



LEKWA LOCAL MUNICIPALITY

CONTRACT NUMBER: *PED 01 /2023/2024*

BID DOCUMENT

**REQUEST FOR PROPOSALS FOR THE DEVELOPMENT SALE OF VARIOUS ERVEN
WITHIN LEKWA LOCAL MUNICIPALITY (MP305).**

PREPARED BY

THE MUNICIPAL MANAGER LEKWA LOCAL MUNICIPALITY
P.O. Box 66
STANDERTON
2430

Mr MJ Lamola

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NAME OF BIDDER (BIDDING ENTITY) (FULL NAME,
i.e. (CC, (PTY) LTD, LTD, JV, SOLE PROPRIETOR etc.)

TEL NUMBER

FAX NUMBER

E-MAIL

CELL.

CSD NO.

.....

.....

.....

.....

.....

.....

THE TOTAL OFFERED PRICES INCLUDING VALUE ADDED TAX IS:

R..... (In figures)

Please note: Do not remove the front page of this document. Keep in order as purchased.

LEKWA LOCAL MUNICIPALITY (LLM)



Department of Finance: Supply Chain Management Unit

PED 01/2023/2024

Tender document can be downloaded from E-tenders, Lekwa Local Municipality website at www.etenders.gov.za & www.lekwalm.gov.za

No submission(s) transmitted by fax or other electronic means will be accepted

Closing date of submission: 29 September 2023 at 12h00 no bid received after the closing date and time will be accepted or considered.

Briefing Date: 31/08/2023@ 10h00 Manor Hall, c/o Dr Beyers Naude & Mbonani Mayisela streets, Standerton, Mpumalanga, 2430.

Opening of submissions: 12h00 Bids will be opened in public in the designated boardroom at the Lekwa Local Municipality Main Building, c/o Dr Beyers Naude & Mbonani Mayisela streets, Standerton, Mpumalanga, 2430.

Property description & Information: REFER TO ANNEXURE A
ANNEXURES B-E are locality maps (A Google Earth KML file indicating all the properties will also be made available)

NAME OF BIDDER

DOCUMENTS TO BE SUBMITTED: 1 ORIGINAL HARD COPY

Contents

1. INTRODUCTION.....	3
2. RETURNABLES CRITERIA	4
3. EVALUATION CRITERIA	4
4. ADDITIONAL CONDITIONS.....	17
5. PREFERENTIAL SCORING SYSTEM	18
6. LAND INVASION	18
7. CLEANING OF PROPERTY	19
8. "VOETSTOOTS"	19
ANNEXURE A.....	27
ANNEXURE B.....	28
ANNEXURE C	29
ANNEXURE D.....	30
ANNEXURE E	31
ANNEXURE F	32

1. **INTRODUCTION**

1.1 The Landowner

Lekwa Local Municipality (LLM)

In 2000, Standerton was restructured to become a single municipal authority and elections were held for an executive mayor and unified local government. Again the local municipal boundaries were expanded, this time to include Morgenzon, Thuthukani & various second and third order nodes in order to create Lekwa Local Municipality. The municipality play a crucial role in building the economy, and implementing policies and structures to support economic growth and poverty alleviation.

During 2021 Council conducted a comprehensive Land Audit in order to determine all properties (erven & farmland) which belongs to the Lekwa Local Municipality.

A number of properties have been identified to be alienated in line with the Alienation & Leasing of Immovable Property Policy 2023 as well as Chapter 3 Section 14 of the Municipal Finance Management Act, Act 56 of 2003. Please refer to Annexure "A" for the list of properties and additional information.

Annexure B – Standerton Locality Map

Annexure C – Meyerville Locality Map

Annexure D – Morgenzon Locality Map

Annexure E – Sivukile Locality Map

2. RETURNABLES CRITERIA

Individuals:

- 2.1 Municipal account not owing. Paid up to date not older than 30 days.
- 2.2 Certified ID of the bidder.
- 2.3 Proof of voters roll confirmation.
- 2.4 Signed form of offer.

The bidder who qualify in first round will then go to second round.

Companies:

- 2.5 CIPC
- 2.6 SARS pin
- 2.7 Authority to sign
- 2.8 Form of offer
- 2.9 CSD registration
- 2.10 Municipal Account (Not in arrears for more than 30 days)

3. EVALUATION CRITERIA

The evaluation criteria will include the following:

3.1 Locality of the Bidder/ Tenderer

LOCAL OF THE BIDDER	MAX 20	NUMBER OF POINTS CLAIMED (TO BE COMPLETED BY THE TENDERER)	MEANS OF VERIFICATION
With in the jurisdiction of Lekwa Local Municipality	20		Proof of Residence – Municipal account /Lease agreement
Within Gert Sibande District Municipality	15		Proof of Residence – Municipal account / Lease agreement
From Mpumalanga Province	10		Proof of Residence – Municipal account / Lease agreement
In South Africa outside Mpumalanga Province	5		Proof of Residence – Municipal account/ Lease agreement
Outside of South Africa	0		Proof of Residence – Municipal account / Lease agreement

NB: Municipal account not older than 3 months

- (a) A copy of the bidder's and those of its directors municipal accounts (for the Municipality where the bidder pays his account) for the month preceding the tender closure date must accompany the tender documents. If such a certified copy does not accompany the bid document of the successful bidder, the

Municipality reserves the right to obtain such documents after the closing date to verify that their municipal accounts are in order.

