



STADIA AND FACILITIES UNIT : PROPOSED LEASE ON REM
OF ERF 1, DURBAN, MOSES MABHIDA STADIUM
PEOPLE'S PARK CAFÉ SHOP
ADDRESS: 44 ISAIAH NTSHANGASE ROAD

CONTRACT NO: 5M-28398



STADIA AND FACILITIES UNIT

REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING OF MOSES MABHIDA STADIUM PEOPLE'S PARK CAFÉ SHOP AS DEPICTED ON PLAN 2010-ILC-ARCH-1300-A-00, MEASURING 458 SQUARE METRES FOR COMMERCIAL PURPOSES FOR A PERIOD OF FIVE (5) YEARS WITH AN OPTION TO RENEWAL.

eThekweni Metropolitan Municipality, hereby requests proposals from interested persons to be submitted for the long-term leasing of Moses Mabhida Stadium People's Park Café, as depicted on plan 2010-ILC-ARCH-1300-A-00, measuring 458m² for commercial purposes for a period of 5 years with an option to renewal.

THIS DOCUMENT CONSISTS OF 59 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER / BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT.

Name of Bidder _____

Bidders must submit a "hard copy" submission to the Tender Box located in the ground floor foyer of the Municipal Buildings, 166 KE Masinga Road (Old Fort Rd), Durban and an electronic submission via SSS. Bidders must ensure that the hard copy and electronic submission are the same, failing which the submission will be deemed invalid. Bidders are responsible for resolving all access rights and submission queries before the tender closing date. Tender closing date and time remain unchanged.

SSS Queries Contact Lindo Dlamini: Tel: 031-3227133/031-3227153 email: selfservice@durban.gov.za

Closing date of the Bid: 11 April 2025

Closing Time: 11:00

**Issued by: Sijabu Ntuli
Deputy Head: Commercial Services and Events
Stadia and Facilities Unit
44 Isaiah Ntshangase Road**

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TENDER ADVERT

REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING OF MOSES MABHIDA STADIUM SHOP PEOPLE'S PARK CAFÉ AS DEPICTED ON PLAN 2010-ILC-ARCH-1300-A-00, MEASURING 458 SQUARE METRES FOR COMMERCIAL PURPOSES FOR A PERIOD OF FIVE (5) YEARS WITH AN OPTION TO RENEWAL.

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

BID NUMBERS	TENDER DESCRIPTIONS	SITE SIZE
5M-28398	REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING OF PEOPLE'S PARK CAFÉ MEASURING 458 SQUARE METRES FOR A PERIOD OF FIVE (5) YEARS WITH AN OPTION TO RENEW.	458 m²
Compulsory briefing session	<p>There will be a clarification meeting.</p> <p>The clarification meeting will be held on 17 March 2025 at Moses Mabhida Stadium Retail Visitors Centre Auditorium from 09:30am to 12:30pm.</p> <p>All questions and answers from the clarification meeting will be uploaded onto the eThekweni website by the 3rd of April 2025.</p>	
Document Availability	07 March 2025	
Documents Cost	Document Cost: R0,00	
Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act 5 of 2000 is to give effect to Section 25 (5) of the Constitution of the Republic of South Africa	<p>In line with Section 25 (5) of the Constitution "The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis."</p> <p>The objective criteria will be applied in the following manner:</p> <ol style="list-style-type: none"> 1) The demographic profile of property ownership or access to property will be assessed using the Municipality's lease register in relation to the location of the subject property and the level of participation in the sector. Preference will be given to the most underrepresented groups within that property profile. The graph depicted under Annexure A on page 58 represents the current demographic profile of existing leases that would apply to this bid. <ul style="list-style-type: none"> • Bidders must score a minimum of 70 points for Functionality Evaluation in order to qualify for further evaluation in Price and Preference Goal and the Objective Criteria. 	
Mandatory Requirements in line with the requirements of Regulation 41 (4) of the Asset Transfer Regulations to ensure that the successful bidder has the ability to develop, maintain and safe guard the capital asset.	<p>Bidders are to provide a funding model to demonstrate how and where funding will be sourced/raised, and it must include collateral to be pledged against such funding if required. The bidder is to demonstrate proof of availability or expression of interest to fund 100% of the development cost. This must include written support from verifiable funding institutions or expression of interest to fund.</p> <ul style="list-style-type: none"> • A letter from a registered funder with Financial Sector Conduct Authority (FSCA) confirming availability of 100% funding of the development cost; or • A letter from a registered funder with Financial Sector Conduct Authority (FSCA) expressing an interest to fund 100% of the development cost; and • If there is a shortfall, bidder must demonstrate how they will fund the shortfall. 	
Selection Criteria	Below R10 Mil	

5M-28398 REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING OF PEOPLE'S PARK CAFÉ SHOP FOR A COFFEE SHOP / OR RESTAURANT FOR A PERIOD OF 5 YEARS WITH AN OPTION OF RENEWAL

	<p>Failure to meet the following requirements will invalidate the bid:</p> <ul style="list-style-type: none"> • Failure to meet mandatory requirements. • Any rental offer below the reserve price. • Bids that deviate from the tender specification; • Any development proposal that is outside the scope of this tender. • Non-commissioning of MBD 7 and non-signature of the Municipal Bidding Documents (MBD's). • Any proposal that is not in line with People's Park Café shop profile i.e. "suitable for a family- oriented coffee shop / restaurant "will be disqualified. <p>NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2.</p>
Closing Date	11 April 2025
Conditions of submission of Request for Proposal	<ul style="list-style-type: none"> • 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/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 for all the properties of the directors. • 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 and the JV/Consortium agreement. • Completion and signature of all bid documents. • Central Supplier Data Base (CSD) registration.
Delivery Address	Ground floor Engineering Unit, Municipal Centre 166 K.E. Masinga Road (formerly Old Fort Road) DURBAN
Evaluation	Functionality, Rental Offer and Preference Goal of contributor using 80/20. 80 for rental value and 20 for Preference Goal status level of contributor

MBD 1:

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ETHEKWINI METROPOLITAN MUNICIPALITY)					
BID NUMBER	5M-28398	CLOSING DATE	11 April 2025	CLOSING TIME:	11:00
DESCRIPTION	REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING OF MOSES MABHIDA STADIUM PEOPLE'S PARK CAFÉ SHOP AS DEPICTED ON PLAN 2010-ILC-ARCH-1300-A-00, MEASURING 458 SQUARE METRES FOR COMMERCIAL PURPOSES FOR A PERIOD OF FIVE (5) YEARS WITH AN OPTION TO RENEWAL.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A LEASE AGREEMENT WITH ETHEKWINI METROPOLITAN MUNICIPALITY.					

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.

SUPPLIER INFORMATION						
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	
(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE / SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)						
SIGNATURE OF BIDDER				DATE		
CAPACITY UNDER WHICH THIS BID SIGNED						
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:						

5M-28398 REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING OF PEOPLE'S PARK CAFÉ SHOP FOR A COFFEE SHOP / OR RESTAURANT FOR A PERIOD OF 5 YEARS WITH AN OPTION OF RENEWAL

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–OR DOWNLOADED ONLINE (NOT TO BE RE-TYPED) 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND 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 PROFITABLE AND TAX STATUS. 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART 3 BELOW. 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS 3.1 IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO 3.2 DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO 3.3 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO 3.4 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO 3.5 IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO 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:

5M-28398 REQUEST FOR PROPOSALS FOR THE LONG-TERM LEASING OF PEOPLE'S PARK CAFÉ SHOP FOR A COFFEE SHOP / OR RESTAURANT FOR A PERIOD OF 5 YEARS WITH AN OPTION OF RENEWAL

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 bidders 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.

