

# ***Abaqulusi Local Municipality***



## **Returnable Bid Document**

**Tender Number: 8/2/1/520**

**Tender Description: Land Sales within  
Abaqulusi Municipality**



ABAQULUSI LOCAL MUNICIPALITY

**INVITATION TO BID**

**TENDER NUMBER: 8/2/1/520**

**LAND SALES WITHIN ABAQULUSI LOCAL MUNICIPALITY**

Notice is hereby given in terms of Section 21 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), Section 14 (2) (a) (b) of the Local Government: Municipal Financial Management Act, 2003 (Act 56 of 2003), read with Sections 5 and 7 of the Municipal Assets Transfer Regulations of 2008, and Abaqulusi Municipality's Supply Chain Policy, Section 37 (1) – (9), that the following vacant sites are offered for sale subject to a bidding process:

Property Description (ERF)	Property Extent (m <sup>2</sup> )	Suburb/Area	Zoning	Reserve Price (Incl. Vat)
2317 Vryheid	1099m <sup>2</sup>	Edel Park	Residential 1	R338 080
2321 Vryheid	1110m <sup>2</sup>	Edel Park	Residential 1	R340 725
2339 Vryheid	1100m <sup>2</sup>	Edel Park	Residential 1	R338 080
2358 Vryheid	1425m <sup>2</sup>	Edel Park	Residential 1	R385 690
2368 Vryheid	1094m <sup>2</sup>	Edel Park	Residential 1	R338 080
2372 Vryheid	1157m <sup>2</sup>	Edel Park	Residential 1	R347 337.50
5860 Vryheid	11098m <sup>2</sup>	Lakeside	Business 1	R433 780
6005 Vryheid	3000m <sup>2</sup>	Lakeside	Business 2	R249 952.50
5846 Vryheid	500m <sup>2</sup>	Lakeside	Business 2	R122 992.50
5847 Vryheid	500m <sup>2</sup>	Lakeside	Business 2	R122 992.50
5886 Vryheid	750m <sup>2</sup>	Lakeside	Business 2	R144 152.50
2493 Vryheid	2647m <sup>2</sup>	Industrial Area	Industrial 1	R472 133.50
2494 Vryheid	2303m <sup>2</sup>	Industrial Area	Industrial 1	R433 780
2485 Vryheid	2491m <sup>2</sup>	Industrial Area	Industrial 1	R454 940
2486 Vryheid	2058m <sup>2</sup>	Industrial Area	Industrial 1	R404 685
1797 Vryheid	4597m <sup>2</sup>	Industrial Area	Industrial 1	R662 572.50
1800 Vryheid	4008m <sup>2</sup>	Industrial Area	Industrial 1	R608 350
2488 Vryheid	2417m <sup>2</sup>	Industrial Area	Industrial 1	R447 005
2489 Vryheid	2176m <sup>2</sup>	Industrial Area	Industrial 1	R419 232.50
1347 Vryheid	38408m <sup>2</sup>	Industrial Area	Industrial 2	R2 429 432.50
1348 Vryheid	37957m <sup>2</sup>	Industrial Area	Industrial 2	R2 412 240
1349 Vryheid	34187m <sup>2</sup>	Industrial Area	Industrial 2	R2 262 797.50
1350 Vryheid	26945m <sup>2</sup>	Industrial Area	Industrial 2	R1 955 977.50
1353 Vryheid	27705m <sup>2</sup>	Industrial Area	Industrial 2	R1 989 040

The bid document may be downloaded free of charge from: [www.etenders.gov.za](http://www.etenders.gov.za). Bids may only be submitted on the bid documentation issued by Abaqulusi Municipality. Late submitted, unmarked, faxed, falsified or e-mailed offers will not be considered and will be disqualified. Bids must be placed in envelopes, clearly marked "**Land Sales within Abaqulusi Local Municipality**" and deposited in the tender box at Corner of Mark and High Street, Vryheid 3100, not later than 12h00 on Thursday, 14 December 2023.