(b) Any bidder which is or whose directors are in arrears with their municipal rates and taxes or municipal charges due to any Municipality or any of its entities for more than three months and have not made an arrangement for settlement of same before the bid closure date will be unsuccessful.

(c) If a bidder rents their premises, proof must be submitted that the rental includes their municipal rates and taxes or municipal charges and that their rent is not in arrears.

2.1 Financial Viability

The purchase price shall be payable in cash against the registration of transfer of the property in the name of the successful tenderer and shall be secured by one or more bank similar guarantee(s) issued at the expense of the successful tenderer which guarantee (s) shall be acceptable to Council. The guarantee(s) shall be in favour of the Council and shall be furnished within thirty (30) days upon request by Council's conveyancer.

Financial Offer	MAX 50	NUMBER OF POINTS CLAIMED (80/20 SYSTEM) (TO BE COMPLETED BY THE TENDERER)	MEANS OF VERIFICATION
100% Purchase price	50		Financial Guarantee (Bank or any other source of funding)
90% Purchase price	40		Financial Guarantee (Bank or any other source of funding)
80% Purchase price	30		Financial Guarantee (Bank or any other source of funding)
70% Purchase price	20		Financial Guarantee (Bank or any other source of funding)
60% Purchase price	10		Financial Guarantee (Bank or any other source of funding)
50% Purchase price	Non qualifer		Financial Guarantee (Bank or any other source of funding)

NB: Source of Finance e.g. a Bank Guarantee or Letter of financial support for the bid offer lodged

2.2 BEE Criteria

Lekwa Local Municipality subscribes to the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000). The 80/20 point system shall be applicable during the evaluation and adjudication of bids. The amended PPPFA regulation 2022 will be used.

The bidders shall be adjudicated in terms of Councils Supply Chain Management Policy where the following point allocations are applicable in order to be in line with the PPPFA.

Price

Eighty (80) points maximum. The highest financial offer will score Eighty (80) points with lower offers scoring proportionately in relation to the highest offer.

Tenderers must provide all information required in the tender document to qualify for the specified points

2.3 Municipal Account

- 2.3.1 Copies of all current accounts sent to the tenderer and to each director, member, owner, partner or trustee, must be attached to the tender documents. The Municipality will at its sole discretion check whether all the municipal accounts are up to date.
- 2.3.2 Where a tenderer's place of business or business interests are outside the jurisdiction of the Municipality, a Revenue Clearance Certificate from the relevant Municipality must be produced.
- 2.3.3 Before awarding a tender, the Municipal debts of the tenderer and of each director, member, owner, partner or trustee of the tenderer must be paid in full.

2.4 Development Clause

A successful binder must develop the Property within **36 months** (3 years) of the transfer with written permission of the Seller. Should the Purchaser's failure to erect an approved structure as set out, the Seller will therefore be entitled **to re-transfer the property into its name, should it at such time be registered in the name of the Purchaser**, at the cost of the Purchaser and at the original purchase price.

2.5 Gender

For bidders who tendered using a registered company

The specific goals allocated in terms of this tender	Number of points allocated	Verification document(s)	Scored points
GENDER			
Business owned more than 50% by female	4	Certified ID Copy of Director/Owner and Company Registration certificate	
Business owned less than 50% by female	2	Certified ID Copy of Director/Owner and Company Registration certificate	

For bidders who tendered as individuals

The specific goals allocated in terms of this tender	Number of points allocated	Verification document(s)	Scored points
GENDER			
Female	4	Certified ID Copy	
Male	2	Certified ID Copy	

HID Table:

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Previously disadvantaged individuals	2	4		
Women	2	4		
Disabled	2	4		
Youth	2	4		
Local Labour	2	4		

PART A INVITATION TO BID (MBD 1)

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	PED 01 /2023/2024	CLOSING DATE:	29 SEPTEMBER 2023	CLOSING TIME:	12H00
BRIEFING DATE:	31/08/2023	BRIEFING TIME:	10H00	VENUE:	Standerton Town Hall, Minor Hall
DESCRIPTION	REQUEST FOR PROPOSALS FOR THE DEVELOPMENT SALE OF VARIOUS ERVEN WITHIN LEKWA LOCAL MUNICIPALITY (MP305).				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT					
LEKWA LOCAL MUNICIPALITY,					
CNR MBONANI MAYISELA & Dr BEYERS NAUDE STREET, STANDERTON, 2430					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> 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]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]		
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE		R
SIGNATURE OF BIDDER		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT	SUPPLY CHAIN		CONTACT PERSON		
CONTACT PERSON	Mr M Masuku		TELEPHONE NUMBER		
TELEPHONE NUMBER	072 327 0891		E-MAIL ADDRESS		
E-MAIL ADDRESS	mmasuku@lekwalm.gov.za				

