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**City of Joburg Property Company (SOC) Ltd
Department of Finance: Supply Chain Management Unit**

RFP 31/2023FY/JPC

Tender document can be downloaded from E-tenders, COJ and the JPC websites at no cost www.jhbproperty.co.za, and www.etenders.gov.za

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

Closing date of submission: 07 July 2023 at 10h30 (Telkom Time)– no bid received after the closing date and time will be accepted or considered.

Opening of Submissions: 10h30 (Telkom Time) – Bids will be opened in the designated boardrooms at the City of Joburg Property Company (SOC) Ltd, 3rd Floor, Forum I, Braampark Office Park, 33 Hoofd Street, Braamfontein.

Non-compulsory briefing session: 21 June 2023 at 10h00am, City of Joburg Property Company Offices, 3rd floor (entrance level), A - Block, Auditorium, Forum I, Braampark, Braamfontein

Document availability: 02 June 2023 from 12:00pm.

REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 15 ORLANDO EKHAYA

NAME OF BIDDER:

DOCUMENTS TO BE SUBMITTED: 1 ORIGINAL, 1 COPY AND SCANNED VERSION OF THE SUBMISSION INCLUDING ANNEXURES/ RETURNABLE IN A USB MEMORY STICK MARKED THE BIDDERS NAME.

Submissions under sealed cover must be addressed the to City of Joburg Property Company (SOC) Ltd endorsed with bid number and description and placed in the tender box no later than the date and time indicated above. City of Joburg Property Company (SOC) Ltd does not take any responsibility for any bids deposited into an incorrect box.

THIS DOCUMENT CONSISTS OF 58 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER / BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT.

CONTENTS

SECTION 1	PAGE
1. Introduction	3
2. Tender Advert (JPC MBD 1)	4
3. Invitation to Bid (JPC MBD 2)	6
4. Pricing Schedule: Financial Offer (JPC MDB 3)	10
5. Declaration of Interest (MBD 4)	12
6. Declaration for Procurement above R10 Million (MDB 5)	16
7. Preference Points Claim Form in terms of the Preferential Procurement Regulations 2001 (MBD 6.1)	18
8. Bid Submission (JPC MBD 7.1)	27
9. Tender For Income-Generating Contracts (MBD 7.3)	28
10. Declaration with Regard to Past Supply Chain Practices (MBD 8)	31
11. Independent Bid Determination (MBD 9)	33
12. Conditions of Submission JPC (MBD 10)	36
13. Bid Specifications (JPC MBD 11)	40
14. Property Information (JPC MBD 12)	42
15. Evaluation Criteria JPC (MBD 13)	44
16. Registration Documents (JPC MBD 14)	50
17. Authority to Submit Bid (JPC MBD 15)	51
18. Payment of Municipal Account (JPC MBD 16)	52
19. Development Proposal (JPC MBD 17)	53
20. Public / Social Benefit (JPC MBD 18)	55
21. Bidders Experience (JP MBD 19)	56
22. Access to Funding (JPC MBD 20)	58

Annexures:

Annexure A – NPV working Template

1. INTRODUCTION

1.1 The Landowner and its Agent

1.1.1 City of Johannesburg (CoJ)

Metro Centre, Civic Boulevard, Braamfontein

In 2000, Johannesburg was restructured to become a single metropolitan authority and elections were held for an executive mayor and unified local government. Again the local municipal boundaries were expanded, this time to include Modderfontein and Midrand. Since then, the City has enjoyed a financial turnaround, with the creation of a credible and stable operating environment. This stability, strong centralised co-ordination and oversight has allowed the City to play a crucial role in building the economy, and implementing policies and structures to support economic growth and poverty alleviation.

1.1.2 The City of Joburg Property Company (SOC) Ltd (JPC)

Reg. No. 2000/017147/07

The City of Joburg Property Company SOC Ltd (JPC) was established in 2000 as a private company and is wholly owned by the City of Johannesburg (CoJ). It was converted into a State-Owned Company after the implementation of the Companies Act of South Africa, 2008 (Act No. 71 of 2008). Consequently, JPC must comply with the legislative framework and reporting requirements applicable to any company in South Africa. This includes, but is not limited to, the Companies Act. The company is also subject to the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

The core functions of JPC are as follows;

- **Asset Management**
- **Property Development**
- **Facilities Management**
- **Property Management**
- **Outdoor Advertising**

TENDER ADVERT

REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT OF A MIXED USE DEVELOPMENT WITH EMPHASIS ON AFFORDABLE HOUSING AND LONG TERM LEASE OF ERF 16 ORLANDO EKHAYA