The Abaqulusi Local Municipality does not bind itself to accepting any bid, either wholly or in part or give any reason for such action.

# ***Abaqulusi Local Municipality***



## **Formal Bid Offer**

<b>Name of Bidder</b>	
<b>Address of Bidder</b>	
<b>I.D Number of Bidder</b>	
<b>Contact Number</b>	
<b>E-mail Address</b>	
<b>Bid for (Property Description)</b>	<b>ERF</b>
<b>Bid Offer (South African Rands Incl. VAT)</b>	<b>R</b>

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**Signature of Bidder**

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**Date**

# ***Abaqulusi Local Municipality***



## **Terms of Reference:**

**Residential, Business and Industrial  
Land Sales within Abaqulusi  
Municipality**

## **1. Preamble**

The Abaqulusi Local Municipality hereby invites bids from all stakeholders interested in purchasing Residential, Commercial and Industrial Sites within the Abaqulusi Municipality, located in the suburbs of Edel Park, Lakeside and Vryheid Industrial Area. The intention of the municipality is to award a site to the successful bidder who has lodged the highest price offer above the set reserved price on that specific site, and has complied with all requirements set out in this Terms of Reference and Bid Document.

## **2. Background and Context**

The Abaqulusi Local Municipality's Council, resolved to dispose of all serviced sites within its jurisdiction to ensure that the municipality is answering the call to its citizens who have over the years made numerous attempts to purchase municipal owned land, primarily for residential, commercial and industrial purposes.

Based on this, the municipality is now moving forward in a phased approach in order to deal with the process of land sales in an effective manner and one that can be fast-tracked for both the seller and purchaser.

In this Terms of Reference document, the focus of land sales will deal with residential, industrial and commercial sites only, within the suburbs of Edel Park, Lakeside and Vryheid Industrial area. This was done based on the fact that sites within the Vryheid area are of higher value and applications to purchase municipal owned land are predominantly within the Vryheid area as well.

## **3. Need for Residential, Industrial and Commercial Land Sale**

Abaqulusi Local Municipality is no different to other municipalities in the province or country as it also faces huge amounts of pressure in ensuring that access to land is readily available to its citizens for the primary purpose of building a house. Over the years, the Abaqulusi Municipality has received large volumes of applications from members of the public to purchase municipal owned land for residential purposes (building a house). Additional pressure has also been placed on the municipality as a result of the increased illegal land invasions and occupations that are currently being experienced around the urban areas. The municipality has now decided to dispose of its residential owned sites in an attempt to address the above mentioned issues.

Industrial land sales within the Abaqulusi Municipality is also regarded as a high priority as this possesses the potential to alleviate the unemployment rate within the area as well as promote economic development and growth within the municipal jurisdiction. The lack of available space closer to the Vryheid CBD has also increased the need to make commercial/industrial land available to existing businesses than plan to expand their services or new businesses that want to establish their practices within the Abaqulusi Municipality.

## 4. Project Scope

For this phase of Land Sales, the Abaclusi Municipality has identified a total of 24 sites that will be available for disposal. These sites are located in Vryheid (Edel Park, Lakeside and Vryheid Industrial Area)

### 4.1 Property Analysis

As indicated above, a total of 6 Residential Sites, 5 Business Sites and 13 Industrial Sites have been identified by the Abaclusi Municipality for disposal during this phase. These sites have been divided into 3 tables below and are further analysed to provide the prospective purchaser with as much information as possible. The details of the properties are as follows:

#### Residential Sites

Property Description (ERF)	Property Extent (m <sup>2</sup> )	Suburb/Area	Zoning	Reserve Price (Incl. Vat)
2317 Vryheid	1099m <sup>2</sup>	Edel Park	Residential 1	R338 080
2321 Vryheid	1110m <sup>2</sup>	Edel Park	Residential 1	R340 725
2339 Vryheid	1100m <sup>2</sup>	Edel Park	Residential 1	R338 080
2358 Vryheid	1425m <sup>2</sup>	Edel Park	Residential 1	R385 690
2368 Vryheid	1094m <sup>2</sup>	Edel Park	Residential 1	R338 080
2372 Vryheid	1157m <sup>2</sup>	Edel Park	Residential 1	R347 337.50