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.

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**

A minimum / reserve rental amount of R54 960 per month Any offer below the RESERVED/ MINIMUM RENTAL will not be considered and such bids would accordingly be disqualified.	
Rental Offer	
Rental Offer in words	
Escalation per annum and rental to be reviewed every five years	6%
Bidder / Entity Name	
Represented By	
Capacity	
Signature	
Date	

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

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

Are any of the entity's directors, managers, principle shareholder or stakeholders currently in the service of the state or have been in the service of the state in the past twelve (12) months? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Is any spouse, child or parent of the entity's directors, managers, principle shareholder or stakeholder currently in the service of the state or have been in the service of the state in the past twelve (12) months? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Name of entity's member	Position in Entity	Name of Relative (if applicable)	Name of State Institution	Nature of Relationship
Do you or any other directors, managers, principle shareholder or stakeholder of your entity have any relationship (spouse, family, friend, associate) with persons in the service of the state and/or who may be involved with the evaluation of this quotation? If yes please furnish particulars below <input type="checkbox"/> Yes <input type="checkbox"/> No				
Name of entity's member	Position in Entity	Name of Relative (if applicable)	Name of State Institution	Nature of Relationship

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

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 electricity and water,, which are levied on the property.

5. POSSESSION OF THE SITE

The lessee will take possession of the site on the date of signature of the Lease Agreement by the parties.

MBD4: DECLARATION OF INTEREST

NOTES

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

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

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

- 1 No bid will be accepted from persons **in the service of the state**.
- 2 Any person, having a kinship with persons **in the service of the state**, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to **persons in service of the state**, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.
- 3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Name of enterprise

Name of enterprise's representative

3.2 ID Number of enterprise's representative

3.3 Position enterprise's representative occupies in the enterprise

3.4 Company Registration number

3.5 Tax Reference number

3.6 VAT registration number

3.7 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted.

3.8 Are you presently in the service of the state?

Circle
Applicable

YES	NO
-----	----

If yes, furnish particulars:

.....

3.9 Have you been in the service of the state for the past twelve months?

If yes, furnish particulars:

YES	NO
-----	----

.....

.....

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

YES	NO
-----	----

If yes, furnish particulars:

.....

.....

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

YES	NO
-----	----

If yes, furnish particulars:

.....

.....

3.12 Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?

YES	NO
-----	----

If yes, furnish particulars:

.....

.....

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

YES	NO
-----	----

If yes, furnish particulars:

.....

.....

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

YES	NO
-----	----

If yes, furnish particulars:

.....

.....

.....

.....

The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted.

Full Name	Identity No.	State Employee No.	Personal income tax No.
Use additional pages if necessary			

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct.

NAME (Block Capitals):

Date

SIGNATURE:

.....

MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION
(ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire.

1.0	Are you by law required to prepare annual financial statements for auditing?	Circle Applicable	
		YES	NO
1.1	If YES, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.		
2.0	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	YES	NO
2.1	If NO, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.		
2.2	If YES, provide particulars.		
3.0	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	YES	NO
3.1	If YES, provide particulars.		
4.0	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	YES	NO
4.1	If YES, provide particulars.		

If required by 1.1 above, tenderers are to include, at the back of their tender submission document, a printout of their audited annual financial statements.

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, and, if required, that the requested documentation has been included in the tender submission.

NAME (Block Capitals):

Date

SIGNATURE:

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

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

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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids: - the 80/20 system for requirements with a Rand value 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) Preference Goal
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
RENTAL OFFER	80
PREFERENCE GOALS	20
Total points for Price and Preference goal must not exceed	100

- 1.5 Failure on the part of a bidder to submit proof of CSD report, Consolidated B-BBEE Certificate for Consortium, Joint Venture, Trust or Consortium, Joint Venture, Trust Agreement together with the bid, will be interpreted to mean that preference points for Preference points are not claimed.
- 1.6 The Municipality reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the Municipality.

2. DEFINITIONS

- (a) **“highest acceptable tender”** means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders;
- (b) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering

process or any other method envisaged in legislation.

- (c) **“price”** means an amount of money tendered for goods or services and includes all applicable taxes less all unconditional discounts.
- (d) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
- (f) **“tender for income-generating contracts”** means a written offer in the form determined by Municipality in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the Municipality and a third party that produces revenue for the Municipality, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions.
- (g) **“specific goals”** means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994;

1. DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

P_s = Points scored for financial offer of bid under consideration

P_t = Price of bid under consideration

P_{\max} = Financial Offer of highest acceptable bid

- 3.2 A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.

- 1.2 The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

- 3.3 Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 6 and 7 of the Preferential Procurement Regulations 2022 read together with Section 4 (4) and 4 (5) of the Ethekwini Municipality: SCM Policy 2023, preference points must be awarded for specific goals stated in the tender.

For the purposes of this tender the tenderer will be allocated points based on the points claimed

for the goal(s) stated in Table 1 below, as supported by proof/ documentation stated in the Conditions of Tender:

- 4.2 In cases where the municipality intends to use Regulation 3(2) of the Regulations, which states that if it is unclear whether the 80/20 or 90/10 preference point system applies, the municipality must, in the tender documents, stipulate in the case of:
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system:
- 4.3 then the municipality must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Specific Goals for the tender and points claimed are indicated as per table 1 and table 2 below. Tenderers are to indicate their points claim for each of the Specific Goals

Ownership Goal

The tendering entity's Percentage Ownership, in terms of the Ownership Category(s) listed below, is to be used in the determination of the tenderer's claim for Preference Points.

Table 1

Goal Weighting 50%			
Ownership Categories	Criteria	80/20	Number of Points Claimed *(80/20)
Race: Black (w1)	0%	0	
	>0% and <51%	8	
	≥51% and <100%	15	
	100%	20	
Proof of claim as declared on MBD 6.1 (1 or more of the following will be used in verifying the tenderer's status) <ul style="list-style-type: none"> • Companies and Intellectual Property Commission registration document (CIPC) • CSD report. • B-BBEE Certificate of the tendering entity. • Consolidated B-BBEE Certificate if the tendering entity is a Consortium, Joint Venture, or Trust (Issued by verification agency accredited by the South African Accreditation System). • Agreement for a Consortium, Joint Venture, or Trust. 			
The Category Weightings of the Ownership Categories will be: w1 = 50%			

RDP Goal: The promotion of South African owned enterprises

The tendering entity's **Address** (as stated on the National Treasury Central Supplier Database (CSD) or on the eThekweni Municipality Vendor Portal) is to be used in the determination of the tenderer's claim for **Preference Points** for this Specific Goal.