The City of Joburg Property Company (SOC) Ltd ("JPC") (Reg. No 2000/017147/07) as an agent of City of Johannesburg Metropolitan Municipality ("CoJ"), hereby invites interested persons to submit proposals for the development of the property stated hereunder:

BID NUMBERS	TENDER DESCRIPTIONS	SITE SIZE
RFP 31/2023FY/JPC	REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT OF A MIXED USE DEVELOPMENT WITH EMPHASIS ON AFFORDABLE HOUSING AND LONG TERM LEASE OF ERF 16 ORLANDO EKHAYA	43,332m ²
Non-compulsory briefing session	A non-compulsory briefing session will take place 21 June 2023 at 10h00am, City of Joburg Property Company Offices, 3rd floor (entrance level), A - Block, Auditorium, Forum I, Braampark, Braamfontein.	
Document Availability	02 June 2023 from 12:00 pm	
Document	The tender document can be downloaded from E-tenders, COJ and the JPC websites at no cost www.jhbproperty.co.za , www.etenders.gov.za and www.joburg.org.za	
Closing Date	07 July 2023 at 10h30 (Telkom Time), CoJ reserves the right to extend the closing date at its sole discretion.	
Compliance Criteria before award	<ul style="list-style-type: none"> Valid Tax Compliant Verification PIN number issued by SARS. 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 COR20.1 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 Entity BBBEE Certificate or JV/Consortium Consolidated BBBEE Certificate 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 / Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted. 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 Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted 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 /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 / 	

	<p>Consortium agreement</p> <ul style="list-style-type: none"> Central Supplier Database (CSD) registration valid on tender closing date Submission of public interest score (PIS) as per Companies Act Regulation 26(2). The public score calculation must be supported by the following: <ul style="list-style-type: none"> Audited Annual Financial Statement indicating the latest three financial periods, OR Latest unaudited annual financial statement used for the calculation of the PIS. Bidding Entity resolution. Signature of the following documents; <ul style="list-style-type: none"> Declaration of interest in MBD 4 Declaration of the Bidder's Past Supply Chain Practices in MBD 8, Certificate of Independent Bid Determination in MBD 9, and Bidders Information in JPC MBD 7
Address	City of Joburg Property Company SOC LTD, 3 rd Floor, Forum I, 33 Hoofd Street, Braam Park Office Park, Braamfontein.
Evaluation	<p>Functionality, Price and Specific Goal 90/10</p> $Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$
	tenders@jhbproperty.co.za

Please note the following conditions of submission:

- No late proposals will be considered
- The City of Joburg Property Company (SOC) Ltd and or City of Johannesburg Metropolitan Municipality reserves the right not to accept any proposals or to withdraw the call for proposals.



Contact Details
Supply Chain Management
Department
Tel: (010) 219-9000

Helen Botes Chief Executive Officer
City of Joburg Property Company SOC Ltd
1st Floor, Forum 1 Building, Braam Park
Office Park, 33 Hoofd Street,
Braamfontein Johannesburg

MBD1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:	RFP 31/2023FY/JPC	CLOSING DATE:	07 July 2023	CLOSING TIME:	10H30 TELKOM TIME
DESCRIPTION	REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 16 ORLANDO EKHAYA				
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 (STREET ADDRESS

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:	

2.1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	2.2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICE S OFFERED ?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3]
2.3 TOTAL NUMBER OF ITEMS OFFERED		2.4 TOTAL BID PRICE	R
2.5 SIGNATURE OF BIDDER	2.6 DATE	
2.7 CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>
2. TAX COMPLIANCE REQUIREMENTS
<p>2.8 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.9 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.</p> <p>2.10 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.</p> <p>2.11 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.12 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.13 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.14 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
<p>3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>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.</p>

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.



RFP: 31/2023FY/JPC – REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 16 ORLANDO EKHAYA

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

JPC MBD: 3

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 specifications in JPC MBD 12.
2. Unless stated otherwise all prices excludes VAT.
3. **THE FINANCIAL OFFER**

Net Present Value of Rental over lease term	R
Annual Escalation 8%	%
Non-refundable JPC Fee of a minimum 1.5% of the total proposed development cost (once off, excluding the rental offer).	R
Skills Development Fee (once off)	R

4. NON-REFUNDABLE JPC FEE

In addition to the above offer, the preferred bidder shall pay to JPC a non-refundable JPC Fee of 1.5 % the total proposed development cost (excluding the rental offer), for facilitating the project and/or must be payable within 14 days from the date of signature.

