent assessment of proposals. Documentation and information generated in the context of this project, may not be made available to any third party without prior permission of Nkandla Local Municipality.

BASIS OF EVALUATION

Nkandla Local Municipality subscribes to the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000). The 80/20 preference points system will be applicable during the evaluation and adjudication of this bid. The amended PPPFA regulation 2022 will be used.

STAGE 1: COMPLIANCE TO MANDATORY

- Valid SARS Tax Compliance Status Pin Issue Certificate,
- Company registration documents,
- A letter or a contract commitment from the **anchor tenant**.
- Proof of registration to the National Treasury Central Database
- Fully completed MBD 4, MBD 8 and MBD 9,
- Proof of municipal rates (i.e. municipal rate certificate/ lease agreement/ ward councillor letter) indicating that the company or any of its directors is not in arrears to any municipality for more than 3 months.

Failure to comply with all the mandatory information as requested above will result the proposal deemed nonresponsive.

STAGE 2 : FUNCTIONALITY

Proposals will be subject to a prequalification in terms of functionality, thus: Functionality: 100 points, minimum qualifying points will be 70 points.

Functional category and description		Weight
Company experience		30
3 copies of company appointment and completion certificate	10	
4 copies of company appointment and completion certificate	20	
5 copies of company appointment and completion certificate	30	
NB: To claim full points bidder must submit 3 appointment letters and completion certificate. The experience must be for the development of shopping complex/ mall.		
Team Capability		30
Project Manager with NQF Level 7 qualification in Project Management or equivalent, ECSA registered as a Professional Engineer, and 5 years' experience	10	
Architecture with NQF Level 7 qualification in Architecture or equivalent, SACAP registered as a professional Architect, and 5 years' experience	10	
Site Supervisor with NQF Level 5 qualification in project management or equivalent and 2 years' experience	5	
Health and Safety Officer with NQF Level 5 and registered with South African Institute of Occupational Health and Safety	5	
NB: To claim full point bidders must submit CV's, certified qualifications, and proof of registration in line with registration body. The experience must be for the development of shopping complex/ mall.		
Resource Capacity		35
The bidder must demonstrate that they have adequate resource that are relevant carry out the project. Bidders must submit a detailed funding model with proof of available funding sources or partnership agreements with potential investors or letter of intent if so, the attachment must contain contactable references for verification of validity of documents. NB: failure to submit proof of available funding source either in the form of bank statement or partnership agreement or letter of intent will result in no points awarded.		
Methodology		05
Project Conceptualisation	1	
Project Implementation	1	
Risk Management	1	
Time Management	1	
Budget Management	1	

N.B: All proposals failing to score the minimum score of 70 points will be rejected.

THE BID OFFER

I/We Mr/Mrs/Miss _____
 duly assigned to represent the bidder for the purpose of this tender, hereby offer to lease vacant land from Nkandla Municipality for the development of a shopping mall, as described in this bid document, on the terms and conditions set out in this bid offer. We confirm that we have read, understood, and accepted the terms and conditions of the tender, including the specifications, requirements, and evaluation criteria. We agree to be bound by the terms and conditions of the bid and the Nkandla Municipality's Supply Chain Management Policy.

We undertake to keep our offer valid for a period of 90 days from the closing date and time of this .

We understand that this bid offer, if accepted, will be subject to the terms and conditions contained in the Nkandla Municipality's Supply Chain Management Policy. We hereby confirm that we will comply with all the requirements and obligations set out in the bid document.

Signatory Details

Signature: _____

Name: _____

Title: _____

Date: _____

This form must be completed and signed to be considered provisionally responsive.

ACCEPTANCE

By signing this part of the form of offer and acceptance, the employer identified below accepts the bidder's offer. Acceptance of the bidder's offer shall form an agreement between the employer and the bidder upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the bidder receives one fully completed original copy of this document, including the schedule of deviations (if any). Unless the bidder within five working days of the date of such receipt notifies the employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

For the Employer: **NKANDLA MUNICIPALITY**

Name: Miss N.P Dlamini

Signature: _____

Capacity: **MUNICIPAL MANAGER**

Date: _____

STAMP_____
Capacity_____
Name and Surname

FOR NKANDLA LOCAL MUNICIPALITY – EMPLOYERS REPRESENTATIVE

Signature_____
Time

On the _____ of _____ 2025

Signed at

Bid Number: NKA/TEC02/25/26.

**CERTIFICATE OF BIDDERS' ATTENDANCE AT THE BRIEFING/SITE
CLARIFICATION MEETING**

MBD 4

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 the 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 / her representative: _____
- 3.2 Identity number: _____
- 3.3 Position occupied in the Company (director, trustee, shareholder?) _____
- 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 (where applicable) 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. _____

- 3.9 Have you been in the service of the state for the past twelve months? **YES / NO**
- 3.9.1 If so, 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 so, state particulars.

.....

.....

3.11 Are you aware of any relationship (family, friend, other) between the bidder and any person 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 so, state particulars.

.....

.....

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

3.12.1 If so, state 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**

3.14.1 If so, furnish particulars.

.....

.....

3.15 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**

3.15.1 If so, furnish particulars.

Capacity

Name of Bidder

Signature

Date

Full Name	Identity Number	Individual Tax Number for each Director	State Employee Number (Where applicable)

THE FOLLOWING INFORMATION IS COMPULSORY TO COMPLETE:

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

.....

.....

MBD8

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	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	☐ Yes	☐ No
4.1.1	If so, furnish particulars: The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.		
4.2	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)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	☐ Yes	☐ No

Position

Name of Bidder

Signature

Date

I, THE UNDERSIGNED (FULL NAME) CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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.

CERTIFICATION

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 ☐ No ☐
4.3.1	If so, furnish particulars:	
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐ No ☐
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 ☐ No ☐
4.5.1	If so, furnish particulars:	
Item Question		
Yes	No	

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38(1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD9) must be completed and submitted with the bid:
- 1 Includes price quotations, advertised competitive bids, limited bids and proposals.
- 2 Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

NKA/TEC02/25/26 – LEASING OF ERF 199 FOR THE DEVELOPMENT OF SHOPPING MALL.

in response to the invitation for the bid made by:

NKANDLA MUNICIPALITY

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

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 consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
 (b) geographical area where product or service will be rendered (market allocation)
 (c) methods, factors or formulas used to calculate prices;
 (d) the intention or decision to submit or not to submit, a bid;
 (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 (f) bidding with the intention not to win the bid.

9. 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.

10. 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.

11. 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

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

COMPULSORY TO COMPLETE!
PAST EXPERIENCE

Bidders must furnish hereunder details of similar projects, which they have satisfactorily completed in the past. The information shall include a description of the Works, the Contract value and name of Employer.

NAME OF THE EMPLOYER	DURATION AND COMPLETION DATE OF WORKS	EMPLOYER CONTACT PERSON NAME AND NUMBER	EMPLOYER CONTACT PERSON E-MAIL ADDRESS

SIGNATURE OF TENDERER

DATE

ANNEXURES