Table 2

Goal Weighting 50%		
Location	80/20	Number of Points Claimed *(80/20)
Not in South Africa	0	
South Africa	5	
KZN	10	
ETM	20	
Proof of claim as declared on MBD 6.1 (1 or more of the following will be used in verifying the tenderer's status) <ul style="list-style-type: none">• CSD report		

- 4.4 All bidders will have to submit BEE rating certificates, issued by either verification agencies accredited by the South African Accreditation System (SANAS) or by registered auditors approved by the Independent Regulatory Board for Auditors (IRBA) or sworn affidavits in a case of Exempted Micro Enterprises or Qualifying Small Enterprise.
- 4.5 Any enterprise with an annual Total Revenue of R 10 million or less qualifies as an Exempted Micro Enterprise.
- 4.6 Exempted Micro-Enterprises are deemed to have B-BBEE Status of "Level Four Contributor" having a BBEE procurement recognition of 100% in terms of the Codes of Good Practice.
- 4.7 An Exempted Micro Enterprise (EME) with at least 51% black ownership qualifies as a Level 2 contributor with BBEE level of 125% in terms of the Codes of Good Practice.
- 4.8 An Exempted Micro Enterprise with 100% black ownership qualifies as a Level 1 contributor with BBEE level of 135% in terms of the Codes of Good Practice.
- 4.9 An Exempted Micro Enterprise that is regarded as a specialized enterprise with at least 75% black beneficiaries qualifies as a Level 1 contributor with BBEE level of 135% in terms of the Codes of Good Practice.
- 4.10 An Exempted Micro Enterprise that is regarded as a specialized enterprise with at least 51% black beneficiaries qualifies as a Level 2 contributor with BBEE level of 125% in terms of the Codes of Good Practice.
- 4.11 A Qualifying Small Enterprise (QSE) with at least 51% black ownership qualifies as a Level 2 contributor.
- 4.12 A QSE with 100% black ownership qualifies as a Level 1 contributor.

- 4.13 A QSE that is regarded as a specialized enterprise with at least 51% black beneficiaries qualifies as a Level 2 contributor with BBBEE level of 125% in terms of the Codes of Good Practice.
- 4.14 A QSE with less than 51% black ownership is required to submit a BBBEE level verification certificate issued by BBBEE verification professional.
- 4.15 A Trust, consortium or joint venture:
- must submit a B-BBEE status level certificate in order to qualify for points;
 - will qualify for points as an unincorporated entity provided, that they submit their consolidated scorecard is prepared for separate tender; and
 - where no consolidated scorecard exists, the weighted average (in accordance with participation percentages) will be used and rounded off to the nearest status level.
- 4.16 If a service is provided by only tertiary institutions, such services must be procured from the tertiary institutions identified by means of bidding process. Tertiary institutions must submit their B-BBEE status in terms of the B-BBEE Codes of Good Practice Specialized Scorecard.
- 4.17 This tender is subject to an Objective Criteria in terms of Section 2 (1) (f) of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) as follows:

Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act 5 of 2000 is to give effect to Section 25 (5) of the Constitution of the Republic of South Africa	<p>In line with Section 25 (5) of the Constitution "The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis."</p> <p>The objective criteria will be applied in the flowing manner:</p> <ol style="list-style-type: none"> 2) The demographic profile of property ownership or access to property will be assessed using the Municipality's lease register in relation to the location of the subject property and the level of participation in the sector. Preference will be given to the most underrepresented groups within that property profile. The graph depicted under Annexure A on page 66 represents the current demographic profile of existing leases that would apply to this bid. <ul style="list-style-type: none"> • Bidders must score a minimum of 70 points for Functionality Evaluation in order to qualify for further evaluation in Price and Preference Goal and the Objective Criteria.
<p>Tender(s) received need to be evaluated in terms of the preference point system first. Once the highest points scorer has been ascertained only then the objective criteria will be applied.</p>	

4.18 Award of where Bidders have Scored Equal Points Overall

- In the event that two or more bids have scored equal total points, the successful bid will be the one scoring highest points for specific goals.
- However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal points for special goals, the successful bid will be the one scoring the highest score for functionality.
- Should two or more bids be equal in all respects; the award will be decided by the drawing of lots.

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/ firm:.....

5.2. VAT registration number:.....

5.3. Company registration number:.....

5.4. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

5.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....

5.6. COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.
- ☐ Property Development /Management .

[TICK APPLICABLE BOX]

5.7. MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:

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

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, certify that the points claimed, based on the specific goals as specified in the tender, qualifies the tendering entity for the preference(s) shown.

I acknowledge that:

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

<p>3) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct.</p> <p>4) If the specific goals have been claimed or obtained on a fraudulent basis, or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have:</p> <p>(a) disqualify the person from the tendering process.</p> <p>(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct.</p> <p>(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.</p> <p>(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 <i>audi alteram partem</i> (hear the other side) rule has been applied; and</p> <p>(e) forward the matter for criminal prosecution, if deemed necessary.</p>

<p>WITNESSES</p> <p>1.....</p> <p>2.....</p>	<p>..... SIGNATURE(S) OF BIDDERS(S)</p>
--	---

CONSTITUTIONAL COURT JUDGEMENT

Pursuant to the Constitutional Court judgement which declared Preferential Procurement Regulation 2017 (Regulations) invalid and no force and effect, this procurement document abides by the court order and any reference made to the said Regulations is hereby revoked and replaced by Preferential Procurement Policy Framework Act of 2000 and its Preferential Procurement Regulations 2022.

MDB 7: BIDDERS INFORMATION

Name of Bidder			
ID /Passport/ Registration Number			
Nature of bidder (tick one)	Natural Person/ Sole Proprietor		
	School/NGO/Trust		
	Company/ CC/ Partnership		
	Joint Venture (JV)		
Postal Address		Tel	
		Cell	
		Email	
		Fax	
BIDDER BANKING DETAILS			
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

MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	<p>If so, furnish particulars:</p>		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <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:		
Item	Question	Yes	No
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 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;
 - a. 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
 - a. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities, or experience; andI provide 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.
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.
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

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

MBD 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.

SELECTION CRITERIA

Failure to meet the following requirements will invalidate the bid:

- Failure to meet mandatory requirement;
- Any rental offer below the reserve price;
- Bids that deviate from the tender specification;
- Non-commissioning of MBD 7 and non-signature of the Municipal Bidding Documents (MBD's).
- Any development proposal that is outside the scope of this tender;
- Any proposal that is not in line with Peoples Park Café shop profile description i.e., "suitable for a family- oriented coffee shop / restaurant" will be disqualified.

NB: Failure to comply with the above will result in the bid not being evaluated.

CONDITIONS OF SUBMISSION FOR REQUEST FOR PROPOSAL

- Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS.
- Proof of registration of the Entity as follows:
 - Natural persons- certified copy of ID document/ passport
 - Partnership- copy of Partnership Agreement plus IDs of all partners
 - Company- current CM29/COR 20.1
 - Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1
 - Trust- letter of appointment from the Master of the High Court of SA and deed of trust o JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners
 - Entity valid BBBEE Certificate issued by agency accredited by SANAS /Valid Sworn affidavit or valid BBBEE certificate JV/Consortium issued by agency accredited by SANAS or BBBEE Certificate from CIPC.
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle

arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.

- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.
- In the event the bidder is tendering as a Joint Venture/Consortium, all members of the
- JV/Consortium must submit all required documentation, a JV / Consortium agreement and a BBBEE certificate.
- Central Supplier Database (CSD) registration valid on tender closing date.
- Company resolution for bid signing powers.
- Completed and signed bid documents including MBD 1 to MBD 22.
- If the entity or any of its directors are listed on the National Treasury register of defaulters, the bid will be rejected.

SUBMISSION OF PROPOSALS

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and MBDs contained in this document.
- In this regard:
 - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
 - The Bidder(s) must submit one (1) original hard copy, one (1) copy plus scanned version of the submission including all annexures/ returnables in a USB clearly marked in bidder's name.
 - All Proposal documentation received shall be deemed Ethekeeni 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
- 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.