Non-refundable JPC Fee (one and half percent) of the total proposed development cost (excluding the rental offer).	R
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5. DEVELOPMENT COST

TOTAL DEVELOPMENT COST:	R
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NB: NPV to be calculated at an annual escalation of 8% PER ANNUM.

Template for NPV calculations, Refer to Annexure A.

Fixed Monthly Rental Offer 1. Annual Rental escalation of 8 % 2. For comparison NPV rental offers will be calculated using 10% discounted rate 3. 50 Year Lease	R
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NB: The following information in line with the above financial offer must be attached to the bid document;

- *The bidder must submit working spreadsheet indicating the initial rental (first year's monthly rental)*
- *The spreadsheet must cover the entire 50 years period.*

BIDDERS MUST SUBMIT A RENTAL SCHEDULE INDICATING THE NPV CALCULATIONS

6. PAYMENT FOR RATES, TAXES, AND SERVICES

In addition to the above amount, the lessee will be required to pay all municipal charges including rates and taxes levied on the property.

MBD: 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

No.	Information	Please provide detail	
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 ²)		
3.4	Company registration number		
3.5	Tax reference number		
3.6	VAT registration number		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state?	Yes	No
	If yes, please furnish particulars :		
3.7.1	Name of director		
3.7.2	Service of state organization		

No.	Information	Please provide detail	
3.8	Have you been in the service of the state for the past twelve months? If yes, please furnish particulars :	Yes	No
3.8.1	Name of director		
3.8.2	Service of state organization		
3.9	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? If yes, please furnish particulars :	Yes	No
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	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? If yes, please furnish particulars :	Yes	No
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i> If yes, please furnish particulars :	Yes	No
3.11.1	Name of director		

No.	Information	Please provide detail	
3.11.2	Service of state organization		
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state? If yes, please furnish particulars:	Yes	No
3.12.1	Name of director		
3.12.2	Name of relative		
3.12.3	Relationship		
3.13	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? If yes, please furnish particulars:	Yes	No
3.13.1	Name of director		
3.13.2	Related company		

No.	Information	Please provide detail
Note:	<p>SCM Regulations:</p> <p>“¹In the service of the state” means to be –</p> <ul style="list-style-type: none"> (a) a member of – <ul style="list-style-type: none"> (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. <p>“² 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.</p>	

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

Full Name	Identity Number	State Employee Number

5. I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.	
NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

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 Are you by law required to prepare annual financial statements for auditing? **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. 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 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, furnish particulars
-
-
4. 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, furnish particulars

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
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

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	90
SPECIFIC GOALS	10
Total points for Price and SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim

points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

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

2. DEFINITIONS

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

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

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:

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

Where

Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

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

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:
DATE:
ADDRESS:
.....
.....
.....
.....

MBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on <http://www.thedti.gov.za/industrial development/ip.jsp> at no cost.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?
(***Tick applicable box***)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.resbank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)**

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):

.....
NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thedti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder entity), the
following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.
The local content percentages for each product has been calculated using the formula given**

in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

BIDDER'S INFORMATION (JPC MBD 7.1)

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	

Please indicate how you became aware of the invitation to submit this Proposal

The Star		JPC website	
Sowetan		E- Tenders	
JPC Social Media Accounts		Business Day	

I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.	
NAME OF REPRESENTATIVE	AUTHORISED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS¹

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE LESSOR/ SELLER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE LESSOR/ SELLER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to lease property/ purchase all or any of the goods and/or services described in the attached bidding documents from (name of institution)..... in accordance with the requirements stipulated in (bid number)..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the seller during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Declaration of interest;
 - Declaration of Bidder's past SCM practices;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) quoted covers the leased property/ all the goods and/or services specified in the bidding documents; that the price(s) cover all my obligations and I accept that any mistakes regarding price(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I undertake to make payment for the leased property/ goods/services as specified in the bidding documents.
6. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
7. I confirm that I am duly authorised to sign this contract.

¹ "Tender for income-generating contracts" has the same meaning as defined in the Preferential Procurement Regulations, 2022.



RFP: 31/2023FY/JPC – REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 16 ORLANDO EKHAYA

NAME (PRINT)
CAPACITY
SIGNATURE
NAME OF FIRM
DATE

WITNESSES	
1
2.
DATE:	



CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS

PART 2 (TO BE FILLED IN BY THE LESSOR/ SELLER)

1. I..... in my capacity as..... accept your bid under reference numberdated.....for the leasing of property/ purchase of goods/services indicated hereunder and/or further specified in the annexure(s).
2. I undertake to make the leased property/ goods/services available in accordance with the terms and conditions of the contract.