PART B TERMS AND CONDITIONS FOR BIDDING

1.	BID SUBMISSION:
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
2.	TAX COMPLIANCE REQUIREMENTS
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3.	QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <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:

DATE:

AUTHORITY TO SIGN A BID

TYPE OF ENTERPRISE (Please indicate with an “X” and complete the indicated section below)

1	Company (Pty) Ltd. & Ltd.		Please complete section 1 below
2	Close Corporation (CC)		Please complete section 2 below
3	Sole Proprietor		Please complete section 3 below
4	Partnership		Please complete section 4 below
5	Consortium, Club, Trust, etc.		Please complete section 5 below
6	Joint Venture		Please complete section 6 below

1. COMPANIES - (PTY) LTD. & LTD.

1.1. If a bidder is a **COMPANY ((Pty) Ltd. OR Ltd.)**, a certified copy of the resolution by the board of directors, duly signed, authorising the person who signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid and/or contract on behalf of the company must be submitted with this bid, that is, before the closing time and date of the bid.

1.2. A valid resolution must be signed by:

1.2.1. Majority directors; or

1.2.2. Chairman of the Board; or

1.2.3. Company Secretary

PARTICULARS OF RESOLUTION BY THE BOARD OF DIRECTORS OF THE COMPANY

Date resolution was taken			
Resolution signed by (name and surname)			
Capacity			
Name and surname of delegated authorised signatory			
Capacity			
Specimen signature			
Full name and surname of ALL director(s)			
Is a copy of the resolution attached?	YES		NO

SIGNED ON BEHALF OF COMPANY / CC:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

2. CLOSE CORPORATION (CC)

2.1. In the case of a **CLOSE CORPORATION (CC)** submitting a bid, a resolution by its members, authorizing a member or other official of the corporation to sign the documents on their behalf, shall be included with the bid.

2.2. A valid resolution must be signed by:

2.2.1. Majority members; or

2.2.2. Member with majority shareholding but only if such shareholding is more than 50%; or

2.2.3. Company Secretary.

PARTICULARS OF RESOLUTION BY THE MEMBERS OF THE CLOSE CORPORATION

Date resolution was taken	
Resolution signed by (name and surname)	
Capacity	
Name and surname of delegated authorised signatory	
Capacity	
Specimen signature	

Full name and surname of ALL director(s) / member (s)

Is a copy of the resolution attached?	YES		NO	
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3. SOLE PROPRIETOR (SINGLE OWNER BUSINESS) & NATURAL PERSON

I, _____, the undersigned, hereby confirm that I am the sole owner of the business trading as _____.

OR

I, _____, the undersigned, hereby confirm that I am submitting this bid in my capacity as natural person.

SIGNATURE:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

4. PARTNERSHIP

We, the undersigned partners in the business trading as _____ hereby authorize Mr / Ms _____ to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid and /or contract for and on behalf of the abovementioned partnership.

The following particulars in respect of every partner must be furnished and signed by every partner:

Full name of partner	Signature

5. CONSORTIUM / CLUB / TRUST / ETC.

We, the undersigned consortium partners, hereby authorize _____

(Name of entity) to act as lead consortium partner and further authorize Mr / Ms _____ to sign this offer as well as any contract resulting from this bid and any other documents and correspondence in connection with this bid and / or contract for and on behalf of the consortium.

The following particulars in respect of each consortium member must be provided and must be signed by each member:

Full Name of consortium member	Role of consortium member	% Participation	Signature

SIGNED ON BEHALF OF PARTNERSHIP:		DATE:	
PRINT NAME:			
WITNESS 1:		WITNESS 2:	

SIGNED ON BEHALF OF PARTNERSHIP:		DATE:	
----------------------------------	--	-------	--

PRINT NAME:			
WITNESS 1:		WITNESS 2:	

6. JOINT VENTURE

We, the undersigned, are submitting this bid offer in joint venture and hereby authorize Mr / Ms _____

 authorized signatory of the Company / Close Corporation / Partnership (name) _____,
 _____,
 acting in the capacity of lead partner, to sign all documents in connection with the bid offer and any contract
 resulting from it on our behalf.

1. LEAD PARTNER (Whom the Municipality shall hold liable for the purpose of the tender)

Name of firm			
Address			
		Tel. No.	
Signature		Designation	

2. 2nd

PARTNER

Name of firm			
Address			
		Tel. No.	
Signature		Designation	

3. 3rd

PARTNER

Name of firm			
Address:			
		Tel. No.	
Signature		Designation	

NOTE: A copy of the Joint Venture Agreement indicating clearly the percentage contribution of each partner to the Joint Venture, is to be submitted with the bid.

A board resolution, authorising each signatory who signed above to do so, is to be submitted with the bid.

Record of Addendum to Bid Documents

We confirm that the following communications received from the Employer before the submission of this bid offer, amending the bid documents, have been taken into account in this bid offer:		
	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attached additional pages if more space is required.

Signed _____ Date _____

Name _____ Position _____

Bidder _____

REQUEST FOR PROPOSALS FOR THE DEVELOPMENT SALE OF VARIOUS ERVEN WITHIN LEKWA LOCAL MUNICIPALITY (MP305). Agreement and Contract

3.1. Form of Offer and Acceptance

The employer, identified in the acceptance signature block, has solicited offers to enter into a contract for:

REQUEST FOR PROPOSALS FOR THE DEVELOPMENT SALE OF VARIOUS ERVEN WITHIN LEKWA LOCAL MUNICIPALITY (MP305).