#### Business Sites

Property Description (ERF)	Property Extent (m <sup>2</sup> )	Suburb/Area	Zoning	Reserve Price (Incl. Vat)
5860 Vryheid	11098m <sup>2</sup>	Lakeside	Business 1	R433 780
6005 Vryheid	3000m <sup>2</sup>	Lakeside	Business 2	R249 952.50
5846 Vryheid	500m <sup>2</sup>	Lakeside	Business 2	R122 992.50
5847 Vryheid	500m <sup>2</sup>	Lakeside	Business 2	R122 992.50
5886 Vryheid	750m <sup>2</sup>	Lakeside	Business 2	R144 152.50

#### Industrial Sites

Property Description (ERF)	Property Extent (m <sup>2</sup> )	Suburb/Area	Zoning	Reserve Price (Incl. Vat)
2493 Vryheid	2647m <sup>2</sup>	Industrial Area	Industrial 1	R472 133.50
2494 Vryheid	2303m <sup>2</sup>	Industrial Area	Industrial 1	R433 780
2485 Vryheid	2491m <sup>2</sup>	Industrial Area	Industrial 1	R454 940
2486 Vryheid	2058m <sup>2</sup>	Industrial Area	Industrial 1	R404 685
1797 Vryheid	4597m <sup>2</sup>	Industrial Area	Industrial 1	R662 572.50
1800 Vryheid	4008m <sup>2</sup>	Industrial Area	Industrial 1	R608 350
2488 Vryheid	2417m <sup>2</sup>	Industrial Area	Industrial 1	R447 005
2489 Vryheid	2176m <sup>2</sup>	Industrial Area	Industrial 1	R419 232.50

1347 Vryheid	38408m <sup>2</sup>	Industrial Area	Industrial 2	R2 429 432.50
1348 Vryheid	37957m <sup>2</sup>	Industrial Area	Industrial 2	R2 412 240
1349 Vryheid	34187m <sup>2</sup>	Industrial Area	Industrial 2	R2 262 797.50
1350 Vryheid	26945m <sup>2</sup>	Industrial Area	Industrial 2	R1 955 977.50
1353 Vryheid	27705m <sup>2</sup>	Industrial Area	Industrial 2	R1 989 040

#### **4.2 Locality Maps**

Sites are highlighted in Yellow. Zooming in on the Locality Map will provide a clear indication of the property description.

# **(Commercial)**

# **Business**

# **Sites**

## ABAQULUSI LM

LOCALITY PLAN:



ABAQULUSI LOCAL MUNICIPALITY



SCALE - 1:1 500



## Legend

- Primary Roads
- ext 16 munic prop 2024 vr
- RegProp\_Cadastral\_2022Copy



DISCLAIMER: The accuracy of the data is not guaranteed and is for information purposes only. It is the responsibility of the user to verify the data and to use it at their own risk. The Local Municipality of ABAQULUSI is not liable for any damages or losses incurred as a result of the use of this data and is not responsible for any errors or omissions in the data.



# **Residential Sites**

## ABAQULUSI LM

### LOCALITY PLAN:



ABAQULUSI LOCAL MUNICIPALITY



SCALE - 1:1 000

0.05 0.10 0.15 0.20

### Legend

- primary\_roads
- ext 15 land sale loc
- RegProp\_Cadastral\_2022Copy

ABAQULUSI LOCAL MUNICIPALITY  
112 BURGERSDORP STREET  
VRYHEID  
3100  
Tel: 034 892 2133 Ext: 6358  
Cell: 082 441 4419  
Email: Admin@abaqulusi.gov.za



DISCLAIMER  
The accuracy of the data is not guaranteed and is implied.  
Abaqulusi Local Municipality accepts no liability for any claims brought  
against it or its employees as a result of the use of the data and/or  
information supplied.