ITEM NO.	DESCRIPTION	PRICE (ALL APPLICABLE TAXES INCLUDED)	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

4. I confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

WITNESSES

1.

2.

DATE

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	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? (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). 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	Yes	No
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website www.treasury.gov.za by clicking on its link at the bottom of the home page.	Yes	No
4.2.1	If so, furnish particulars:		

Item	Question	Yes	No
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes	No
4.3.1	If so, furnish particulars:		

I, the undersigned certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.	
NAME OF REPRESENTATIVE	AUTHORIZED SIGNATURE (UNDERSIGNED)
DATE	CAPACITY

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 per 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:
 - 3.1. take all reasonable steps to prevent such abuse;
 - 3.2. 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
 - 3.3. 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.

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:

The City of Joburg Property Company (SOC) Ltd (Reg. No 2000/017147/07) (“JPC”) as an agent of City of Johannesburg Metropolitan Municipality (“COJ”)

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)

6. I have read and I understand the contents of this Certificate;
7. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
8. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
9. 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;
10. 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
11. 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.
12. 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.

13. 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.
14. 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.

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.

15. 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

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 JPC MBD 11
- The property is made available in accordance with the information and stipulations contained in JPC MBD 12
- 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.

COMPLIANCE PRIOR TO AWARD

- Valid Tax Compliant Verification PIN number issued by SARS.
- Proof of registration of the Bidder 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
- JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners
- Entity BBBEE Certificate or JV/Consortium Consolidated BBBEE Certificate
- 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 / Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted.
- 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 Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted
- 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 /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
- Central Supplier Database (CSD) registration valid on tender closing date
- Submission of public interest score (PIS) as per Companies Act Regulation 26(2). The public score calculation must be supported by the following:
 - Audited Annual Financial Statement indicating the latest three financial periods, **OR**
 - Latest unaudited annual financial statement used for the calculation of the PIS.
- Company resolution.
- Signature of the following documents;
 - Declaration of interest in MBD 4
 - Declaration of the Bidder's Past Supply Chain Practices in MBD 8,
 - Certificate of Independent Bid Determination in MBD 9, and
 - Bidders Information in JPC MBD 7

SUBMISSION OF PROPOSALS

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and JPCs' 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 and (1) soft copy on USB.
 - All Proposal documentation received shall be deemed COJ 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 The Chief Executive Officer, City of Joburg Property Company (SOC) Ltd
- 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 made available by the Client Services Centre of:

The City of Joburg Property Company (SOC) Ltd
33 Hoofd Street, Forum 1 Block A, 3rd Floor, Braampark,
Braamfontein, Johannesburg

- **PROPOSALS WHICH ARE NOT SUBMITTED IN A PROPERLY SEALED AND MARKED ENVELOPE AND DEPOSITED IN THE BOX BEFORE THE CLOSING DATE AND TIME, WILL NOT BE OPENED.**
- 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 COJ and/or its agent the JPC 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 COJ and/or its agent the JPC.

OPENING OF PROPOSALS

- All proposals are to be submitted at the JPC offices, on or before the closing date and time. After which the Opening Register will be uploaded on the JPC website.
- Bidder's return address must be clearly stipulated or indicated on the back of the envelope.

EVALUATION OF PROPOSALS

- JPC reserves the right at its discretion 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 COJ or its agent deems appropriate.
- The preferred Bidder(s) may be required to make presentations to the JPC.
- The Bidder(s) shall be deemed to know and understand the content of this Proposal Call document and a submission of the bid will indicate the Bidder(s) unconditional acceptance of all the terms and conditions contained in the Proposal Call document.
- 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 Proposal Call documents.
- The Proposal(s) will be evaluated by the JPC. JPC 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 JPC MBD 13.

- The Proposal(s) will be adjudicated by the COJ's Executive Adjudication Committee and awarded in terms of the City's Supply Chain Management Policy for Land.
- The COJ and/or the JPC 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 (one-hundred and twenty days) days** after the closing date, provided that bidders may extend the validity of the proposal on request of COJ specifically in the event that a contract with the preferred bidder fails.

RESOLUTIONS OF DISPUTES

- Persons or bidders who are aggrieved by decisions or actions taken in the implementation of Supply Chain Management system or in the awarding of the bid, may within 20 (twenty) days of the awarding of the bid, lodge a written complaint containing the details of the dispute arising to the Chief Executive Officer of JPC at the following address or telefax number:

3rd Floor, Forum 1, Braampark, 33 Hoofd Street, Braamfontein, Johannesburg

- 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.
- The Chief Executive Officer may appoint an independent person, from outside or within the City or JPC, to investigate and propose a dispute resolution mechanism to address the complaint. The person so appointed will be someone who was not involved in the transaction in question.