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the tender schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities of the contractor under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the conditions of contract identified in the contract data.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS

.....
..... Rand (in words);
R..... (in figures)

This offer may be accepted by the employer by signing the acceptance part of this form of offer and acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data, whereupon the tenderer becomes the party named as the contractor in the conditions of contract identified in the contract data.

Signature	
Name	
Capacity	
Name of Tenderer	

Witness:

Name

Signature

Date

ACCEPTANCE (To be completed by the Employer)

By signing this part of this form of offer and acceptance, the employer identified below accepts the tenderer's offer. In consideration thereof, the employer shall pay the tenderer the amount due in accordance with the conditions of contract identified in the contract data. Acceptance of the tenderer's offer shall form an agreement between the employer and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

- Part 1 Agreements and tender document, (which includes this agreement)
- Part 2 Pricing data
- Part 3 Scope of work
- Part 4 Briefing Session
- Part 5 Service Level Agreement

and any drawings and documents or parts thereof, which may be incorporated by reference into Parts 1 to 5 above.

Deviations from and amendments to the documents listed in the tender document and any addenda thereto as listed in the tender schedules as well as any changes to the terms of the offer agreed by the tenderer and the employer during this process of offer and acceptance, are contained in the Record of Addendum attached to and forming part of this agreement. No amendments to or deviations from said documents are valid unless contained in this schedule, which must be signed by the authorized representative(s) of both parties.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), contact the employer's agent (whose details are given in the tender document) to arrange the delivery of any boards, guarantees, proof of insurance and any other documentation to be provided in terms of the conditions of contract identified in the contract data at, or just after, the date this agreement comes into effect. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

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

FOR OFFICIAL USE ONLY:

NAME		SIGNATURE	
DATE			
CAPACITY	Municipal Manager		
FOR THE EMPLOYER	Lekwa Local Municipality		
NAME OF WITNESS		SIGNATURE	

4. ADDITIONAL CONDITIONS

- 3.1 That the provision of Section 14 of the Municipal Finance Management Act (Act 56 of 2003) and any amendments thereto or any other law pertaining to land in general and Council-owned land in particular, be complied with;
- 3.2 That it be made obligatory upon the purchaser to erect a fence (wire, palisade brick or any other as approved by the Building Control Unit) around the perimeter/boundaries of the stand within 30 calendar days after the signing of the deed of sale by the Municipal Manager
- 3.3 That it be made obligatory upon the purchaser to ensure that the stand is kept clean and tidy all the times while it remains undeveloped;
- 3.4 That the land be developed within a period of twenty four (24) months from date of the registration of ownership of the land in the name of the purchaser
- 3.5 This period may be extended for a further period of 12 months subject to submission of a written application by the purchaser for such an extension.
- 3.6 The application must be made 12 months before the expiry of the initial period of 24 months. It must be accompanied by motivation as to why the requested extension should be granted.
- 3.7 In the event that the application is not considered favorably by the municipality the applicant shall be required to comply with the requirement of the initial period of 24 months.
- 3.8 Should a purchaser fail to develop the land as required in paragraph above, the Municipality shall have the right to demand that the affected purchaser at his/her own costs transfer the ownership of the land back to the Municipality. This provision must be notarial registered in the title deed of the land.
- 3.9 The successful purchaser shall open a Lekwa Municipal Services account in his/her name for the alienated property within 7 days of registration at the Deeds Office.

5. PREFERENTIAL SCORING SYSTEM

- 4.1 To put into effect the objectives of this policy of promoting the transformation of residential areas along non-racial lines as well as to promote social integration and social cohesion the preferential scoring system referred to in Clause 4.4 & 4.5 underneath shall be utilized.
- 4.2 Any advertisement or media publication for the disposal of land shall be accompanied by the declaration of the scoring system to be used as per the provisions of the Preferential Procurement Policy Framework Act (Act No.5 of 2000).
- 4.3 In the event where more than one application for the alienation of Council land is received and such application has been made by any Historical Disadvantaged Individual (HDI) as contemplated in the Preferential Procurement Policy Framework Act(Act No 5/2000), the application of such Historical Disadvantaged Individual shall, provided the application compiles with any other requirements that may be deemed necessary, enjoy preferential consideration on the same point scoring basis for HDI's stipulated in the aforementioned Act.
- 4.4 The 80/20 preference system (land valued from **R30 000 up to R50 000 000**)
- 4.4.1 A maximum of twenty (20) point must be awarded to a bid of an HDI person/s in terms of the Act mentioned above and the Council's Supply Chain Management Policy.
- 4.5 The 90/10 preference system (from **R50 000 000 - upwards**)
- 4.5.1 A maximum of 10(ten) points must be awarded to a bid of an HDI person/s in terms of the Council's Supply Chain Management Policy.
- 4.6 The local HDI will be allocated extra points in terms of the Council's Supply Chain Management Policy.
- 4.7 All bid documents are to contain a clause stating that it is an express term of the bid that such bid will only be regarded as valid and binding on the parties once a Deed of Sale has been concluded.