# Industrial Sites





## 4.3 Permitted Zoning Rights

### 4.3.1 Residential 1

**STATEMENT OF INTENT:** This zone is intended to promote the development of primarily detached dwelling units, but does permit medium density housing (minimum site size of 2400m<sup>2</sup>). A limited number of compatible ancillary uses which have a non-disruptive impact on neighbourhood amenity may be allowed.

PRIMARY USES	CONSENT USES	PROHIBITED USES			
14 Dwelling House 28 Nature and Resource Conservation	7 Boarding House 13 Day Care Centre 17 Garden Nursery 19 Home Business <sup>4</sup> 20 Hospitality Facility (restricted to Bed and Breakfast Establishment <sup>4</sup> and Guest House) 24 Medium Density Housing (minimum site size of 2400m <sup>2</sup> ) 50 Tuck Shop <sup>4</sup>	1 Abattoir 2 Agricultural Industry 3 Agricultural Use 4 Animal Care Centre 5 ATM 6 Betting Depot 8 Brick Making 9 Builders Yard 10 Chalet Development 11 Commercial Workshop 12 Crematorium 15 Extractive Industrial Use 16 Funeral Parlour 18 General Industrial Building 21 Institution 22 Launderette 23 Light Industrial Building 25 Mortuary 26 Motor Vehicle Showroom 27 Motor Workshop 29 Office Building 30 Parking Garage	31 Petrol Filling Station 32 Place of Instruction 33 Place of Public Amusement 34 Place of Public Assembly 35 Private Recreation Area 36 Public Office 37 Recreational Building 38 Recycling Centre 39 Residential Building 40 Restaurant 41 Restricted Building 42 Retirement Centre 43 Scrap-Yard 44 Service Industrial Building 45 Service Workshop 46 Shop 47 Special Industrial Building 48 Tavern 49 Transportation Terminal 51 Warehouse Any other use not stipulated under primary use or consent use		
DEVELOPMENT PARAMETERS					
BUILDING LINES	MDH DENSITY	MINIMUM ERF AREA	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
STREET FRONT SPACE	SIDE AND REAR SPACE	1 unit per 900m <sup>2</sup>	900m <sup>2</sup>	2	35% 0.40

#### **4.3.2 Industrial 1**

##### **STATEMENT OF INTENT:**

This zone is intended to permit manufacturing that is generally compatible with other land uses permitted in adjacent, more sensitive land use zones such as residential, business and open space. Manufacturing activities shall not involve significant vibrations, noise odour or high volume of automobile and truck traffic. Warehousing of a non-hazardous nature is permitted. Outdoor storage as an ancillary use may be permitted in this zone subject to a consent procedure conditions of which shall address the extent of storage area permitted on the Erf, setbacks, screening and the type of materials to be stored outdoors. Office uses are permitted with conditions i.e. via a consent procedure.

<b>PRIMARY USES</b>	<b>CONSENT USES</b>	<b>PROHIBITED USES</b>	
5 ATM 8 Brick Making 11 Commercial Workshop 14 Dwelling House (Restricted to accommodation for manager, foreman or caretaker) 23 Light Industrial Building 26 Motor Vehicle Showroom 44 Service Industrial Building 45 Service Workshop 49 Transportation Terminal 51 Warehouse	6 Betting Depot 9 Builders Yard 16 Funeral Parlour 17 Garden Nursery 22 Launderette 27 Motor Workshop 29 Office Building 31 Petrol Filling Station 33 Place of Public Amusement 34 Place of Public Assembly 35 Private Recreation Area 37 Recreational Building 38 Recycling Centre 40 Restaurant 46 Shop as per Clause 7.2 48 Tavern	1 Abattoir 2 Agricultural Industry 3 Agricultural Use 4 Animal Care Centre 7 Boarding House 10 Chalet Development 12 Crematorium 13 Day Care Centre 15 Extractive Industrial Use 18 General Industrial Building 19 Home Business 20 Hospitality Facility 21 Institution 24 Medium Density Housing 25 Mortuary	28 Nature and Resource Conservation 30 Parking Garage 32 Place of Instruction 36 Public Office 39 Residential Building 41 Restricted Building 42 Retirement Centre 43 Scrap-Yard 46 Shop (Other than indicated under Consent) 47 Special Industrial Building 50 Tuck Shop Any other use not stipulated under primary use or consent use