PROHIBITIONS

- The COJ and JPC 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 JPC for the purposes of assisting the JPC with defining of requirements, drafting of specifications or evaluation of the Proposals.

- The COJ and JPC will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving as councillors for any municipality.
- The COJ and JPC 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 COJ and JPC does not encourage awarding of contracts to close family members of employees in decision-making positions.
- 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 City of Johannesburg 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 tenders@jhbproperty.co.za.

JPC MBD: 11 BID SPECIFICATIONS

The following Specifications apply to this bid:

1 Property Information

ERF 16 Orlando Ekhaya	Location:	Chris Hani Drive
	Size:	43,332m²
	Zoning:	Business 1

The following Specifications apply to this bid:

1. Identification of Property: The Property referred to in this Proposal call is defined as Erf 16 Orlando Ekhaya
2. Specifications for use and development of the Property: The property shall be developed as mixed use development with special emphasis on mixed rental residential with a minimum of 20% of the total development being earmarked for affordable housing at a maximum rental of R1500 per unit per month excluding municipal services. The allocation of these affordable units(20%) will be in line with the CoJ Policies
3. The Property Tenure: Erf 16 Orlando Ekhaya is owned by the City of Johannesburg. Erf 16 Orlando Ekhaya is the subject property of this RFP, the Property shall be made available by means of a long-term lease and development agreement in accordance with JPC's standard agreement. The following terms of contract are non-negotiable:
 4. The lease period will be restricted to a maximum of 50 (fifty) years. Upon expiry or termination of the Development and Lease agreement, possession of the property and all improvements will revert to the City of Johannesburg without any compensation.
 5. The option to purchase is not part of this bid.
 6. On signature of the agreement the preferred bidder shall pay to JPC a non-refundable JPC Fee equal in value to 1.5% (one and half percent) of the total proposed development cost (excluding the land value), for facilitating the project and/or transaction will be due on signature of the agreement and payable on agreed milestone.
 7. Bidders are expected to support the goals and objectives of the National Government's Expanded Public Works Program (EPWP). In this regard, the successful proposer will be required to keep the required records and provide regular reports to JPC as required by the EPWP. In addition hereto, bidders are expected to support the relevant enterprise development programmes of the City of Johannesburg.
 8. Local Area spending target must be in accordance with the Empowerment Plan.

9. The successful bidder(s) will be responsible for and shall bear all costs related to the development of the property including bulk services.
10. The successful bidder will be responsible for the protection or relocation of all servitudes which may be registered over the property.
11. Bidders and their professional team are required to demonstrate their ability and capacity to deliver and manage the proposed development.
12. The property is made available in accordance with the site information made available in MBD13.
13. The successful bidder will be responsible to obtain all statutory approvals (Environmental, Water Use Licence, Site Development Plan, Building Plan, etc) which are required for the development of the property.
14. Bidders are required to submit a proposal outlining a plan to achieve a 5-star green star rating for the development.
15. Bidders are encouraged to utilise the maximum bulk that is available in terms of the zoning conditions of the property.
16. Bidders are required to demonstrate the ability to raise/secure the required funding for the proposed development
17. Bidders are to submit offers in terms of the requirements of this RFP

JPC MBD 12: PROPERTY INFORMATION

1. LOCALITY MAP

Erf 16 Orlando Ekhaya, in Region D is , located on Basil Road, along Chris Hani Drive between the Baralink Node in the east and the Klipspruit Valley with Maponya Mall and the Nancefield precinct to the west. The suburb Orlando East borders the precinct in the north and Pimville with the University of Johannesburg (UJ) Soweto campus form the southern boundaries.Region D. The subject property is vacant land that forms part of Orlando Ekhaya Urban Development framework.