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
- Bidder's return address must be clearly indicated at the back of the envelope.
- The fully completed document with annexures must be submitted before the closing date specified on the front cover and be deposited in the tender box.
- **PROPOSALS WHICH ARE NOT SUBMITTED IN A PROPERLY SEALED AND MARKED ENVELOPE AND DEPOSITED IN THE BOX BEFORE THE CLOSING DATE, WILL NOT BE OPENED.**
- **PROPOSALS WHICH ARE NOT SUBMITTED IN THE CORRECT FORMAT WITH ANNEXURES ATTACHED, DULY COMPLETED, INITIALLED, COMMISSIONED AND SIGNED, WILL NOT BE CONSIDERED.**
- The information required in the MBDs must be provided accurately and honestly. All details provided by the Bidder(s) will be regarded as material representations, which the Municipality base the evaluation of the Proposal on. Any misrepresentation will be treated as material and will result in the disqualification of the Proposal by the Municipality. Bidders, who fail to provide such information to the satisfaction of the Municipality, will be disqualified.

OPENING OF PROPOSALS

- Proposals will be opened immediately after the closing time on the closing date at the offices of the Municipality at the mentioned address. The RFP number, property description and the name of each Bidder(s) will be announced and recorded in a register.
- Bidder's return address must be clearly stipulated or indicated on the back of the envelope.

EVALUATION OF PROPOSALS

- The Municipality reserves the right to seek clarification or further information from Bidder(s) and to appoint professionals to advise and verify information on aspects of the Proposals submitted in a manner that the Municipality deems appropriate.
- The preferred Bidder(s) may be required to make presentations to the Municipality.
- The Bidder(s) shall be deemed to know and understand the content of the Request for Proposal document and a submission of the MBDs will indicate the Bidder(s) unconditional acceptance of all the terms and conditions contained in the Request for Proposal.
- The Bidder(s) shall be deemed to have satisfied itself as to all of the conditions, procedures and performance and discharge of the obligations required in terms of the Request for Proposal.
- The non-acceptance or variation of any of the conditions, or the inclusion of any other conditions in the Proposal Call document by the Bidder(s) will be treated as a qualified bid.

- The Proposal(s) will be evaluated by the Municipality. The Municipality may accept any Proposal in whole or in part and is not bound to accept any Proposal
- Proposals will be evaluated using the evaluation criteria stated in MBD 11.
- The Proposal(s) will be adjudicated by the Municipality's Bid Adjudication Committee and awarded in terms of the City's Supply Chain Management Policy and the Land Disposal Policy.
- The Municipality will not be held responsible or liable for any costs whatsoever and /or losses incurred or suffered by the Bidder(s) or any other party or parties for whatsoever reason as a result of the Proposal.
- Any Proposal in the name of a partnership or joint venture or consortium will, on acceptance, be deemed as joint and several agreements with all parties.
- All proposals shall remain valid for a period of 120 days after the closing date, provided that bidders may extend the validity of the proposal on request of the Municipality.

RESOLUTIONS OF DISPUTES

- Persons or bidders who are aggrieved by decisions or actions taken in the implementation In terms of Regulation 49 of the Municipal Supply Chain Management Regulations persons aggrieved by decisions or actions taken by the Municipality, may lodge an appeal within 14 days of the decision or action, in writing to the Municipality. The appeal (clearly setting out the reasons for the appeal) and queries with regard to decision of award are to be directed to the office of the City Manager, attention: Ms. S. Pillay, P.O. Box 1394, Durban, 4000; eMail: Simone.Pillay@durban.gov.za.
- The written complaint must contain the following information:
 - The bid reference number;
 - The section of the Policy, Regulations or Act that has been violated;
 - The details of the violation;
 - The City Department or Municipal Owned Entity involved;
 - Relief sought.

PROHIBITIONS

- The Municipality will not, subject to such amendments to the Act and Regulations and any exemptions as the Minister may promulgate from time to time, award contracts to Bidder(s) who are owned directly or indirectly by the following categories of persons: -
- Defined as an employee or public servant in the service of the state working for Local, Provincial and National Government; or
- Defined as an employee in the service of a government owned entity including the municipal entities;
- If the employee mentioned above is actively or inactively a director, manager or principal shareholder of the service provider concerned (refer to GN44 in GG 28411 of 18 January 2006 for the exemption);
- Is a member of the board of directors of a municipal entity within its area of jurisdiction (refer

to GN44 in GG 28411 of 18 January 2006 for the exemption);

- Who is an advisor or consultant contracted to the Municipality for the purposes of assisting the Municipality with defining of requirements, drafting of specifications or evaluation of the Proposals.
- The Municipality will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving as councillors for any municipality.
- The Municipality will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving in National Assembly, Provincial Legislatures and National Council of Provinces.
- Failure by the above-mentioned persons to comply with the above shall lead to cancellation of the contract.

CONSIDERATION OF PROPOSALS FROM CLOSE FAMILY MEMBERS OF PERSONS IN THE SERVICE OF THE STATE

- The Municipality does not encourage awarding of contracts to close family members of employees in decision-making positions in line with Regulation 45 of the Supply Chain Management Regulations.
- The bidder must declare and state whether a spouse, child or parent of the bidder or of a director, manager or shareholder is in the service of the Ethekewini 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 sijabu.ntuli@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 threshold score of 70 points out of 100 for functionality, based on the following criteria:

FUNCTIONAL CRITERIA	Max Points	Returnable documents to be used in evaluation
PROPOSED BUSINESS CONCEPT	20	
<p>Conformity of the Business Concept Proposal to the vision of the shop as expressed in REU MBD 12.</p> <ul style="list-style-type: none"> Detailed High level conceptual proposal outlining the intended uses and a design layout /or 3D design = Points 20 Detailed level conceptual proposal outlining the intended uses and a design layout / or 3D design = 15 Points Basic conceptual proposal and a design layout and / or 3D design = 10 Points No submission of theoretical business concept and design layout = 0 Points <p>None submission of a concept proposal as outlined above will result in the evaluation not proceeding further.</p>		A detailed concept proposal plan-the bidder must submit a detailed concept proposal 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. All final designs must be approved by Council and before construction can commence on the site.
SHOP FIT-OUT / REFURBISHMENT PROGRAMME	15	
<p>High level shop fit-out / refurbishment programme including Inception Stage, Planning, Design, `Construction and Commissioning.</p> <p>A high-level plan indicating 5 stages and each timeframe for each stage = 15 Points</p> <p>A high-level plan indicating 4 of the 5 stages and each timeframe for each stage = 10 Points</p> <p>A high-level plan indicating 3 of the 5 stages and each timeframe for each stage = 8 Points</p>		Narrative – High level fit out / refurbishment programme including Inception Stage, Planning, Design, Construction and Commissioning and including timeframes for each stage.