##### **DEVELOPMENT PARAMETERS**

<b>BUILDING LINES</b>		<b>DWELLING UNITS PER HECTARE</b>	<b>MINIMUM MERF AREA</b>	<b>HEIGHT IN STOREYS</b>	<b>COVERAGE</b>	<b>FLOOR AREA RATIO</b>
<b>STREET FRONT SPACE</b>	<b>SIDE AND REAR SPACE</b>					
7.5m	2m	N/A	900m <sup>2</sup>	2	50%	0.50

### **4.3.3 Industrial 2**

#### **STATEMENT OF INTENT:**

This zone is intended to permit manufacturing uses which are generally compatible with other manufacturing uses. As a cumulative industrial zone, it would permit a combination of light manufacturing and more intensive manufacturing uses that would normally be considered incompatible with sensitive land uses. Warehousing of materials considered non-noxious or non-hazardous are permitted. Outdoor storage as an ancillary use may be permitted in this zone subject to a consent procedure conditions of which shall address the extent of storage area permitted on the Erf, setbacks, screening and the type of materials to be stored outdoors. Noxious industries to be permitted by Consent subject to environmental impacts being addressed.

PRIMARY USES	CONSENT USES	PROHIBITED USES	
5 ATM 9 Builders Yard 9 Brick Making 11 Commercial Workshop 14 Dwelling House (Restricted to accommodation for manager, foreman or caretaker) 18 General Industrial Building 23 Light Industrial Building 26 Motor Vehicle Showroom 27 Motor Workshop 38 Recycling Centre 43 Scrap-Yard 44 Service Industrial Building 45 Service Workshop 49 Transportation Terminal 51 Warehouse	1 Abattoir 2 Agricultural Industry 6 Betting Depot 12 Crematorium 16 Funeral Parlour 17 Garden Nursery 22 Launderette 25 Mortuary 31 Petrol Filling Station 35 Private Recreation Area 37 Recreational Building 40 Restaurant 46 Shop (ancillary to primary use, See Clause 7.2) 47 Special Industrial Building 48 Tavern	2 Agricultural Use 4 Animal Care Centre 7 Boarding House 10 Chalet Development 13 Day Care Centre 15 Extractive Industrial Use 19 Home Business 20 Hospitality Facility 21 Institution 24 Medium Density Housing 28 Nature and Resource Conservation	29 Office Building 30 Parking Garage 32 Place of Instruction 33 Place of Public Amusement 34 Place of Public Assembly 36 Public Office 39 Residential Building 41 Restricted Building 42 Retirement Centre 46 Shop (Other than indicated under Consent) 50 Tuck Shop Any other use not stipulated under primary use or consent use

#### **DEVELOPMENT PARAMETERS**

BUILDING LINES		DWELLING UNITS PER HECTARE	MINIMUM ERF AREA	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
STREET FRONT SPACE	SIDE AND REAR SPACE					
5m	2m	N/A	1800m <sup>2</sup>	4	65%	1.00

#### **4.3.4 Business 1**

**STATEMENT OF INTENT:** This zone is intended to provide for the use of retail, entertainment, offices, residential, public facilities, and related commercial uses at high intensities. Minimum erf size within this zone is 450 m<sup>2</sup>. Where residential usage is provided this shall be in the form of a composite building which includes shopping and/or offices in which case the minimum erf size shall be 1 800m<sup>2</sup>.