2. AERIAL MAP



SITE INFORMATION

Property Description	Erf 16 Orlando Ekhaya, in Region D is , located on Basil Road, along Chris Hani Drive between the Baralink Node in the east and the Klipspruit Valley with Maponya Mall and the Nancefield precinct to the west. The suburb Orlando East borders the precinct in the north and Pimville with the University of Johannesburg (UJ) Soweto campus form the southern boundaries.Region D. The subject property is vacant land that forms part of Orlando Ekhaya Urban Development framework.
Size (approximate)	Total Size 25,415m2
Zoning	Business 1
Servitudes	There is a power line servitude in favour of Eskom with ancillary rights as will more fully appear from Notarial Deed K2411/1999S registered on 21 May 1999 (SG 5225/1996). There is a 3m wide sewer line unregistered servitude that runs along the power line servitude on all the sites.
Structures and physical features	The structure is currently vacant
Geotechnical conditions	A Geotechnical investigation has been completed on the property. In terms of the investigation there are no geotechnical conditions which would prevent development.
Environmental	<p>The authorisation that was issued in May 2006 covers Erf 16. The Gauteng Department of Agriculture, Conservation and Environment is of the opinion that while there are certain sensitivities on site, if the development is correctly planned, executed and managed, that it will result in the optimal use of the land.</p> <p>The letter from Agriculture, Conservation and Environment was signed on 17/05/2006 and states that the authorised activity would have to commence within 5 years from the date of signature after which the authorisation will lapse and the applicant would have to reapply for exemption or authorisation. Because the first few phases of Orlando Ekhaya were implemented</p> <p>A record of decision (ROD) in terms of NEMA was obtained for the township . The ROD was activated in time with the construction of services and other parts of the development and remains valid. The development will have to comply with the provision of the the approved Environmental Management Plan (EMP)</p>
Heritage	Heritage Management Guidelines were prepared for the Orlando eKhaya Precinct. The guidelines in as far as they refer to the building on erf 16 indicate that the building can be adaptively reused but must be retained.

EVALUATION CRITERIA

A two-stage evaluation will be applied to the evaluation of the bid 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	Points	Returnable documents to be used in evaluation
1. CAPACITY AND EXPERIENCE OF THE BIDDER	10	
<p>CAPACITY AND EXPERIENCE BIDDER</p> <p>Development Experience of the bidding entity (10) Bidder to indicate total value of development projects completed. Scoring will be based on the total value of development.</p> <ul style="list-style-type: none"> • R100 million and above = 10 points • Below R80 million to R99 million = 8 points • Below R50 to R79 million = 6 points. • Below R20 million to R49 million = 4 points. • R10 million and below = 2 points 	10	<p>Returnables to be attached/aligned under JPC MBD 19</p> <p>Bidder to provide documents to demonstrate its experience including contactable references for completed projects.</p> <p>1. Bidder must submit a signed completion certificate as proof of project completion/ completion testimonial.)</p> <p>AND</p> <p>2. Reference letters on the issuing company letterhead indicating the bidders name highlighting:</p> <ul style="list-style-type: none"> ○ the value of the project at completion ○ start and end date of the said project. <p>NB: Failure to submit in the required format will result in letter being disregarded</p> <p>NB Maximum of 3 letters</p>

2. CAPACITY AND EXPERIENCE PROFESSIONAL AND CONSTRUCTION TEAMS	30	
<p>Capacity and experience of the Bidder's professional team in delivering projects of a similar nature: 10 points:</p> <ul style="list-style-type: none"> Architect: 10 points: <ul style="list-style-type: none"> 7 years and above experience = (9) 5 years experience = (7) 3 years experience with large residential development projects = (5) Projects less than 2 years =0 Submission of proof of registration with the relevant council = (1) Civil, Structural and Electrical Engineers with green building design experience and proof of registration with the relevant professional councils: =3 points <ul style="list-style-type: none"> Civil - Submission of proof of registration with the relevant council =(1) Structural Submission of proof of registration with the relevant council =(1) Electrical- Submission of proof of registration with the relevant council =(1) Project Manager:= 3 points: <ul style="list-style-type: none"> Proof of registration with relevant council =(1) <ul style="list-style-type: none"> Experience of 8 years and more = (2) Experience of 7 - 4 years = (1) Experience of less than 4 years = (0) Quantity Surveyor:= 2 points <ul style="list-style-type: none"> Proof of registration with the relevant council = (1) Experience of 8 years and above = (1) Experience Less than 8 years = (0) Urban Designer: =1 point <ul style="list-style-type: none"> Urban designer with experience of more than 8 years= (1) 	23	<p>CV's of the professional team with qualifications and proof of registration with professional bodies where requested.</p>