<p>A high-level plan indicating 2 of the 5 stages and each timeframe for each stage = 5 Points</p> <p>A high-level plan indicating 1 of the 5 stages and each timeframe for each stage = 1 Point</p> <p>A high-level plan indicating 0 of the 5 stages and each with no timeframe for each stage or no submission = 0 Points</p>		
OPERATIONAL PLAN	8	
<ul style="list-style-type: none"> Indicating intended management and maintenance for the duration of the lease = 8 Points Estimated Operating Costs = 4 Points No submission of the Operational Plan = 0 Points 		Bidders are to submit a detailed Operational Plan document for the duration of the lease.
CAPACITY AND EXPERIENCE	12	
<p>Professional and Construction Team</p> <p>Must have 3 years work experience post registration/ qualification completion and provide CVs including Proof of Registration / qualification documents. Must also provide a minimum of 2 traceable references of similar previous projects done</p>		
<p>Head Chef:</p> <ul style="list-style-type: none"> Proof of 3 years work experience post qualification and 2 traceable references of similar work experience = 3 Points Proof of 1 - 2 years work experience post qualification and less than 2 traceable references of similar work experience = 2 Points Proof of 1 year work experience post qualification and less than 2 traceable references of similar work experience = 1 Point <p>NB: No points will be allocated to the Head Chef without proof of work qualification, less than 3 years post qualification and has less than 2 traceable references of similar work experience</p>	3	REU MBD 21
<p>Architecture and / or Engineer (civil and electrical):</p> <ul style="list-style-type: none"> Proof of professional registration with relevant institutions/statutory bodies and minimum of 2 traceable references = 3 Points Proof of professional registration with no traceable references = 1 Point <p>NB: No points will be allocated to the Engineer / architecture without proof of registration and has</p>	3	REU MBD 21

less than 2 or 0 traceable references of work done		
Shop Manager: <ul style="list-style-type: none"> • Proof of 3-years traceable references of similar work experience = 3 Points • Proof of between 1 - 2-years traceable references of similar work experience = 2 Points • Proof of 1 year traceable references of similar work experience = 1 Point NB: No points will be allocated to the Shop Manager without proof of traceable references of similar work experience	3	REU MBD 21
Registered Health & Safety Officer Proof of professional registration as health and Safety officer = 1 point Proof that the Health & Safety Officer has minimum of 3 years' relevant work experience= 1 Point Proof of the Health & Safety Officer has completed 2 projects in the last 3 years = 1 Point NB: No points will be allocated to Health and Safety officer without any of the above	3	REU MBD 21:A
COMPANY EXPERIENCE	25	
Demonstrate company / operator experience with traceable references in running related restaurant business: <ul style="list-style-type: none"> • Proof of 3 years' experience with traceable portfolio of similar business being successfully operated in the last 3 years = 25 points • Proof of between 1- 2 years' experience with traceable references being successfully operated in the last 3 years = 15 points • Proof of 1 year experience with traceable portfolio of similar business being successfully operated in the last 3 years = 5 points No points will be allocated to the company/operator without proof of traceable references in a similar business being successfully operated in the last 3 years		REU MBD 21:B
FINANCIAL CAPABILITY	20	

<p>a) Investment Value</p> <p>The reserved price indicated on the offer page should be used as a benchmark for the market value of the property</p> <ul style="list-style-type: none"> Total realistic monetary investment value into the project based on the similar projects backed by the QS report/estimated development cost and a financial feasibility. = 10 Points Total investment not specified = 0 Points 	10	REU MDB 22
<p>b) Funding Model</p> <p>Provide funding model to incorporate how and where the funding will be sourced/raised and it must include collateral to be pledged against such funding if required.</p> <p>The bidder to demonstrate proof of availability of 100% of the funding required for the development/refurbishment. This must include written support from verifiable funding institutions.</p> <p>i). If the letter from the registered funder reflects the full amount of the development cost or;</p> <p>ii) If there is a shortfall and the bidder shows how they fund the shortfall or</p> <p>iii). If the funder demonstrate access to equity to cover the development cost or;</p> <p>iv). If the AFS reflect cash and cash equivalents;</p> <ul style="list-style-type: none"> Letter from registered funding institutions confirming funding for the project Proof of available funds (bank statements or financial statements of the bidder. = 10 Points Non-Submission of a Letter from registered funding institutions confirming funding for the project Proof of available funds (bank statements or financial statements of the bidder = 0 Points 	10	<p>REU MBD 22</p> <p>Copy of bank statements showing availability of funds.</p> <p>Financial Statements</p> <p>Letter from registered funding institutions confirming funding for the project</p> <p>Proof of available funds (bank statements or financial statements of the bidder</p>
Total	100	

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

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

- Tender(s) received need to be evaluated in terms of the preference point system first. Once the highest points scorer has been ascertained only then the objective criteria will be applied.
- Preference points shall be calculated after financial offers have been brought to a comparative basis.
- Points scored will be rounded off to 2 decimal places.
- In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.
- A maximum of 80 points is allocated for financial offer on the following basis:

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

Where

P_s = Points scored for financial offer of bid under consideration

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

P_{\max} = Financial Offer of highest acceptable bid

- √ Only those bids that attain the minimum threshold score of 70 Points in Stage 1 will be evaluated in this stage. Bids will be evaluated as follows:

EVALUATION CRITERIA	POINTS WEIGHT 80/20
RENTAL OFFER	80
PREFERENCE GOALS	20
Total	100

- Tender(s) received need to be evaluated in terms of the preference point system first. Once the highest points scorer has been ascertained only then the objective criteria will be applied.

REU MBD 12: BID SPECIFICATIONS

The following Specifications apply to this bid:

1. Property Information

PROPERTY DESCRIPTION	On Rem of ERF 1, Durban at 44 Isaiah Ntshangase Road
Ownership	eThekweni Metropolitan Municipality
Locality	44 Isaiah Ntshangase Road Durban,
Land Size	458 m ²
Zoning	Commercial
Proposed Use	Restaurant
Coverage	n/a
Far	n/a
Height	n/a
Access	Moses Mabhida Stadium
Building lines	NIL
Heritage	n/a
Structural and Physical feature	Vacant permanent shop
Geotechnical Conditional	n/a
Other Requirements	n/a

2. Overview

The eThekweni Municipality is the owner of the property described as ERF 1, Durban; commonly known as Moses Mabhida Stadium (*MMS) which is situated at No.44 Isaiah Ntshangase. The precinct is also a home to Kingspark swimming stadium; Kingspark athletics stadium; Hollywood bets Sharks rugby stadium and the Durban Country club that host varied sporting activities that come alive mainly towards the late afternoon and weekends.

Moses Mabhida Stadium was built in 2010 to serve as a playing venue for the 2010 FIFA World Cup. This facility is situated almost adjacent to the M4 motorway that runs to the coast. The stadium was designed as a multi-purpose stadium that is characterized by its 106-metre-high arch dominating the Durban skyline from afar and this has helped to position MMS as the best-known architectural tourist attractions in the world. The facility is within 3 kilometres (10-minute drive time) reach from the CBD and the beach promenade which enjoys a high population density with significant spending power, making it a Primary Retail Catchment area of the most potential shoppers that visit the Retail area at Moses Mabhida Stadium.

The Moses Mabhida Stadium is patronized by morning joggers, cyclists, pram-pushing moms, and a host of perambulating city dwellers. The northern side of the stadium is home to a diverse offering of activities ranging from sporting and lifestyle events, retail shops, outdoor activities, and attractions. This adds significant value to the tourism strategic impetus that attracts local and international markets to the City. From the northern side of the stadium closer to the Isaiah Ntshangase Road, the retail centre is visible from the Masabalala Yengwa road. It comprises of close to 15 outlets providing various retail, food, entertainment, outdoor activities, and attractions, as well as access to free open and undercover parking that is manned by 24-hour physical guarding services as well as CCTV coverage.

3. Vision for the property

The proposals should align the facility to Moses Mabhida Stadium's vision for the area in line with the strategies, legislative requirements, and regulatory frameworks. The Moses Mabhida Stadium Plan has outlined the vision of the Retail area as follows:

3.1. RETAIL AREA AT MOSES MABHIDA STADIUM

The Retail Centre is profiled as a family-oriented environment located in the heart of the Moses Mabhida Precinct that seeks to promote sporting and healthy lifestyle. The premises were created to complement the stadium attractions, by providing entertainment and refreshment to patrons and tourists that visit the Stadium.