<b>PRIMARY USES</b>		<b>CONSENT USES</b>	<b>PROHIBITED USES</b>	
5 ATM	13 Day Care Centre	1 Abattoir	39 Residential Building (other than specified as a Primary Use)	
6 Betting Depot	16 Funeral Parlor	2 Agricultural Industry	41 Restricted Building	
7 Boarding House	17 Garden Nursery	3 Agricultural Use	42 Retirement Centre	
11 Commercial Workshop	21 Institution	4 Animal Care Centre	43 Scrap-Yard	
	27 Motor Workshop	8 Brick Making	45 Service Workshop	
	31 Petrol Filling Station	9 Builders Yard	47 Special Industrial Building	
20 Hospitality Facility (Restricted to Bed and Breakfast Establishment, Guest House and Conference Centre)	32 Place of Instruction	10 Chalet Development	50 Tuck Shop	
	33 Place of Public Amusement	12 Crematorium	Any other use not stipulated under primary use or consent use	
	34 Place of Public Assembly	14 Dwelling House		
	35 Private Recreation Area	15 Extractive Industrial Use		
22 Launderette	37 Recreational Building	18 General Industrial Building		
26 Motor Vehicle Showroom	38 Recycling Centre	19 Home Business		
29 Office Building	48 Tavern	23 Light Industrial Building		
30 Parking Garage	49 Transportation Terminal	24 Medium Density Housing		
36 Public Office	51 Warehouse	25 Mortuary		
39 Residential Building (above ground floor)		28 Nature and Resource Conservation		
40 Restaurant				
44 Service Industrial Building				
46 Shop				

#### **DEVELOPMENT PARAMETERS**

<b>BUILDING LINES</b>		<b>DWELLING UNITS PER HECTARE</b>	<b>MINIMUM ERF AREA</b>	<b>HEIGHT IN STOREYS</b>	<b>COVERAGE</b>	<b>FLOOR AREA RATIO</b>
<b>STREET FRONT SPACE</b>	<b>SIDE AND REAR SPACE</b>					
0m	2m	N/A	450m <sup>2</sup> (1800m <sup>2</sup> for a composite building)	6	80%	2.00

#### **4.3.4 Business 2**

<b>STATEMENT OF INTENT:</b>					
This zone is intended to provide for retail activities, workshops, light and service industrial uses, offices, restaurants and warehousing at medium intensities and with limited impacts.					
<b>PRIMARY USES</b>		<b>CONSENT USES</b>		<b>PROHIBITED USES</b>	
5 ATM	8 Brick Making	1 Abattoir	21 Institution		
6 Betting Depot	16 Funeral Parlour	2 Agricultural Industry	24 Medium Density		
11 Commercial Workshop	17 Garden Nursery	3 Agricultural Use	Housing 25 Mortuary		
14 Dwelling House	27 Motor Workshop	4 Animal Care Centre	28 Nature and Resource Conservation		
22 Launderette	31 Petrol Filling Station	7 Boarding House	39 Residential Building		
23 Light Industrial Building	32 Place of Instruction	9 Builders Yard	41 Restricted Building		
26 Motor Vehicle Showroom	33 Place of Public Amusement	10 Chalet Development	42 Retirement Centre		
29 Office Building	34 Place of Public Assembly	11 Crematorium	43 Scrap-Yard		
30 Parking Garage	35 Private Recreation Area	12 Day Care Centre	47 Special Industrial Building		
36 Public Office	37 Recreational Building	15 Extractive Industrial Use	50 Tuck Shop		
40 Restaurant	38 Recycling Centre	18 General Industrial Building	Any other use not stipulated under primary use or consent use		
44 Service Industrial Building	48 Tavern	19 Home Business			
45 Service Workshop		20 Hospitality Facility			
46 Shop					
49 Transportatio nTerminal					
51 Warehouse					
<b>ADDITIONAL CONTROLS</b>					
<ol style="list-style-type: none"> <li>1. Parking shall be provided in accordance with requirements set in <b>Clause 6.12</b>.</li> <li>2. Reference should be made to the Controls for Petrol Filling Stations set in <b>Clause 7.3</b></li> <li>3. A Gaming Machine may be included as an ancillary land use to a compatible primary land use such as a Bar, etc. (See <b>Clause 3.4.12.1</b>)</li> </ol>					
<b>DEVELOPMENT PARAMETERS</b>					
<b>BUILDING LINES</b>		<b>DWELLING UNITS PER HECTARE</b>	<b>MINIMUM ERF AREA</b>	<b>HEIGHT IN STOREYS</b>	<b>COVERAGE</b>
<b>STREET FRONT SPACE</b>	<b>SIDE AND REAR SPACE</b>				<b>FLOOR AREA RATIO</b>
5m	2m	N/A	450m <sup>2</sup>	2	50%
					0.80