<ul style="list-style-type: none"> - Experience Less than 8 years = (0) • Stakeholder Consultant (Social Facilitation) = (2) <ul style="list-style-type: none"> - Experience in Stakeholder Consulting 5 years and above = (2) • Landscape Architect: =(2) <ul style="list-style-type: none"> - Experience of 3 projects =(2) 		
<p>Construction Team</p> <ul style="list-style-type: none"> • Main contractor- Provide profile with evidence of at least 3 or more Completed Projects of a similar nature (i.e. Multi-Storey Development/ Building Conversion/Refurbishment) with completion certificates = 4 points • Bidder to provide CVs and Proof of Registration documents (with a minimum of 5 years' experience) for the following; <ul style="list-style-type: none"> - Site Manager = 2 points - Registered Health & Safety Officer = 1 points <p>0 points will be awarded for contractors who have completed less than three (3) projects of a similar nature</p>	7	<p>Completion certificates and reference letters for previously completed projects of a similar nature with cost thereof for the Main contractor</p> <p>CV's of the professional team and proof of registration with professional bodies where applicable and qualifications of the Site Manager, registered Health and Safety Officer and Social Facilitator</p>
3. DEVELOPMENT PROPOSAL	20	
<p>Conformity of the Development Proposal to the vision for the property as expressed in JPC MBD 11.</p> <p>The development proposal must clearly illustrate how the development would address affordable student accommodation needs (minimum 30% of the whole development, sustainable mixed tenure communities, densification, functional urban design and sustainability (environment and technology)</p> <ul style="list-style-type: none"> • Development Concept (5) • Site development plan outlining the proposed uses, ratios, size elevations and typologies of units (1) • Integration of multiple uses within the development including parking if required (1) • Sustainability (Green building elements: a comprehensive plan to achieve a net zero building, modelling and benchmarking of consumption and long term operational costs) (2) • Detailed level conceptual design showing urban form (3D conceptual drawings of building form) (1) <p>Proposed Rentals (10)</p> <ul style="list-style-type: none"> • Proposed rentals (10) : 	10	<p>DEVELOPMENT PROPOSAL</p> <p>- JPC MBD 17</p> <p>In addition to providing the information on MBD 17, the bidder must submit a development proposal that include all the information as outlined on this page.</p>
	10	

<p>Bidders are to provide at least 50% or more of the development at a rental rate of less than R1 500.00 of the student accommodation floor area</p> <ul style="list-style-type: none"> - 81 % to 100 % of total affordable student accommodation below R1 500.00 = (10) - 61 % to 80 % of total affordable student accommodation below R1 500.00 = (8) - 50% to 60 % of total affordable student accommodation below R1 500.00 = (6) 		
FINANCIAL CAPABILITY	30	
<p>The bidder must be able to demonstrate proof of availability/ access to the funding required to execute the development</p> <ul style="list-style-type: none"> • The bidder must provide a funding plan stating the sources of funding required for the development =(15) <p>Proof of funding availability</p> <ul style="list-style-type: none"> - Bidder to provide proof bank guarantee = (10) - Bidder to provide a fully unencumbered approved loan from a bank or registered financial institution = (5) 		<p>Detailed funding model backed by and signed off by a QS and accountant,</p> <p>Bank Guarantee for the 30% to be funded by bidder</p> <p>Signed letter from registered funding institutions confirming funding for the project</p> <p>NB: No comfort letters/ support letters\ bank codes from financial institutions. Only letters of approval subject to tender award</p>
INVESTMENT VALUE	10	
<p>A realistic monetary investment value pledged to the project backed by a QS Report =(10)</p> <p>R100 million and above = 10 points Below R80 million to R99 million = 8 points Below R50 to R79 million = 6 points. Below R20 million to R49 million = 4 points. R10 million and below = 2 points</p>		<p>JPC MBD17 Development feasibility report supported by ratios and cash flow analysis for the first 10 years</p> <p>QS Report by a qualified quantity surveyor</p>
TOTAL	100	

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

STAGE 2: EVALUATION FINANCIAL OFFER & SPECIFIED GOALS

- The bidder obtaining the highest number of points will be awarded the contract.
- Preference points shall be calculated after financial offers have been brought to a comparative basis.
- The financial offer will be calculated by adding the NPV and the total development cost
- 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 90 points is allocated for financial offer on the following basis:

$$\begin{array}{ccc}
 80/20 & \text{or} & 90/10 \\
 P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) & \text{or} & P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)
 \end{array}$$

Where

- P_s = Points scored for price of tender under consideration;
- P_t = Price of tender under consideration; and
- P_{max} = Price of highest acceptable tender.

- 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	WEIGHT 90/10
Specific Goals	10 points
Financial Offer	90 points
Total	100 points

- Points for Specific Goals will be awarded as follows:

SPECIFIC GOALS	NUMBER OF POINTS 10	MEANS OF VERIFICATION (BIDDERS TO ATTACH THE FOLLOWING DOCUMENTS)
Business owned by 51% or more Black people	05	Full CSD report and ID copy of Director\’s shareholders, or sworn B-BBEE affidavit / certificate
Business owned by 51% or more Women	05	Full CSD report and ID copy of Director\’s shareholders, or sworn B-BBEE affidavit / certificate
Total Maximum Pts	10	

JPC MDB 14:REGISTRATION DOCUMENTS

The following documents must be attached

- *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.*

JPC 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 City of Johannesburg should the application be successful)

Is a company resolution attached?	YES	NO
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Is the bidder a natural person?	YES	NO
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Is a certified ID copy attached?	YES	NO
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Is a copy of the bidder's power of attorney attached?	YES	NO
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PAYMENT OF MUNICIPAL ACCOUNT

It is a requirement that bidding entity or individual provide proof that no undisputed rates and taxes are owed to the local authority in the form of one of the following:

	An Up-to date Municipal Account for all their properties	Proof that acknowledgements or arrangements have been made to settle arrears	Affidavit stating reasons for not submitting up to date municipal accounts	Copy of Lease agreement with affidavit (if leasing premises)
INDICATE TYPE OF PROOF OF COMPLIANCE WHICH IS ATTACHED TO THE BID SUBMITTED.				

It is a further requirement that proof that no undisputed rates and taxes are owed to the local authority for all directors of the bidding entity, in the form prescribed above.

NAME OF DIRECTOR OF BIDDING ENTITY	INDICATE TYPE OF PROOF OF COMPLIANCE PER DIRECTOR WHICH IS ATTACHED TO THE BID SUBMITTED.			
	An Up-to date Municipal Account for all their properties	Proof that acknowledgements or arrangements have been made to settle arrears	Affidavit stating reasons for not submitting up to date municipal accounts	Copy of Lease agreement with affidavit (if leasing premises)

DEVELOPMENT PROPOSAL

1.1 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 the approach to the rehabilitation and preservation of the natural environment
The development proposal must contain the following:

Concept Site Development Plan (Tenancing)	Total Floor area (m2)
TOTALS	

1.2 Proposed Development Summary

Use	Total Floor area (m2)
TOTALS	

1.3. Estimated development time frames

Estimated time, in months, from date of signature of development agreement to date of start of construction.	Months
Estimated time, in months, from start of construction to completion of construction.	Months

1.4. Include development Methodology writeup

The bidder must illustrate an understanding of delivering a development plan for the property, outline the various uses and how they will integrate with one another.

1.5. Maintenance and Operational Plan

The developer is to provide a maintenance and operational plan that covers the term of the development lease.

1.6 Estimated Cost of Development

<i>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.</i>		
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
	Total	R

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	

EXPERIENCE AND CAPABILITIES OF BIDDER

Experience of bidder, bidder’s principals and professional team to be stated below and supporting information to be supplied in tables below.

Summary of Developer and Team	
Value of Developments completed <u>by bidder</u>	R

Details of development experience completed <u>by bidder</u>				
(PLEASE EXPAND TABLE IF REQUIRED)				
NB: DO NOT ATTACH A SEPARATE TABLE				
Name of Development	Year completed	Value of Development	Bidder / Bidders' Principals	Client & contact Numbers
Total value of developments				

5.3.2.3. Details of f professional team			
NB: DO NOT ATTACH A SEPARATE TABLE			
KEY DISCIPLINE	NAME OF TEAM MEMBER	CV ATTACHED (YES OR NO)	QUALIFICATION ATTACHED (YES OR NO)
ACHITECTURE			
CIVIL ENGINEER		X	
STRUCTURAL ENGINEER		X	
ELECTRICAL ENGINEER		X	
PROJECT MANAGER			

QUANTITY SURVEYOR			
URBAN DESIGNER			
STAKEHOLDER CONSULTANT			
LANDSCAPE ARCHITECT			
CONSTRUCTION TEAM			

JPC MBD: 20

ACCESS TO FUNDING

It is assumed that 70% of the development cost will be financed via debt finance (development bond loan).

Bidder to provide a fully unencumbered approved loan from a registered Financial Institution.

The bidder must however submit proof of the availability of finance to fund 30% of the development cost through bank guarantee

Total Development Cost	R
Debt Finance	R
Equity	R
Source of Debt Finance <ul style="list-style-type: none"> Letter from registered Financial Institution approving debt funding subject only to tender award and/or Lease and Development Agreement. 	
Source of Equity <ul style="list-style-type: none"> Bank Guaranteed note from a registered Financial Institution 	