The People's Park Cafe is a standalone building situated on the south side of the Moses Mabhida Stadium overlooking the People's Park fields and is also flanked by an external children's play area. This building has a dedicated entrance and up to 100 parking bays. The premises are ideally suitable for a family- oriented coffee shop / restaurant business.

3.2. ROLES

3.2.1. STRATEGIC

The strategic role is clearly sporting and leisure tourism destination. The Moses Mabhida Stadium is the city's major tourist attraction.

3.2.2 ECONOMIC

The primary economic role of the Stadium is to provide hospitality and tourism activities that are mainly event and entertainment related, also serving as a local amenity for local residents.

3.2.3 SOCIAL

The Stadium is the most inclusive public open space that encourages socio-economic empowerment through its provision of Peoples' Park facility; sport and entertainment activities; thus, promoting recreational and healthy lifestyle. The area is very well used by residents across the metro, as well as the domestic and international patrons that visit the City.

3.2.4 KEY IDEAS

- Protect and enhance the sport precinct as a key tourism asset of the City
- Serve as an interconnection to the beach promenade
- Provide landscaping shade and protection to encourage outdoor usage through it designated Peoples Park and Retail lawns.
- Promotes a diverse product mix of interesting, vibrant and exciting leisure, sport and entertainment 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 also exist for cultural history recognition and artworks."

4. CONDITIONS OF LEASE.

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

Suspensive Conditions

This transaction is subject to the following suspensive conditions:

4.1. Funding

This Agreement is subject to the suspensive condition that within 90 (ninety) days after the Signature Date, a loan be approved / bank guarantee granted to the Lessee by a funder registered with Financial Sector Conduct Authority (FSCA) inter alia, the following conditions:

- 4.1.1 Against registration of a first mortgage bond as security for the loan for the total development cost of the lessee.

In this regard it is specifically agreed that the aforementioned condition precedent shall be fulfilled as soon as a financial institution has issued the Lessee with a pre-agreement/quotation/ guarantee, in whichever form, as provided for in the National Credit Act, No. 34 of 2005. For the avoidance of doubt the suspensive condition shall be deemed to have been met upon approval of the Loan/ submission of the guarantee.

- 4.1.2 If the suspensive condition in clause 1.1 is not fulfilled within the time period contemplated above (**“the Specified Date”**), then this Agreement shall automatically lapse and be of no further force and effect, but any Party may, on written notice prior to the expiry of the specified date (**“the Notice”**) to the other Party, require that the suspensive condition be fulfilled within 30 (thirty) days after the Specified date of the Notice and, failing fulfilment (to the extent legally permissible) of the suspensive condition within the aforesaid 30 (thirty) day period, then this Agreement shall cease to be of any force and effect and no Party shall have any claim against the other of them as a result of the failure to fulfil of the suspensive condition.

4.2. Rental deferment

The rental may be suspended for the development period stipulated on the bidder’s proposal or until the Practical Completion Certificate is issued (whichever comes first) from date of registration of the lease to allow for the development of the property. Should the developer not complete the development within the 3-year period an application can be made to the Head: Real Estate to submit a request to full Council to consider an extension of time to complete the development in accordance with suitable terms and conditions as recommended by the Head: Real Estate.

4.3. Property Tenure

The Property shall be made available by means of a long-term lease agreement in accordance with eThekweni Municipality’s standard agreement. The following terms of contract are non-negotiable:

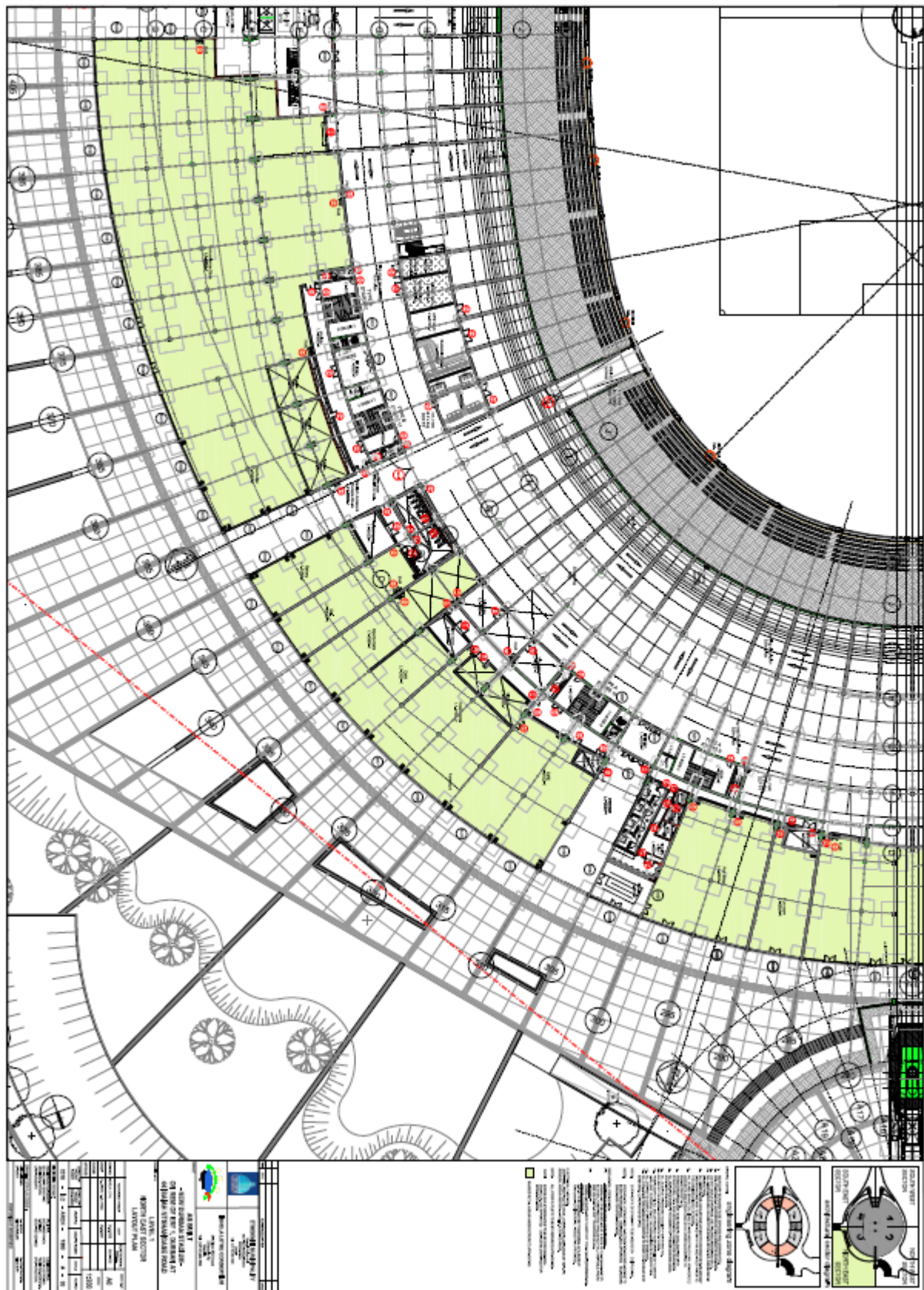
- 4.3.1. The lease period will be for a period of 5 years with a renewal option. Upon expiry or termination of the Lease agreement, possession of the property will revert to the eThekweni Municipality without any compensation.
- 4.3.2. Bidders are required to make an offer not less than the minimum acceptable offer for the lease of the facility on the property as part of the proposal form; as indicated in REU MBD 3.
- 4.3.3. The rental is reviewable after five (5) years and cannot be lower than the value at the time of award. The escalation is also reviewable within the rental review period.
- 4.3.4. Should the successful bidder’s proposal include land use rights over and above the allowable proposed shop uses, costs of acquiring consents for additional land uses will be for the bidders account.
- 4.3.5. The Lessee will not be entitled to cede and /or assign all or any of its rights and /or obligations relating to the shop leasing under this agreement to any third party, without the prior written consent of eThekweni.
- 4.3.6. The Lessee shall not be entitled to cede and/ assign all or any rights and obligation under this agreement to any other party without a prior written consent of the Lessor, which consent shall not be unreasonably withheld or delayed unless the cession / assignment will result in a reduction of ownership % upon which the awarding of the lease was based upon by the Lessor, the BBBEE Level must be the same or better than that imposed at the time of award.

- 4.3.7. Any change in the shareholding should not result in a decrease in the levels of the demographics that were recorded at the time of tender. A change in control of the lessee without the written consent of the Lessor shall be deemed to be a breach of the lease.
- 4.3.8. The successful bidder will be responsible for the cancellation, protection and/or relocation of all servitudes that may be registered over the property.
- 4.3.9. Bidders are required to demonstrate their ability and capacity to deliver and manage the proposed shop letting.
- 4.3.10. The successful bidder will be responsible to obtain all statutory approvals (Environmental, Water Use Licence, Site Development Plan/s, Building Plan/s, etc.) which are required for the development of the property.
- 4.3.11. Shop fit-out shall be subject to all related legislation and Municipal By-Laws.
- 4.3.12. Bidders are required to demonstrate their ability and capacity to deliver and manage the proposed shop leasing by submitting a detailed profile of the professional team and their successfully complete shop fit-out. They must further demonstrate their ability to secure funds required to carry out the project.
- 4.3.13. The premises shall only be utilised for the purpose as advertised and may not be rezoned for any other purposes for the duration of the lease period;
- 4.3.14. That, a deposit equal to one month's rental shall be paid by the lessee upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up date at the time of the expiry of the lease agreement or vacation of property, subject to the property being returned in a clean and tidy condition.
- 4.3.15. All administrative and incidental costs relating to the drafting of the lease shall be for the lessee's account.
- 4.3.16. 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 development.
 - A time schedule for the fit-out of the shop.
- 4.3.17. That, the application shall be liable for the payment of all sewerage, refuse removal fees, Levied or payable in respect of the site and all electricity and water supplied to the shop.
- 4.3.18. That all environmental 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.
- 4.3.19. That, all Emergency Management Services By-laws be complied with and adhered to and that access to emergency vehicles should be provided on the property.
- 4.3.20. The Council and its authorised representatives/agents shall have 24 hours' unrestricted access to the electricity, water and any Municipal Servitudes on the property and that no structures will be allowed within these servitudes.
- 4.3.21. 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 advise and provide a detailed plan and how the numbers are achieved.

REU MBD 13: PROPERTY INFORMATION

1.a Ariel Photo



1.b Plan



2. SITE INFORMATION

Property Description	Moses Mabhida Stadium Retail People's Park Café situated on REM of ERF 1, Durban at 44 Isaiah Ntshangase Road
Size (Lease area)	458 m ²
Zoning	Commercial
Structures and Physical features	Vacant permanent retail shop
Current Use	Restaurant
Minimum Acceptable Rental Offer	R54 960.00 per month
Highest and Best Use	Restaurant

MBD 14: REGISTRATION DOCUMENTS

The following documents must be submitted at the time of tender closing if the tendering entity is a:

- 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?				
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Is a certified ID copy attached?	Yes		No	
----------------------------------	-----	--	----	--

Is a copy of the bidder's power of attorney attached?	Yes		No	
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MBD 16: DECLARATION OF MUNICIPAL FEES

I, the undersigned, do hereby declare that the Municipal fees of

.....
(full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture)

(hereinafter referred to as the TENDERER) are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in instalments.

The following account details relate to property of the said TENDERER:

Account

Account Number: to be completed by tenderer.

Consolidated Account No.

--	--	--	--	--	--	--	--	--	--	--	--	--

Electricity

--	--	--	--	--	--	--	--	--	--	--	--	--

Water

--	--	--	--	--	--	--	--	--	--	--	--	--

Rates

--	--	--	--	--	--	--	--	--	--	--	--	--

Other

--	--	--	--	--	--	--	--	--	--	--	--	--

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the Contractor by the Municipality shall be first set off against such arrears.

- Where the TENDERER'S place of business or business interests are outside the jurisdiction of eThekweni Municipality, a copy of the accounts/agreements from the relevant municipality must be attached (to the back inside cover of this document).
- Where the tenderer's Municipal Accounts are part of their lease agreement, then a copy of the agreement, or official letter to that effect is to be attached (to the back inside cover of this document).

Tenderers are to be include, at the back of their tender submission document, a printout of the above account's and or agreements signed with the municipality.

Failure to include the required document will make the tender submission non-responsive.

NAME (Block Capitals):

Date

SIGNATURE:

REU MBD 17: DEVELOPMENT PROPOSAL

Bidders are required to submit a concise development proposal for the site. The development proposal must include a concept Site Development Plan, an Architectural concept of the proposed development, proposed tenancing and preservation of the natural environment. The redevelopment/refurbishment proposal must contain the following:

Concept Site Development Plan (Tenancing)	Total Floor area (m2)
Building footprint	
Public places	
Parking bays (Number of bays)	
Landscaping	
Others	
Totals	

1,2 Proposed improvements summary (if any)

Use	Total Floor area (m2)
Totals	

1.3 Estimated Cost of Development.

A breakdown of all costs to be incurred by the bidder in the preparation of the site must be provided. The cost provided in this section will form a critical part of the evaluation of proposals and will be a contractual condition of the development agreement awarded.		
No	Item Description	Estimated cost (Including vat)
1	Civil and Electrical Services	R
2	Civil Works	R
3	Top Structure (Building) Costs	R
4	Professional Fees	R
5	Sundry Development Costs	R
6	External/Bulk Services Contributions	R
7	Other	R
8	Totals	

1.3 Estimated development time frames

Estimated time, in months, from date of signature of lease agreement to date of start of construction.	Months
Estimated time, in months, from start of redevelopment/ refurbishment to completion of construction.	Months

REU MBD 18: SUSTAINABILITY MODEL (FUNDING/ DONOR/ SPONSOR)

Ideas in sourcing and growing the following aspects: <ul style="list-style-type: none">- Membership- Subsidy- Sponsor- Donation- Fund Raising- Bank Institution	
--	--

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
Job Creation & Job intensive plan		
Total number of jobs to be created during construction	Total jobs created	
Total number of jobs to be created after construction	Total jobs created	
Training & Development programme		
Training and Development Programmes (throughout the lifecycle 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.	
Procurement of Material from Local Suppliers	30% of project value	
Enterprise Development Enterprise (during and after construction)		
Mandatory requirement in line with paragraph 5.12.4 of the eThekweni Municipality Land Disposal and Granting of Rights Policy, 2019 read together with paragraph 52 (21) (e) of the eThekweni Municipality: Supply Chain Management Policy, 2023.	Subcontracting a minimum of 30% of the Construction Cost to companies owned costs to local companies that 51% Black owned).	
Partnership with Women, Youth, and People with disabilities owned Companies	Total jobs number of Companies	
Demonstrate how the development will benefit the local community and/or community-based organisations		

REU MBD 21:A EXPERIENCE AND CAPABILITIES OF BIDDER

- a) Details of proposed team including relevant experience and qualifications.
- b) The team must be appropriately qualified.
- c) Provide CVs and certified copies (copy with original stamp) of their relevant qualifications etc.

Must have 3 years work experience post registration/ qualification completion and provide CVs including Proof of Registration / qualification documents. Must also provide a minimum of 2 traceable references of similar previous projects done

(PLEASE EXPAND TABLE IF REQUIRED)

NB: DO NOT ATTACH A SEPARATE TABLE

DISCIPLINE & Name of team member	EMPLOYER/ CLIENT	NATURE OF WORK	VALUE OF WORK	Client & contact Numbers
Head Chef				
Architect and /or Engineers (civil and electrical)				
Shop Manager				
Registered Health & Safety Officer				

REU MBD 21: B EXPERIENCE AND CAPABILITIES OF BIDDER

Relevant Company Operator Experience.

Demonstrate company / operator experience with traceable references in running related restaurant business						
No	Description	1	2	3	4	5
1	Name of the main entity who is submitting this tender					
2	Tenderer's business name / Restaurant name					
3	Location of business / address					
4	From year to what year?					
5	Duration of the business					
6	Average monthly turnover					

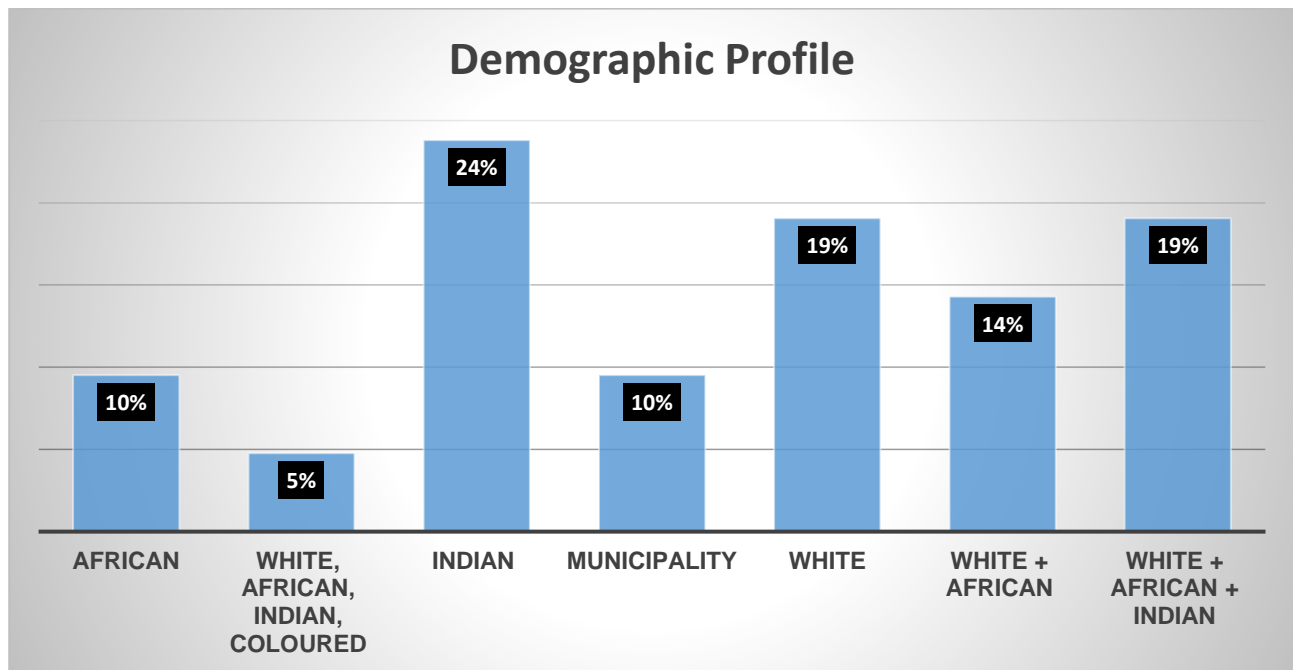
REU MBD 22: ACCESS TO FUNDING

The bidder must submit proof of availability of 100% of the funding required for the development as per MDB 17.	
Please note that the following definitions will be used in assessing the proof of availability of finance:	
Proof of available funds qualifies as a letter/ expression of interest from a registered funder with Financial Sector Conduct Authority (FSCA) on an official letter head confirming the bidder's ability to access the funding required for the proposed development.	
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.	
Development Cost (Total Investment Value)	
Total Development Cost	R
Debt Finance	R
Equity Investments (if any)	R
Source of Debt Finance <ul style="list-style-type: none">Letter confirming access to debt funding	
Source of Equity Finance <ul style="list-style-type: none">Written confirmation of equity funding <p>(Note: this source may not be a bank loan).</p>	

ANNEXURE A : DEMOGRAPHIC PROFILE

DEMOGRAPHIC PROFILE APPLICABLE TO OBJECTIVE CRITERIA

Current demographic profile of existing leases- Moses Mabhida Stadium



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



COUNCIL DECISION CIRCULAR : MEETING HELD ON 2019-12-12

TO ALL DEPUTY CITY MANAGERS AND HEADS:

Attached please find decisions adopted by the Council at its meeting held on 2019-12-12.

Deputy City Managers and Heads are kindly requested to facilitate implementation of the decisions impacting their Clusters and Units within the applicable timeframes.

Kindly note that the word "**ADOPTED**" marked in bold at the end of the recommendation confirms that the item has been approved by Council and is ready for implementation. Other relevant status will be reflected at the end of the recommendation to indicate the position taken by Council on a particular item.

Should further information be required on any item on the Council agenda, kindly contact **Vishnu Ramsunder on Telephone No.(031) 311-2371 or through email.**

15. REQUEST FOR AUTHORITY TO LEASE OUT MOSES MABHIDA STADIUM
RETAIL SHOPS AND CORPORATE SUITES (31/2/1/5/2)

(Page 103)

During deliberations, consensus was reached that endeavors be made to attract economic opportunities for Moses Mabhida to achieve financial stability in the long terms.

On this basis,

COMMITTEE RECOMMENDS:

- 15.1 That Municipality declares in terms of Section 14 of the Municipal Finance Management Act read together with Regulation 36 of the Municipal Asset Transfer Regulations:
- 15.1.1 That said properties are not required for providing the minimum level of basic Municipal services during the proposed lease period; and
- 15.1.2 That a long-term right for a period of approximately 5 (five) years, open to renewal be granted in respect of the capital asset
- 15.1.3 The rental be assessed on the open market value as the attached valuation report
- 15.2 That subject to .1.1 to .1.3 above and approval of the Bid Adjudication Committee, the Head: Real Estate and Head: Stadia be authorized to sign all documents necessary to conclude the agreement.

ADOPTED.

Consent Clause

I _____ ID number _____ hereby declare and confirm that I have given EThekwini Municipality consent to process my personal information, in accordance with the provisions of the Protection of Personal Information Act, 2013 for all purposes related to the carrying out of its mandate, in relation to Real Estate Unit. Such consent shall extend to the sharing of my personal information with third parties, where EThekwini Municipality is legally required to do so.

I understand that, should I refuse to provide EThekwini Municipality with the required consent and/ or information, EThekwini Municipality will be unable to provide services to me.

I also understand that I have the right to request that my personal information be corrected or deleted, if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully or that the personal information or record be destroyed or deleted if EThekwini Municipality is no longer authorised to retain it.

I further declare that all my personal information supplied to EThekwini Municipality is accurate, up to date, not misleading, and complete in all respects.

Signed at.....this.....day of.....20.....

.....
Name and Surname

.....
Signature