## 5. Conditions of Sale

1. **All properties will be sold to the highest bidder.**
2. **No bids will be accepted below the reserved price of a property.**
3. Bids from all type of stakeholders will be accepted, ie. Individuals, businesses, NGO's, NPO's, etc.
4. The successful bidder will have to enter into a sale agreement/deed of sale with the Abaqulusi Local Municipality for the purchase of the property of which he/she lodged a bid for within 14 days after receiving notice that he/she has been awarded the bid.
5. The successful bidder will have to pay 10% of the bid price that he/she has lodged within 7 days after signing the sale agreement.
6. The successful bidder will have to pay the outstanding 90% of the bid price within 21 days after making the 10% payment as indicated in point 5 above.
7. All conveyancing costs will be the responsibility of the successful bidder.
8. The property is to be utilised as per the zoning rights only.
9. The successful bidder will **not be allowed** to conduct the following:
  - a) *Rezoning of the Property (within first 10 years of ownership)*
  - b) *Subdivision of the Property (within first 10 years of ownership)*
  - c) *Consolidating the Property (within first 10 years of ownership)*
10. Within 3 months upon finalisation of transfer and registration of the property, the successful bidder must submit building plans to the Abaqulusi Local Municipality in order to begin the process of developing the property.
11. Within 6 months after receiving approval of the building plans, the successful bidder must ensure that construction on site begins.
12. Within 18 months after approval of the building plans, the successful bidder must ensure that all construction on site is complete.
13. Construction on site must be fully compliant to the permitted zoning of the property and to the satisfaction of the Building Inspectorate Unit of the municipality.
14. Failure to complete construction as per the prescribed time frames stipulated above will result in administration penalties imposed on the site owner as per the Abaqulusi Local Municipality's Spatial Planning and Land Use Management Act, Act No. 13 of 2016 (SPLUMA) By-laws.

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**Name of Bidder**

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**Signed and Accepted Conditions of Sale**

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**Date**

## 6. Compulsory Returnable Documents

All proposed bids for a specific property must be accompanied by the following compulsory returnable document:

1. Signed and Completed Formal Bid Offer.
2. Signed and Completed Acceptance of the Conditions of Sale.
3. Certified Copy of ID.
4. Certified Copy of Proof of Residence.
5. Signed and Completed Certificate of Independent Bid Determination (MBD9).

## 7. Submission Format

- All Bid documents must be placed into the Tender Box outside the Municipality, located at the corner of Mark and High Street, Vryheid, KZN, 3100.
- All Bid documents must be submitted timeously.
- No late submissions will be accepted.
- All Bid documents must be completed in full and all supporting documents must be attached as required.
- No email or faxed submissions will be accepted.
- All costs related to the submission of this tender shall be carried out by the bidder.

## 8. Legalities and Rules

- The AbaQulusi municipality reserves the right not to award a Bid as per the bids received.
- If successful upon a bid to purchase a property, the purchaser will have to enter into a sale agreement with the seller, the Abaqulusi Local Municipality.
- All returnable documents must be signed where applicable.
- All conditions of sale must be strictly adhered to, read and understood by the bidder.
- The AbaQulusi Local Municipality will not be held responsible for any submission delays whatsoever.

## 9. Validity Period

- All Bids are valid for a period of 90 days after submission closing date.

## 10. Briefing Session

- There will be **no briefing session**.