6. LAND INVASION

- 5.1 The purchaser shall be liable to any steps to prevent the illegal invasion of his/her property. In

the event that an illegal land invasion occurs, the Council shall not be liable for instituting legal proceedings for the eviction of the illegal invader.

5.2 Should an invasion occur before the ownership of the land passes to the purchaser, purchaser shall be liable to put the Council on fees before legal proceedings can be instituted against the illegal invader.

7. CLEANING OF PROPERTY

6.1 The purchaser shall clean the property on a regular basis and should she/he fail to do so the Municipality shall undertake to clean the property at the cost of the owner. The amount shall be levied to the account of the owner.

8. "VOETSTOOTS"

7.1 All disposal of Council owned land shall be subject to a "voetstoots" clause which shall be incorporated to the Sale Agreement.

TENDER ADVERT

REQUEST FOR PROPOSALS FOR THE DEVELOPMENT SALE OF VARIOUS PROPERTIES AS PER ANNEXURE A

The Lekwa Local Municipality hereby invites interested persons to submit proposals for the development of the properties stated hereunder:

BID NUMBERS	TENDER DESCRIPTIONS	SITE SIZE
PED 01/2023/2024	Property description – refer to Annexure A	Refer to Annexure A
Document Availability	30 August 2023	
Document	The tender document can be downloaded from E-tenders & Lekwa Local Municipality websites at no cost: www.lekwalm.gov.za & www.etenders.gov.za	
Closing Date	29 September 2023 at 12h00, Lekwa Local Municipality reserves the right to extend the closing date at its sole discretion.	
Disqualifying Criteria	None	
Compliance Criteria before award	<ul style="list-style-type: none"> • Proof of registration of the Bidder as follows: <ul style="list-style-type: none"> ○ 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 • JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners • Up to date Municipal Account not older than one (1) months and not owing for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted. • In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation and a JV / Consortium agreement 	
Address	Lekwa Local Municipality Main Building, corner of Dr. Beyers Naude & Mbonani Mayisela streets, Standerton, Mpumalanga, 2430	

Evaluation	<p>Functionality, Price and BBBEE using the 80/20 preference point system, 80 for financial offer and 20 for B-BBBEE status level of contributor</p> $P_s= 80 \left(1 - \frac{P_t-P_{min}}{P_{min}} \right)$ <table><tr><td>P_s</td><td>=</td><td>Points scored for price of tender under consideration</td></tr><tr><td>P_t</td><td>=</td><td>Rand value of tender under consideration</td></tr><tr><td>P_{min}</td><td>=</td><td>Rand Value of lowest acceptable Tender</td></tr></table>	P _s	=	Points scored for price of tender under consideration	P _t	=	Rand value of tender under consideration	P _{min}	=	Rand Value of lowest acceptable Tender
P _s	=	Points scored for price of tender under consideration								
P _t	=	Rand value of tender under consideration								
P _{min}	=	Rand Value of lowest acceptable Tender								
Enquiries	<p>M Masuku@lekwalm.gov.za/ jprinsloo@lekwalm.gov.za 072 327 0891 079 894 8516</p>									

Please note the following conditions of submission:

- No late proposals will be considered
- The Lekwa Local Municipality reserves the right not to accept any proposals or to withdraw the call for proposals.

Contact Details
Supply Chain
Management Department
Tel: (017) 712 9600

M.J. LAMOLA
MUNICIPAL MANAGER
LEKWA LOCAL MUNICIPALITY
CORNER OF DR. BEYERS NAUDE & MBONANI MAYISELA STREETS
STANDERTON
MPUMALANGA
2430

DECLARATION OF SUPPLIER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1. This Municipal Bidding Document must form part of all bids invited
2. This serves as a declaration 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 supplier may be rejected if that bidder or any of its directors have:
 - a. abused the municipality'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. Wilfully 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 as a company or person 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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>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>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	<p>Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

REQUEST FOR PROPOSALS FOR THE DEVELOPMENT SALE OF VARIOUS ERVEN WITHIN LEKWA LOCAL MUNICIPALITY (MP305)

4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality 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"/>
4.5.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

.....
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TO BE TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

..... Signature Date
..... Position Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 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).^{*} Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 2 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.
- 3 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.
- 4 In order to give effect to the above, the attached Certificate of Quotation Determination (**MBD 9**) must be completed and submitted with the bid:

^{*} 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.

REQUEST FOR PROPOSALS FOR THE DEVELOPMENT SALE OF VARIOUS ERVEN WITHIN LEKWA LOCAL MUNICIPALITY (MP305)

CERTIFICATE OF BID DETERMINATION

I, the undersigned, in submitting the accompanying Bid:

in response to the invitation for the Bid made by:

LEKWA LOCAL MUNICIPALITY

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

I certify, on behalf of: _____ that:
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
(a) has been requested to submit a bid in response to this bid invitation;
(b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
(c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium* 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

* 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.

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ANNEXURE A

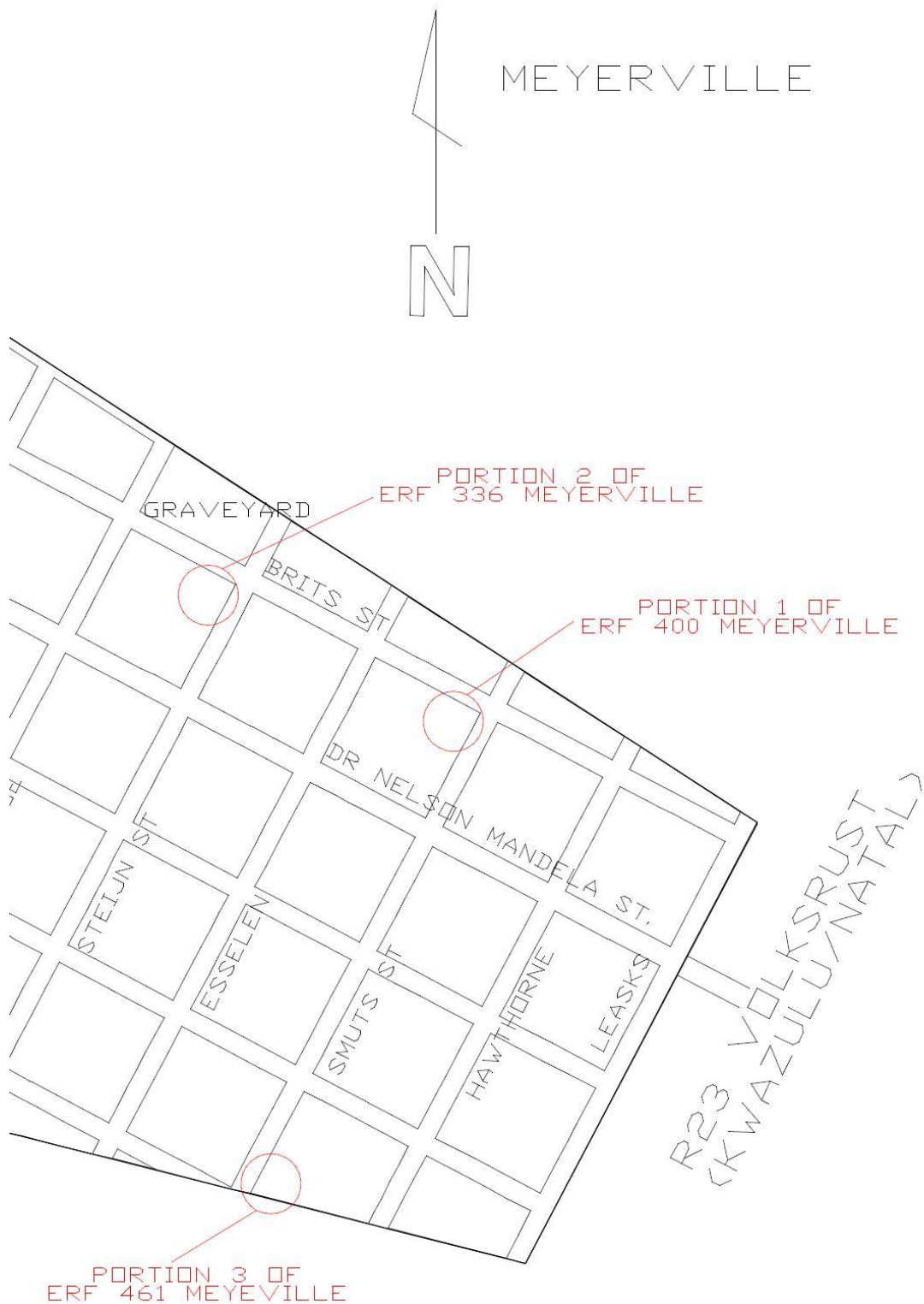
ERF NUMBER	TOWN	STREET ADDRESS	EXTENT(m2)	TITLE DEED NO.	ZONING	IMPROVEMENTS
REMAINDER OF 354	STANDERTON	60A CHARL CILLIERS	2856	T29566/1944	RESIDENTIAL MULTIPLE	RESIDENTIAL HOUSE
PORTION 2 OF 792	STANDERTON	4A STEIN	1903	T25869/1986	GOVERNMENT	RESIDENTIAL HOUSE
PORTION 1 OF 58	STANDERTON	11A HANDEL	1806	T28707/1966	SPECIAL	RESIDENTIAL HOUSE
PORTION 53 OF 1068	STANDERTON	3 KOSMOS	3787	T9123/1987	SPECIAL	VACANT
PORTION 54 OF 1068	STANDERTON	5 KOSMOS	6121	T41962/2002	SPECIAL	INFORMAL CHURCH
PORTION 2 OF 336	MEYERVILLE	4A STEUN	1205	T8140/1989	RESIDENTIAL SINGLE	RESIDENTIAL HOUSE
PORTION 1 OF 400	MEYERVILLE	4 SMUTS	1204	T19851/1981	RESIDENTIAL SINGLE	RESIDENTIAL HOUSE
PORTION 3 OF 461	MEYERVILLE	17B SMUTS	1743	T37732/1983	RESIDENTIAL SINGLE	RESIDENTIAL HOUSE
180	MORGENZON	180 STEYN	2399	T99562/2002	RESIDENTIAL SINGLE	INFORMAL HOUSE
182	MORGENZON	182 STEYN	2399	T99562/2002	RESIDENTIAL SINGLE	VACANT
250	MORGENZON	250 BEYERS	2399	T99562/2002	RESIDENTIAL SINGLE	INFORMAL HOUSE
254	MORGENZON	254 BEYERS	2399	T99562/2002	RESIDENTIAL SINGLE	VACANT
294	MORGENZON	294 BOTHA WEST	2956	T11334/1985	RESIDENTIAL SINGLE	INFORMAL CHURCH
436	SIVUKILE EXT 2	436	3030	T90270/2004	INSTITUTIONAL	ILLEGAL SHOP
490	SIVUKILE EXT 2	490	3323	T90270/2004	INSTITUTIONAL	EXISTING NGO
917	SIVUKILE EXT 3	917	3622	T77464/2001	INSTITUTIONAL	VACANT

REQUEST FOR PROPOSALS FOR THE DEVELOPMENT SALE OF VARIOUS ERVEN WITHIN LEKWA LOCAL MUNICIPALITY (MP305)

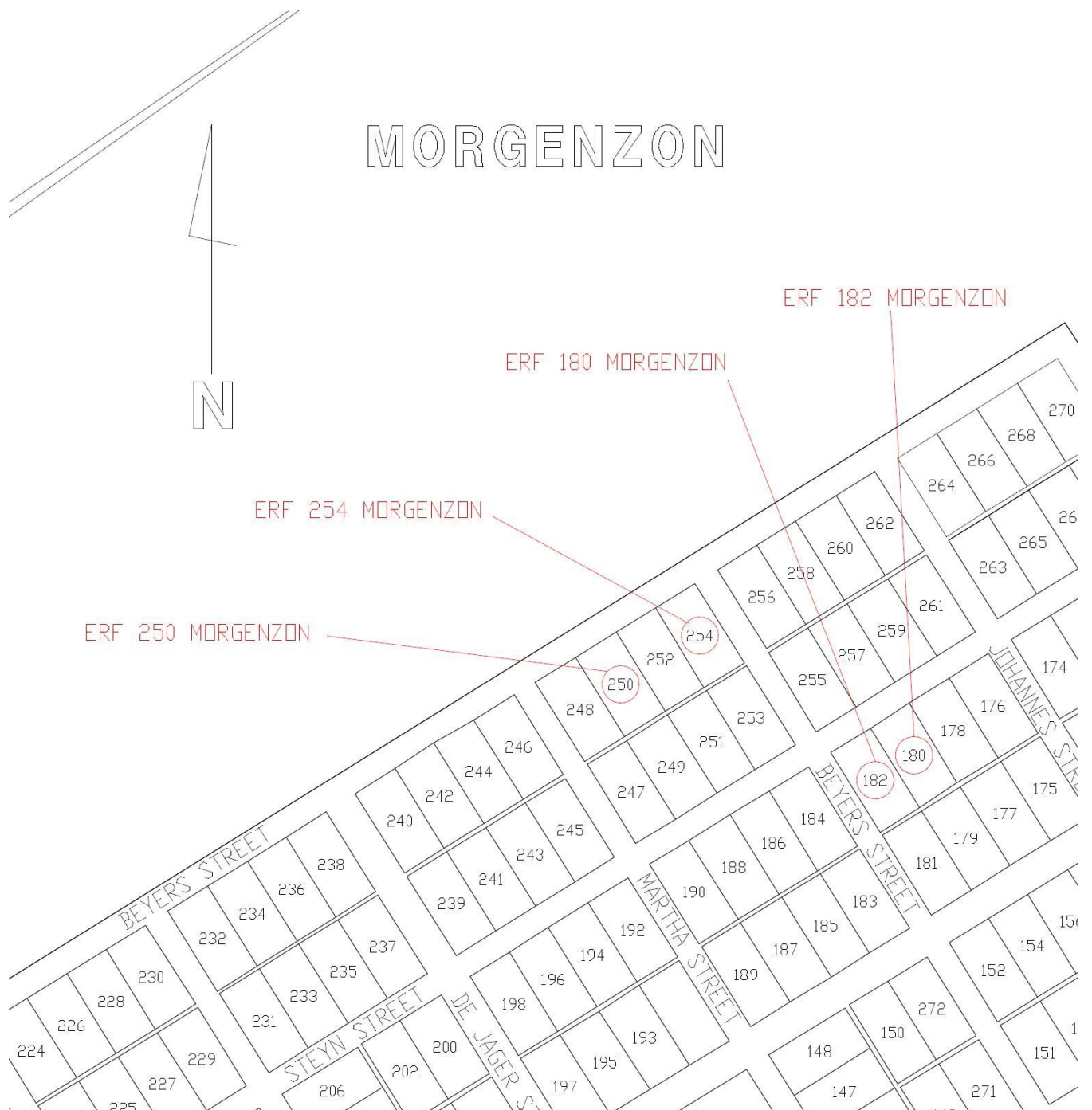
ANNEXURE B



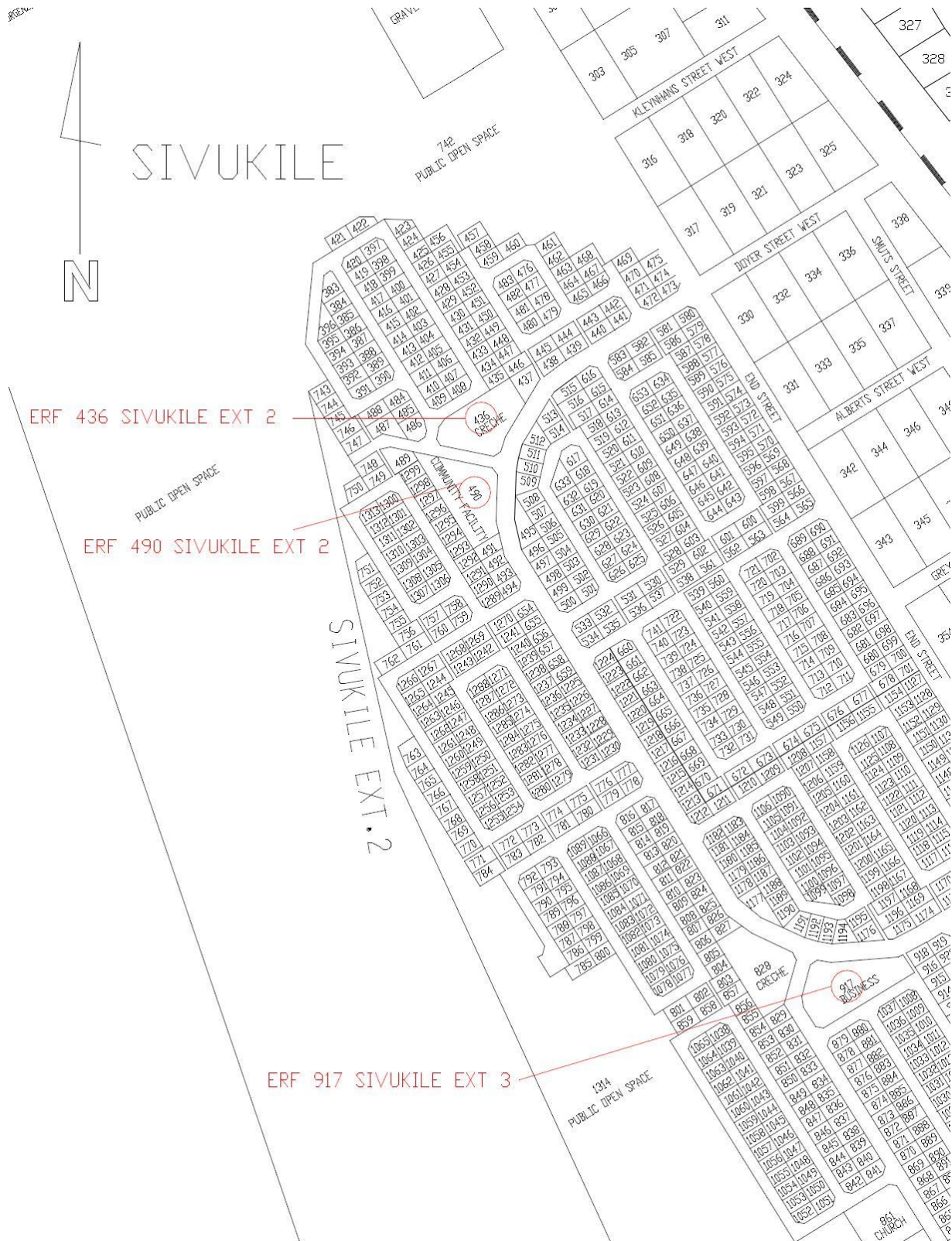
ANNEXURE C



ANNEXURE D



ANNEXURE E



ANNEXURE F

ERVEN	AMOUNT (R) INCLUDING VAT	AMOUNT (IN WORDS)
Remainder of erf 354, 60A Charl Cilliers St, Standerton		
Portion 2 of erf 792, 4A Stein St., Standerton		
Portion 1 of erf 58, 11A Handel St., Standerton		
Portion 53 of erf 1068, 3 Kosmos St., Standerton		
Portion 54 of erf 1068, 5 Kosmos St., Standerton		
Portion 2 of erf 336, 4A Steijn St., Meyerville		
Portion 1 of erf 400, 4 Smuts St., Meyerville		
Portion 3 of erf 461, 17B Smuts St., Meyerville		
Erf 180, 180 Steyn St., Morgenzon		
Erf 182, 182 Stein St., Morgenzon		
Erf 250, 250 Beyers St., Morgenzon		
Erf 254, 254 Beyers St., Morgenzon		
Erf 294, 294 Botha West St., Morgenzon		
Erf 436, Sivukile Extension 2		
Erf 490, Sivukile Extension 2		
Erf 917, Sivukile Extension 3		