## 11. Evaluation Criteria

All bids received must comply with the following criteria:

1. All properties will be sold to the highest bid offer.
2. All bid documents must be signed and completed in full where applicable.
3. All bidders must submit a certified copy of their ID.
4. All bidders must submit a certified copy of their Proof of Residence.
5. All bidders must submit a Signed and Completed Certificate of Independent Bid Determination (MBD9)

## 12. Reasons for Disqualification

A bid document will be rejected or disqualified based on the following reasons:

1. Late submission of a bid will not be accepted.
2. A bid document received that is not signed and completed in full.
3. Non-Submission of Certified copy of ID.
4. Non-Submission of Certified copy of Proof of Address.
5. A Bid below the Reserved Price of a property
6. A proposed Bidder whose information is found out to be fraudulent, factually untrue or inaccurate.

## 13. AbaQulusi Municipality's Rights

- The AbaQulusi municipality is entitled to amend any Bid conditions, validity period, specifications, or extend the closing date of Bids before the closing date. All bidders, to whom the bid documents have been issued, will be advised in writing of such amendments in good time.
- The AbaQulusi municipality reserves the right not to award a Bid as per the bids received.

## 14. Enquiries

Enquiries may be directed to the following persons:

### **Technical Queries**

Mr L. Dookhilal

Telephone No. : 034 982 2133

Working Hours: Monday – Thursday 7:30 – 16:30  
: Friday – 7:30 – 13:30

Email: [ldookhilal@abaqulusi.gov.za](mailto:ldookhilal@abaqulusi.gov.za)

### **Supply Chain Queries**

Ms P Nxumalo

Telephone No. : 034 982 2133

Working Hours: Monday – Thursday 7:30 – 16:30  
: Friday – 7:30 – 13:30

Email: [pxumalo@abaqulusi.gov.za](mailto:pxumalo@abaqulusi.gov.za)

## DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make offers in terms of this invitation to bid. In view of possible allegations of favoritism, 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 authorized representative declare their position in relation to the evaluating/ adjudicating authority.

**3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:.....

3.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):.....

3.4 Company Registration Number:.....

3.5 Tax Reference Number:.....

3.6 Vat Registration Number:.....

3.7 The names of all directors/ trustees/ shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8 Are you presently in the service of the state?

**YES/ NO**

3.8.1 If yes, furnish particulars.....

.....

<sup>1</sup> MSCM Regulations: “in the service of the state” means to be –

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

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

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

3.9.1 If yes, furnish particulars.....

.....

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

3.10.1 If yes, furnish particulars.

.....

.....

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

3.11.1 If yes, furnish particulars

.....  
.....

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

**YES / NO**

3.12.1 If yes, furnish particulars.

.....  
.....

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

**YES / NO**

3.13.1 If yes, furnish particulars

.....  
.....

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

**YES / NO**

3.14.1 If yes, furnish particulars

.....

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

Full Name	Identity Number	State Employee Number

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

## MBD 6.1

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

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

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

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#### 1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
  - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 **To be completed by the organ of state**  
*(delete whichever is not applicable for this tender).*
  - a) The applicable preference point system for this tender is the **90/10** preference point system.
  - b) The applicable preference point system for this tender is the **80/20** preference point system.
  - c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
  - (a) Price; and
  - (b) Specific Goals.
- 1.4 **To be completed by the organ of state:**  
The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

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

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

### **3.1. POINTS AWARDED FOR PRICE**

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

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

$$P_S = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right) \text{ or } P_S = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

## GENERATING PROCUREMENT

### 3.2.1. POINTS AWARDED FOR PRICE

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

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$ or		$Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$

Where

$Ps$  = Points scored for price of tender under consideration

$Pt$  = Price of tender under consideration

$P_{max}$  = Price of highest acceptable tender

### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
  - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

<b>The specific goals allocated points in terms of this tender</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
Previously disadvantaged individuals	20	
100% HDI Equity	20	
Between 75% & 99% HDI	13	
50% and 74% HDI	5	
Less than 50%	2	

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

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

4.4. Company registration number: .....

4.5. **TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

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

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

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

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....

## CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - a. take all reasonable steps to prevent such abuse;
  - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

## **CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

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

**MBD 9**

(a) has been requested to submit a bid in response to this bid invitation;

- (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
- (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.

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

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

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder