



REAL ESTATE UNIT : ERF 18766 PINETOWN
(IVUKUTHU AVENUE)
CONTRACT NO: 7E-30559



REAL ESTATE UNIT

REQUEST FOR PROPOSALS FOR THE LEASING OF A PORTION OF ERF 18766 PINETOWN MEASURING 64 SQUARE METRES, AS DEPICTED ON Plan No. SJ 4734/8, FOR DEVELOPMENT OF A CELLULAR BASE STATION FOR A PERIOD OF 9 YEARS AND 11 MONTHS (IVUKUTHU AVENUE)

eThekweni Metropolitan Municipality, hereby requests proposals from interested persons to be submitted for the leasing of a Portion of Erf 18766 Pinetown, as depicted on Plan No. SJ 4734/8, measuring 64m² for the development of a Cellular Base Station for a period of 9 years and 11 Months

THIS DOCUMENT CONSISTS OF 55 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER / BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT.

Name of Bidder _____

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

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

Closing date of the Bid: 13 December 2024

Closing Time: 11:00

**Issued by: T.E. Mmusinyane
HEAD: Real Estate Unit
4th Floor,
199 Anton Lembede Street**

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TENDER ADVERT

REQUEST FOR PROPOSALS FOR THE LEASING OF A PORTION OF ERF 18766 PINETOWN, MEASURING 64 SQUARE METRES AS DEPICTED ON PLAN SJ No. 4734/8 FOR DEVELOPMENT OF A CELLULAR BASE STATION FOR A PERIOD OF 9 YEARS AND 11 MONTHS (IVUKUTHU AVENUE)

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

BID NUMBERS	TENDER DESCRIPTIONS	SITE SIZE
7E-30559	REQUEST FOR PROPOSALS FOR THE LEASING OF A PORTION OF ERF 18766 PINETOWN, MEASURING 64 SQUARE METRES AS DEPICTED ON SJ PLAN SJ No. 4734/8 FOR DEVELOPMENT OF A CELLULAR BASE STATION FOR A PERIOD OF 9 YEARS AND 11 MONTHS (IVUKUTHU AVENUE)	64 m ²
Non – compulsory briefing sessions	<p>There will be two <u>non-compulsory</u> clarification meetings:</p> <ol style="list-style-type: none"> 1. The first clarification meeting will be held on 26th September 2024 at 4th Floor Embassy Building, Main Boardroom from 9:30am to 12:30pm. 2. The second clarification meeting will be held on 14th November 2024 at 4th Floor Embassy Building, Main Boardroom from 9:30am to 12:30pm. <p>All questions and answers from the clarification meeting will be uploaded onto the eThekwini website by the 28th November 2024.</p>	
Document Availability	13 th September 2024	
Documents Cost	Document Cost: R0,00	
Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act, read together with paragraph 52 (24) (1) (a) of the EThekwini Municipality Supply Chain Management Policy.	<p>In line with the objectives of the Amended Property Sector Code (09 June 2017) to promote economic transformation in the property sector in order to enable meaningful participation of Black people including women, the youth and people with disabilities and unlock obstacles to property ownership and participation in the property market by black people, preference will be given to:</p> <ol style="list-style-type: none"> 1. EME or QSE that are 100% owned by PPG (Priority Population Group) 2. Bidders must score a minimum of 60 points for Functionality Evaluation in order to qualify for further evaluation in Price and B-BBEE. 3. The objective criteria for location (Physical address) will be assessed based on the CIPC documents/Company registration document using the following order of preference: - <ul style="list-style-type: none"> • eThekwini Metropolitan Area • KwaZulu Natal Province • Republic of South Africa. 	
Mandatory Requirements	<p>Bidders are to provide a funding model to incorporate how and where funding will be sourced/raised, and it must include collateral to be pledged against such funding if required. The bidder is to demonstrate proof of availability or expression of interest to fund a maximum 100% of the development cost. This must include written support from verifiable funding institutions or expression of interest to fund.</p> <ul style="list-style-type: none"> • A letter from a registered funder with Financial Sector Conduct Authority (FSCA) confirming availability of a maximum 100% funding of the development cost; or 	

	<ul style="list-style-type: none"> • A letter from a registered funder with Financial Sector Conduct Authority (FSCA) expressing an interest to fund a maximum 100% of the development cost; and • If there is a shortfall, bidder must demonstrate how they will fund the shortfall.
Selection Criteria	Below R10 Mil
	<p>Failure to meet the following requirements will invalidate the bid:</p> <ul style="list-style-type: none"> • Failure to meet mandatory requirement • Any rental offer below the reserve price will not be considered. • Bids that deviate from tender specification. • Any proposal that does not including development of the land or the proposed usage in not in line with the zoning of the property. <p>NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1.</p>
Closing Date	13 December 2024
Conditions of submission of Request for Proposal	<ul style="list-style-type: none"> • Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS. • Proof of registration of the Entity as follows: <ul style="list-style-type: none"> • Natural persons- certified copy of ID document/ passport • Partnership- copy of Partnership Agreement plus certified copy/copies of all partners • Company- current CM29/COR 20.1 • Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1 • Trust- letter of appointment from the Master of the High Court of SA and deed of trust o JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners • Entity valid BBBEE Certificate issued by agency accredited by SANAS /Valid Sworn affidavit or valid BBBEE certificate JV/Consortium issued by agency accredited by SANAS or BBBEE Certificate from CIPC • Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement. • Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement • Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up-to-date municipal account cannot be submitted / valid lease agreement.

	<p>In the event the bidder is tendering as a Joint Venture/Consortium, all members of the</p> <ul style="list-style-type: none"> • JV/Consortium must submit all required documentation, a JV / Consortium agreement and a BBBEE certificate. • Central Supplier Database (CSD) registration valid on tender closing date. • Company resolution for bid signing powers. • Completed and signed bid documents including MBD 1 to MBD 22. <p>If the entity or any of its directors are listed on the National Treasury register of defaulters, the bid will be rejected.</p> <ul style="list-style-type: none"> •
Address	<p>Ground floor Engineering Unit, Municipal Centre 166 K.E. Masinga Road (formerly Old Fort Road) DURBAN</p>
Evaluation	<p>Functionality, Rental Offer and B-BBEE Level of contributor using 80/20.</p> <p>80 for rental value and 20 for B-BBEE status level of contributor</p>

MBD 1:

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ETHEKWINI METROPOLITAN MUNICIPALITY)					
BID NUMBER	7E-30559	CLOSING DATE	13 December 2024	CLOSING TIME:	11:00
DESCRIPTION	REQUEST FOR PROPOSALS FOR THE LEASING OF A PORTION OF ERF 18766 PINETOWN, MEASURING 64 SQUARE METRES AS DEPICTED ON PLAN No. SJ 4726/2 FOR DEVELOPMENT OF A CELLULAR BASE STATION FOR A PERIOD OF 9 YEARS AND 11 MONTHS (IVUKUTHU AVENUE)				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A LEASE AGREEMENT WITH ETHEKWINI METROPOLITAN MUNICIPALITY.					

BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT MUNICIPAL CENTRE, 166 K.E. MASINGA ROAD (formerly Old Fort Road) AND PLACED IN THE TENDER BOX LOCATED IN THE GROUND FLOOR FOYER.

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSMILE NUMBER	CODE		NUMBER		
EMAIL ADDRESS					
VAT REGISTRATION					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)		Yes	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		Yes
		No			No
(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE / SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)					
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID SIGNED					

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1 BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—OR DOWNLOADED ONLINE (NOT TO BE RE-TYPED)**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFITABLE AND TAX STATUS.
- 2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
- 2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART 3 BELOW.
- 2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1 IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
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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
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3.4 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

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

MBD 2

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

PRICING SCHEDULE: FINANCIAL OFFER

1. This offer is made for the property in accordance with the Property Information stated in MBD 13 and in accordance with the bid specification in MBD 12.
2. **Unless stated otherwise all prices excludes VAT.**
3. **FINANCIAL OFFER**

<p>A minimum / reserve rental amount of R10, 000. 00 per month</p> <p>Any offer below the RESERVED/ MINIMUM RENTAL will not be considered and such bids would accordingly be disqualified.</p>	
Rental Offer per month	
Rental Offer in words	
Escalation per annum and rental to be reviewed every five years	7%
Bidder / Entity Name	
Represented By	
Capacity	
Signature	
Date	

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

eThekwini Vendor Portal Registration Number:

PR

C.S.D Registration Number:

MAAA

S.A.R.S Pin Number:

Completion of the following is compulsory. Failure to declare the following will invalidate your offer.

Declaration of Interest

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

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

4. PAYMENT FOR RATES, TAXES AND SERVICES

In addition to the above amount the lessee will be responsible for the payment of all municipal services and other costs deemed necessary on the property, including rates and taxes levied on the property including electricity, water, sewerage and sanitation removal, which are levied on the property. in the event of the amount stated above, being increased at any time during the lease period, or any renewal thereof, the monthly rental payable by the lessee will be automatically increased by the percentage increase in such amount, from the date on which such increase becomes effective.

5. POSSESSION OF THE SITE

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

DECLARATION OF INTEREST

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

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

3.6 Are you presently in the service of the state* ** * YES / NO

3.6.1 If so, furnish particulars.

.....
.....

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

3.7.1 If so, furnish particulars.

.....
.....

* MSCM Regulations: "in the service of the state" means to be
– (a) a member of –
(i) any municipal council;
(ii) any provincial legislature; or

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

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

3.8.1 If so, furnish particulars.

.....

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

3.9.1 If so, furnish particulars

.....

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

3.10.1 If so, furnish particulars.

.....

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state? YES /NO

3.11.1 If so, 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

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?

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.

***YES / NO**

.....
.....

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?

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 noncompliance or dispute concerning the execution of such contract?

MBD 6.1

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

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids: - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included);
- 1.2 a) The value of this bid could not be determined, therefore the lowest acceptable tender will be used to determine the applicable preference point system; or
- b) The 80/20 preference point system will be applicable to this tender.
- 1.3 Points for this bid shall be awarded for:
- (a) Price; and
- (b) B-BBEE Status Level of Contributor
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
RENTAL OFFER	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Rental offer and B-BBEE must not exceed	100

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The Municipality reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the Municipality.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“Functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“Proof of B-BBEE status level of contributor”** means: 1) B-BBEE Status level certificate issued by an authorized body or person; 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“Priority population group”** must mean black individuals who fall into population groups that were not offered a franchise in the national elections before or after the introduction of the 1984 tri-cameral parliamentary system and only received a franchise during 1994”.
- (j) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (k) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR FINANCIAL OFFER

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

Where

P_s = Points scored for financial offer of bid under consideration

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

Pmax = Financial Offer of highest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

4.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

4.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

4.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

4.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as

an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

- 4.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 4.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 4.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- 4.9 **Objective Criteria: Preference will be given to EME or QSE that are 100% owned by PPG (Priority Population Group) who will score a minimum total of 60 points Functionality Evaluation to qualify for further evaluation in Price and B-BBEE, whose CIPC documents reflects Kwa Zulu Natal as a physical address. The following hierarchy will be applied as follows:**
- eThekweni Metropolitan Municipality
 - Kwa- Zulu Natal Province
 - Republic of South Africa

4.10 Award of where Bidders have Scored Equal Points Overall

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

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: (maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

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

(Tick applicable box)

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE
(Tick applicable box)

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

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1. Name of company/ firm:.....

8.2. VAT registration number:.....

8.3. Company registration number:.....

8.4. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

8.6. COMPANY CLASSIFICATION

- Manufacturer

- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.
[TICK APPLICABLE BOX]

8.7. MUNICIPAL INFORMATION

Municipality where business is situated:
 Registered Account Number:
 Stand Number:

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

8.9. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

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

CONSTITUTIONAL COURT JUDGEMENT

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

MDB 7: BIDDERS INFORMATION

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

I,.....
 ...("The Bidder").

in my capacity as

.....
 hereby submit a proposal in the preceding document. I have read the Proposal Call Document in full and hereby submit the MBDs in accordance with the conditions stated in the document, and further declare under oath that the information contained in the MBDs is to the best of my knowledge true and correct. I further state as follows:

Signed and sworn at _____ on this _____ day of _____
 by the Bidder (s) who has stated that:

- He/she knows and understands the contents hereof and that it is true and correct;
- He/she has no objection to taking the prescribed oath; and
- That he /she regards the prescribed oath as binding on his/her conscience
- That the provisions of the regulations contained in Government Notice R1258 of 21st

July 1972 (as amended) have been complied with.

Bidder (s)

Signed before me

COMMISSIONER OF OATHS

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 <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>

4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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

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

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
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.

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.

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

MBD 10: STANDARD CONDITIONS OF SUBMISSION

The following conditions apply to all bids submitted:

- All bids must be submitted in compliance with the Bid Specifications specified in MBD 12.
- The property is made available in accordance with the information and stipulations contained in REU MDB 13.
- The bidder(s) will be deemed to be familiar with the state, real rights registered against the property, the zoning and locality of the property.

SELECTION CRITERIA

- Failure to meet the following requirements will invalidate the Bid.
- Failure to meet mandatory requirement
- Any rental offer below the reserve price will not be considered.
- Bids that deviate from tender specifications.
- Any proposal that does not including development of the land or the proposed usage in not in line with the zoning of the property.

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

CONDITIONS OF SUBMISSION FOR REQUEST FOR PROPOSAL

- Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS.
- Proof of registration of the Entity as follows:
 - Natural persons- certified copy of ID document/ passport
 - Partnership- copy of Partnership Agreement plus IDs of all partners
 - Company- current CM29
 - Close Corporation- current copy of CK1 and/or CK2C
 - Trust- letter of appointment from the Master of the High Court of SA and deed of trust
 - Proof of registration of NPO or NGO (Copy of Provincial Registration Certificate etc)
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual for all his or her properties/ Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted.
 - Central Supplier Data Base registration
 - Completed and signed bid documents including MBD 1, 2, 3,4,5,8,9, 15,16,17,18,19, and 20, 21, 22.
 - Completed and signed bid documents including MBD 1 to MBD 22.

SUBMISSION OF PROPOSALS

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and MBDs contained in this document.
- In this regard:
 - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
 - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
 - The Bidder(s) must submit one (1) original and one (1) copy of the of the completed Bid document.
 - All Proposal documentation received shall be deemed EThekwini Municipality property and shall not be returned or thus requested back by any Bidder.
- Proposals must be sealed, clearly marked with RFP name and number, and addressed to Head: Real Estate
- Bidder's return address must be clearly indicated at the back of the envelope.
- The fully completed document with annexures must be submitted before the closing date specified on the front cover and be deposited in the tender box.
- **PROPOSALS WHICH ARE NOT SUBMITTED IN A PROPERLY SEALED AND MARKED ENVELOPE AND DEPOSITED IN THE BOX BEFORE THE CLOSING DATE, WILL NOT BE OPENED.**
- **PROPOSALS WHICH ARE NOT SUBMITTED IN THE CORRECT FORMAT WITH ANNEXURES ATTACHED, DULY COMPLETED, INITIALLED, COMMISSIONED AND SIGNED, WILL NOT BE CONSIDERED.**
- The information required in the MBDs must be provided accurately and honestly. All details provided by the Bidder(s) will be regarded as material representations, which the Municipality base the evaluation of the Proposal on. Any misrepresentation will be treated as material and will result in the disqualification of the Proposal by the Municipality. Bidders, who fail to provide such information to the satisfaction of the Municipality, will be disqualified.

OPENING OF PROPOSALS

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

EVALUATION OF PROPOSALS

- The Municipality reserves the right to seek clarification or further information from Bidder(s) and to appoint professionals to advise and verify information on aspects of the Proposals submitted in a manner that the Municipality deems appropriate.
- The preferred Bidder(s) may be required to make presentations to the Municipality.
- The Bidder(s) shall be deemed to know and understand the content of the Request for Proposal document and a submission of the MBDs will indicate the Bidder(s) unconditional acceptance of all the terms and conditions contained in the Request for Proposal.
- The Bidder(s) shall be deemed to have satisfied itself as to all of the conditions, procedures and performance and discharge of the obligations required in terms of the Request for Proposal.
- The non-acceptance or variation of any of the conditions, or the inclusion of any other conditions in the Proposal Call document by the Bidder(s) will be treated as a qualified bid.
- The Proposal(s) will be evaluated by the Municipality. The Municipality may accept any Proposal in whole or in part and is not bound to accept any Proposal
- Proposals will be evaluated using the evaluation criteria stated in MBD 11.
- The Proposal(s) will be adjudicated by the Municipality's Bid Adjudication Committee and awarded in terms of the City's Supply Chain Management Policy and the Land Disposal Policy.
- The Municipality will not be held responsible or liable for any costs whatsoever and /or losses incurred or suffered by the Bidder(s) or any other party or parties for whatsoever reason as a result of the Proposal.
- Any Proposal in the name of a partnership or joint venture or consortium will, on acceptance, be deemed as joint and several agreements with all parties.
- All proposals shall remain valid for a period of 120 days after the closing date, provided that bidders may extend the validity of the proposal on request of the Municipality.

RESOLUTIONS OF DISPUTES

- Persons or bidders who are aggrieved by decisions or actions taken in the implementation In terms of Regulation 49 of the Municipal Supply Chain Management Regulations persons aggrieved by decisions or actions taken by the Municipality, may lodge an appeal within 14 days of the decision or action, in writing to the Municipality. The appeal (clearly setting out the reasons for the appeal) and queries with regard to decision of award are to be directed to the office of the City Manager, attention: Ms. S. Pillay, P.O. Box 1394, Durban, 4000;

eMail: Simone.Pillay@durban.gov.za.

- The written complaint must contain the following information:
 - The bid reference number;
 - The section of the Policy, Regulations or Act that has been violated;
 - The details of the violation;
 - The City Department or Municipal Owned Entity involved;
 - Relief sought.

PROHIBITIONS

- The Municipality will not, subject to such amendments to the Act and Regulations and any exemptions as the Minister may promulgate from time to time, award contracts to Bidder(s) who are owned directly or indirectly by the following categories of persons: -
- Defined as an employee or public servant in the service of the state working for Local, Provincial and National Government; or
- Defined as an employee in the service of a government owned entity including the municipal entities;
- If the employee mentioned above is actively or inactively a director, manager or principal shareholder of the service provider concerned (refer to GN44 in GG 28411 of 18 January 2006 for the exemption);
- Is a member of the board of directors of a municipal entity within its area of jurisdiction (refer to GN44 in GG 28411 of 18 January 2006 for the exemption);
- Who is an advisor or consultant contracted to the Municipality for the purposes of assisting the Municipality with defining of requirements, drafting of specifications or evaluation of the Proposals.
- The Municipality will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving as councillors for any municipality.
- The Municipality will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving in National Assembly, Provincial Legislatures and National Council of Provinces.
- Failure by the above mentioned persons to comply with the above shall lead to cancellation of the contract.

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

- The Municipality does not encourage awarding of contracts to close family members of employees in decision-making positions in line with Regulation 45 of the Supply Chain Management Regulations.
- The bidder must declare and state whether a spouse, child or parent of the bidder or of a director, manager or shareholder is in the service of the EThekweni 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 Alan.Tromp@durban.gov.za

REU MBD 11: EVALUATION CRITERIA

Bids which satisfy the qualification criteria will be evaluated using a two-stage evaluation process as follows:

Stage 1: Functionality Evaluation

Bids will be evaluated in order to establish whether they meet a minimum threshold score of 60 points out of 100 for functionality, based on the following criteria:

FUNCTIONAL CRITERIA	Max Points	Returnable documents to be used in evaluation
PROPOSED CONCEPT	30	
<p>Details of Proposed Network Infrastructure = 15 Points</p> <p>Site Development Plan = 5 Points</p> <p>Site Detail Plan= 5 Points</p> <p>Elevation Plan = 5 Points</p> <p>No submission = 0 Points</p>	15	<p>Details of the proposed network infrastructure including base transmitter stations with detailed diagrams.</p>
<p>Development Programme</p> <p>High level development programme including Inception Stage, Planning, Design, Construction and Commissioning.</p> <p>A high-level plan indicating 5 stages and each timeframe for each stage = 15 Points</p> <p>A high-level plan indicating 4 of the 5 stages and each timeframe for each stage = 12 Points</p> <p>A high-level plan indicating 3 of the 5 stages and each timeframe for each stage = 9 Points</p> <p>A high-level plan indicating 2 of the 5 stages and each timeframe for each stage = 6 Points</p> <p>A high-level plan indicating 1 of the 5 stages and each timeframe for each stage = 3 Points</p> <p>A high-level plan indicating 0 of the 5 stages and each with no timeframe for each stage or no submission = 0 Points</p>	15	<p>Workflow chart showing the program of activities from contract signature to system commissioning, including.</p> <ul style="list-style-type: none"> Post-award site survey, planning & design Civil works start and completion Power systems installation RF Installation and commissioning Site Integration & testing Site ready for acceptance <p>The schedule should indicate how the bidder would organize the activities.</p>
PROPOSAL	30	
<p>Property Information</p> <ol style="list-style-type: none"> 1. Locality = 4 Points 2. Existing and Surrounding Zoning = 3 Points 3. Existing and surrounding Land Use= 3 Points 	10	<p>Detailed Proposal covering all 3 aspects.</p>

<p>Development</p> <ol style="list-style-type: none"> 1. Access = 1 Point 2. Security = 1 Point 3. Power = 1 Point 4. Parking = 1 Point 5. EIA Regulations = 1 Point 6. SACAA = 1 Point 7. Application for Municipal Consent = 4 Point 	10	Detailed Proposal covering all 7 aspects.
<p>Motivational Report</p> <ol style="list-style-type: none"> 1. Need & Desirability = 1 Point 2. Health Issues = 2 Points 3. The Subject Property - Special consideration= 1 Point 4. The Subject Area = 1 Point 5. Visual Impact = 1 Point 6. Height of Tower = 2 Points 7. Alternative Sites = 1 Point 8. Existing Sites = 1 Point 	10	
TRANSFORMATION AND EMPOWERMENT PLAN	20	
<p>a Job Creation Plan including the plan During Construction = 3 points After Construction = 3 points</p> <p>Enterprise Development (during and after construction) = 3 points</p> <p>Training and Development Programmes (throughout the lifecycle of the project) = 3 points</p> <p>Demonstrate how the development will benefit the local community and/or community based organisations = 3 points</p> <p>Procurement of Material from Local Suppliers = 3 points</p> <p>Partnership with Women, Youth, and People with disabilities owned Companies= 2 points</p>	20	Number of jobs to be created during and after construction ,training and skills development. The bidder is expected to provide a detailed plan outlining how it would empower SMME's and individuals through the fitment of the facility to make it operational. MBD 20
FINANCIAL CAPABILITY	20	
<p>a) Investment Value</p> <p>The reserved price indicated on the offer page should be used as a benchmark for the market value of the property</p> <p>Total realistic monetary investment value into the project based on the similar projects backed by the QS report/ estimated development cost and a financial feasibility. = 10 Points</p> <p>Total investment not specified = 0 Points</p>	10	REU MDB 22
<p>b)Funding model</p> <p>Bidders are to provide a funding model to incorporate how and where funding will be sourced/raised, and it must include collateral to be pledged against such funding if required. The bidder is to demonstrate proof of availability or expression of interest to fund a maximum 100% of the development cost. This must include written support from verifiable funding institutions or expression of interest to fund.</p>	10	<p>REU MBD 22</p> <p>Copy of bank statements showing availability of funds.</p> <p>Financial Statements</p> <p>Letter from registered funding</p>

<ul style="list-style-type: none"> • A letter from a registered funder with Financial Sector Conduct Authority (FSCA) confirming availability of a maximum 100% funding of the development cost; or • A letter from a registered funder with Financial Sector Conduct Authority (FSCA) expressing an interest to fund a maximum 100% of the development cost; and • If there is a shortfall, bidder must demonstrate how they will fund the shortfall =10 Points <p>Non-Submission of any of the above or lack of demonstration of funding of any shortfall = 0 Points</p>		<p>institutions confirming funding for the project</p> <p>Proof of available funds (bank statements or financial statements of the bidder)</p>
Total	100	

Bids which do not meet the minimum threshold of 60 points will not be considered further.

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

- 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.
- Points scored will be rounded off to 2 decimal places.
- In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.
- A maximum of 80 points is allocated for financial offer on the following basis:

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

Where

P_s = Points scored for financial offer of bid under consideration

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

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

√ Only those bids that attain the minimum threshold score of 60 Points in Stage 1 will be evaluated in this stage. Bids will be evaluated as follows:

EVALUATION CRITERIA	POINTS WEIGHT 80/20
RENTAL OFFER	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total	100

B-BBEE Status of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

REU MBD 12: BID SPECIFICATIONS

The following Specifications apply to this bid:

1. Property Information

PROPERTY DESCRIPTION	Portion of Erf 18766 Pinetown
Ownership	eThekwini Metropolitan Municipality
Locality	Pinetown
Land Size	64 m ²
Zoning	Special Residential 3 (This property will require special consent which is to be dealt with by the successful tenderer).
Proposed Use	Cellular base Station
Coverage	N/A
Far	N/A
Height	N/A
Access	N/A
Building lines	N/A
Heritage	N/A
Structural and Physical feature	N/A
Geotechnical Conditional	N/A
Other Requirements	<p>A Site Development Plan shall be submitted to the Local Authority and Any further town planning such as application for special consent.</p> <p>The bidder is required to comply will all of the relevant building regulation laws, including but not limited to SPLUMA, NEMA, Municipal Bylaws etc.</p>

2. Overview

Portion of Erf 18766 Pinetown is situated in Ivukuthu Avenue, Pinetown, measuring 64m² in extent and is owned by eThekweni Municipality. The property is deemed to be vacant land and can be developed on its own. The subject property is currently zoned Special Residential 3 in terms of the Town Planning Scheme and the successful tenderer will be required to apply for Special Consent.

3. Vision for the property

The proposal should align the facility to the City's vision for the area in line with the strategies, legislative requirements and regulatory frameworks.

CONDITIONS OF DEVELOPMENT LEASE.

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

Suspensive Conditions

This transaction is subject to the following suspensive conditions:

The subject property is currently zoned Special Residential 3 and will require closure and an application for Special Consent which will be the sole responsibility of the successful bidder.

1. The application for Special Consent shall be submitted to the relevant authorities by the lessee within 30 (thirty) days from date of last signature of the lease agreement.
2. Provided all reasonable *bona fide* attempts have been made by the successful bidder to ensure fulfilment of the above suspensive conditions, the successful bidder or the Municipality shall be entitled to withdraw from this transaction if the above suspensive conditions have not been fulfilled within 12 (Twelve) months from date of last signature of the lease agreement.

Property Tenure

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

2. Successful bidders are required to make an offer not less than the minimum acceptable offer for the property as part of the proposal form; as indicated in REU MBD 3.

3. Should the successful bidder's proposal include land use rights over and above the allowable proposed land uses, costs of acquiring consents for additional land uses will be for the successful bidder's account.
4. The lessee shall under no circumstances cede any rights of the property to a third party without consent from the Municipality;
5. The successful bidder will be responsible for the cancellation, protection and/or relocation of all servitudes that may be registered over the property.
6. Successful bidders are required to demonstrate their ability and capacity to deliver and manage the proposed development.
7. Development shall be subject to all related legislation and Municipal By-Laws.
8. Successful bidders are required to demonstrate their ability and capacity to deliver and manage the proposed development by submitting a detailed profile of the professional team and their successfully completed development. They must further demonstrate their ability to secure funds required to carry out the project.
9. That, a deposit equal to a rental amount shall be paid by the lessee upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up date at the time of the expiry of the lease agreement or vacation of property, subject to the property being returned in a clean and tidy condition.
10. All administrative and incidental costs relating to the drafting of the lease shall be for the lessee's account.
11. Successful bidders are to submit an annual break- down of the maintenance plan for the duration of the lease.
12. Successful bidders are required to submit a financial proposal which is not limited to but should include;
 - o A detailed cost estimate, together with supporting documentation of the costs of development.
 - o A time schedule for the development of the cellular base station.
13. That, the applicant shall be liable for the payment of all utility charges levied or payable in respect of the site and all electricity and water supplied to the site.
14. That all environmental and related legislation and By-laws applicable to the Property shall be complied with and that all building plans to be submitted to the Local Authority for approval prior to any construction.
15. That, all Emergency Management Services By-laws be complied with and adhered to and that access to emergency vehicles should be provided on the property.
16. The Council and its authorised representatives/agents shall have 24 hours' unrestricted access to the electricity, water and any Municipal Servitudes on the property and that no structures will be allowed within these servitudes.
17. The bidder is expected to submit a detailed empowerment plan demonstrating how the following will be achieved:
 - a. Job Creation Plan (during and after redevelopment)
 - b. Enterprise Development (during and after construction)

- c. Training and Development Programmes (throughout the lifecycle of the project)
- d. Demonstrate how the development will benefit the local community and/or community based organisations
- e. Procurement of Material from Local Suppliers
- f. Partnership with Women Owned Companies

Bidders are expected to advise, and provide a detailed plan and how the numbers are achieved

REU MBD 13: PROPERTY INFORMATION

1. Aerial Photo



1.b SJ Plan

Plan showing
Land to be Leased
Ntondolo Avenue / Ivukuthu Avenue
Suburb of Savannah Park
Ethekwini Municipality

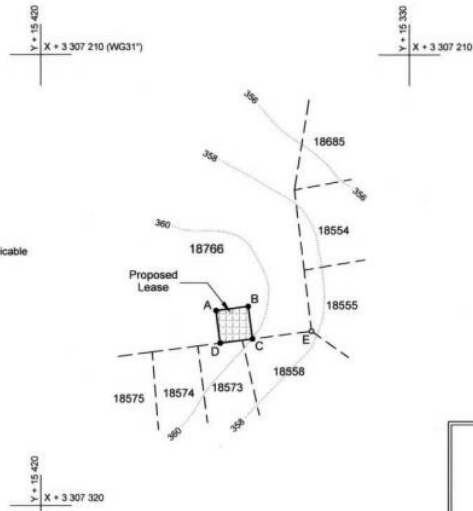
Cadastral Description:
Proposed Lease on Erf 18766 Pinetown

Notes :

1. Street address for Erf 18766 is 16 Ntondolo Avenue
2. All contours shown or otherwise, are obtained from the Corporate GIS database or other relevant internal or external Departments and should be verified on site as applicable
3. Area and dimensions are approximate and subject to final survey as required
4. Erf 18766 Pinetown is currently zoned as Special Residential 3. Zoning information is obtained from the Corporate GIS database.
5. Remainder of Erf 19247 Pinetown is a split remainder





Existing Road Area 
Land to be Leased for Cell Mast (64 sq m) 



Proposed Lease	
Sides	Metres
AB	8.0
BC	8.0
CD	8.0
DA	8.0
Connecting Delta	14.5
Area = 64 sq m	



SCALE 1:750

 ETHEKWINI MUNICIPALITY	Approved  Deputy Head: Surveying & Land Information
	Prelim. Plan Date : 2016/08/16 Final Plan Date : 2017/05/13 SJ 4734/8 Compilation Sheet No. : FTSU - 33
Drawn by : A. Mara Checked by : N. Mazbuko	Job No. : 2016/107 Ward No. : 17 Digital Ref. : 4734_8
Survey Correspondence Ref. : 17/1/24/3/17 Land Transactions Ref. : LA 12211 Vote No. : 31520.27999.7101.99000.7101.PD001.0001	
Prepared by: Surveying & Land Information Department Engineering Unit 166 K.E. Masingso Road (Old Fort Road) Durban	
Tel : 031 - 311 7226 Fax : 031 - 311 7220	

OWNERSHIP SCHEDULE			
PROPERTY	REGISTERED OWNER	DIAGRAM NUMBER	CURRENT DEED
Erf 18766 Pinetown	NYR	General Plan SG 655/2008 (Sheet 4)	-
Underlying Property Rem of Erf 19247 Pinetown	Ethekwini Municipality	SG 945/1997	CCT 61963/2003

Ownership details obtained via "WINDEED"

2. SITE INFORMATION

Property Description	Portion of Erf 18766 Pinetown
Size (Lease area)	64m ²
Zoning	Special Residential 3
Structures and Physical features	Vacant Land
Current Use	Vacant land
Minimum Acceptable Rental Offer	R10 000.00 per month
Highest and Best Use	Cellular base station

ZONE : SPECIAL RESIDENTIAL 3

SCHEME INTENTION: To provide, preserve, use land or buildings for:

- Single residential use in a form of a dwelling house and ancillary uses.
- Allows for a range of business activities limited in scale by Special Consent
- Protection of the quality and character of residential neighborhood and the well-being of its residents
- Limiting multiple uses of buildings to minimize adverse impact on the residential environment.
- Business that comply with residential amenity such as a Bed and Breakfast Establishment and Home Business at the discretion of the eThekweni Municipality.

MAP REFERENCE:

PRIMARY	SPECIAL CONSENT	PRECLUDED	
<ul style="list-style-type: none"> • Conservation Area • Dwelling House • Multiple Unit Development 	<ul style="list-style-type: none"> • Base Telecommunications Transmission station • Boarding House • Crèche • Educational Establishment • Garden Nursery • Health & Beauty Clinic • Institution • Motor Workshop* • Pet Grooming Parlour • Place of Public Entertainment* • Place of Public Worship • Private Open Space • Retirement Centre • Riding Stables • Shop* • Special Building • Veterinary Clinic 	<ul style="list-style-type: none"> • Action Sports Bar • Adult Premises • Agricultural Activity • Agricultural Land • Arts and Crafts Workshop • Betting Depot • Builder's Yard • Car Wash • Cemetery/Crematorium • Chalet Development • Container Depot • Convention Centre • Correctional Facility • Direct Access Service Centre • Display Area • Escort Agency • Flat • Flea Market • Forensic Science Laboratory • Fuelling and Service Station • Funeral Parlour • Government/Municipal • Health Studio • Hotel • Industry - Extractive • Industry - General • Industry - Light 	<ul style="list-style-type: none"> • Industry – Noxious • Landfill • Landfill • Laundry • Laundry • Mobile Home Park & Camping Ground • Mortuary • Motor Display Area • Motor Garage • Motor Vehicle Test Centre • Museum • Nature Reserve • Night Club • Office • Office – Medical • Parkade • Recycling Centre • Reform School • Refuse Disposal • Restaurant / Fast Food Outlet • Scrap Yard • Transport Depot • Transport Use • Truck Stop • Warehouse • Zoological Garden

ADDITIONAL CONTROLS

MINIMUM ERF SIZE

- **Pinetown:** the minimum Erf size for Erven 25032, 25050, 25055, 25073 and 25091 all of Pinetown extension 82 shall be 350m²
- **Pinetown:** the minimum Erf size for Erven 25115 and 25094 Pinetown Extension 82 shall be 650m²

Applicable to Pinetown and Dassenhoek

- Where development which existed on a lot at 31/3/86 exceeded the FAR and coverage provisions specified in this table, such development shall be permitted to be retained but shall not be expanded, or replaced otherwise than in conformity with the said FAR and coverage provisions.
- Buildings which existed at 31/3/1986 and which do not comply with the building lines specified in Section 3 shall be permitted to be retained, provided any new development shall comply with the provisions of the said section.
- In the case of shops the area shall be limited to a gross floor area of 15m² (inclusive of storage area).
- The following uses shall be allowed by special consent only to the extent specified in the accompanying restrictions. The use of an area in excess if any restriction specified below shall be prohibited:
 - Shop – restricted to a gross floor area in excess of 15m² but not exceeding 80m² (inclusive of storage area);
 - Place of Entertainment – restricted to 50m² inclusive of site and building area.
 - Motor Workshop – restricted to 100m² inclusive of site and building area.

MBD 14: REGISTRATION DOCUMENTS

The following documents must be submitted at the time of tender closing

- Natural persons, Sole proprietors and JVs – copy of ID document/passport
- Schools – copy of Provincial School registration certificate
- NGO – copy of Provincial registration certificate
- Society Club/ Association – copy of Constitution / founding document
- Partnership -copy of partnership agreement plus IDs of all partners
- Closed Corporation - Copy of CK1 and/or CK2 and members' agreement
- Company – current CM29,
- Trust – letter of appointment from the Master of the High Court of SA and deed of trust
- Joint Venture / Consortiums– JV agreement plus ID documents/ company Registration document of all members of JV/ Consortiums.

MBD 15: AUTHORITY TO SUBMIT BID

If bidder is a legal entity, a company resolution /Power of Attorney must be attached (these documents must authorise the named person to submit this application and to enter into agreements with the eThekweni Municipality should the application be successful)				
Is a company resolution attached?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is the bidder a natural person?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is a certified ID copy attached?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is a copy of the bidder's power of attorney attached?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

REU MBD 17: DEVELOPMENT PROPOSAL

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

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

1.2 Proposed improvements summary (if any)

Use	Total Floor area (m2)
Totals	

1.3 Estimated Cost of Development.

A breakdown of all costs to be incurred by the bidder in the preparation of the site must be provided. The cost provided in this section will form a critical part of the evaluation of proposals and will be a contractual condition of the development agreement awarded.

No	Item Description	Estimated cost (Including vat)
1	Civil and Electrical Services	R
2	Civil Works	R
3	Top Structure (Building) Costs	R
4	Professional Fees	R
5	Sundry Development Costs	R
6	External/Bulk Services Contributions	R
7	Other	R
8	Totals	

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1.3 Estimated development time frames

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

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

Ideas in sourcing and growing the following aspects: - Membership - Subsidy - Sponsor - Donation - Fund Raising - Bank Institution	
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REU MBD 19: PUBLIC/SOCIAL BENEFIT PROPOSAL

It is a requirement that bidding entity or individual should demonstrate the following social benefits:

1. Demonstrate how the development will benefit disadvantaged communities, youth, women and people with disabilities	
2. Demonstrate how the development will benefit the local community and/or community based organisations	

REU MBD 20: PROPOSED EMPOWERMENT PLAN

FRAMEWORK FOR ACCELERATING ECONOMIC EMPOWERMENT AND TRANSFORMATION

1. EThekweni municipality is and will remain deliberate about transformation and its economic empowerment goals and is committed to the empowerment agenda.
2. The successful bidder will be required to champion the entrenchment of true economic transformation and empowerment in its spheres of influence. The successful bidder will be required to go beyond redressing historical imbalances and towards intrinsic true value that will result in active deliberate facilitation of sustainable and meaningful participation of Black people in the mainstream of the economy through its assets, investments and projects.
3. The successful bidder will be required to commit to the achievement of the following specific targets by completing the table below. The commitments made on the table below will be measured against the targets and used in the evaluation of the functional compliance evaluation. The commitments made in this table will form part of the contractual obligations of the successful bidder:

EMPOWERMENT TARGETS

DESCRIPTION	TARGET	Bidders Commitment numbers in of persons
Job Creation & Job intensive plan		
Total number of jobs to be created during construction	Total jobs created	
Total number of jobs to be created after construction	Total jobs created	
Training & Development programme		
Training and Development Programmes (throughout the lifecycle of the project)	60% of workforce	
Rand value of spend to local SMMEs that have black ownership	50% of project value	
Full use of locally sourced or locally assembled material and/or products	70% of project value.	
Procurement of Material from Local Suppliers	30% of project value	
Enterprise Development Enterprise (during and after construction)		
Number of Local SMMEs to be supported in terms of the enterprise and supplier development plan for this project, including Demonstration graduation of suppliers in this project	30 % of the project value.	
Partnership with Women, Youth, and People with disabilities owned Companies	Total jobs number of Companies	
Demonstrate how the development will benefit the local community and/or community based organisations		

REU MBD 21: EXPERIENCE AND CAPABILITIES OF BIDDER

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

Details of experience completed by professional team.				
(PLEASE EXPAND TABLE IF REQUIRED)				
NB: DO NOT ATTACH A SEPARATE TABLE				
DISCIPLINE & Name of team member	EMPLOYER/ CLIENT	NATURE OF WORK	VALUE OF WORK	Client & contact Numbers
Architect				
Quantity Surveyor				
Engineers (civil and electrical)				

THE BIDDER MUST INCLUDE TRACABLE REFERENCES FOR EACH PROFFESION.

Construction Team Relevant Company Experience and References

- (a) Construction Team Bidder to submit, profiles, experienced and qualifications (with a minimum of 5 years' experience)
- (b) Main contractor- Evidence of at least 3 or more Completed Projects of a similar nature (i.e. Development/ Building Conversion/Refurbishment - Certificate of completion or traceable reference letters must be attached for project of similar nature.

Main contractor- Evidence of at least 3 or more Completed Projects of a similar nature (i.e. Development/ Building Conversion/Refurbishment - Certificate of completion or traceable reference letters must be attached for project of similar nature.

No	PROJECT SUMMARY / SCOPE	START DATE – END DATE	PROJECT VALUE IN RANDS	CONTACTABLE REFERENCE INFORMATION
1				
2				
3				
4				
5				

Construction Team Bidder to submit profiles, experience and qualifications (with a minimum of 5 years' experience)

DISCIPLINE & Name of team member	EMPLOYER/ CLIENT	NATURE OF WORK	VALUE OF WORK	Client & contact Numbers
Site Manager				

Registered Health & Safety Officer				
Social Facilitator				

REU MBD 22: ACCESS TO FUNDING

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

ANNEXURES

COUNCIL DECISION

- 1.20 Proposed Long Term Lease of Various Sites Cellular Base Stations (17/2/1/2/5):
(Page 556: Human Settlements and Infrastructure Committee - Agenda 2021-04-13)

Members of the Democratic Alliance abstained on the matter both at Support Committee and Executive Committee levels.

With the Committee being in agreement;

COMMITTEE RECOMMENDS:

- 1.20.1 That approval be granted to use control or manage the capital asset described as Annexure "D" and Annexure "E" in the report of the Head: Real Estate dated 2021 01-29 in the extent indicated in terms of Regulation 34(1)(b) read with Regulation 36 and 40 or 41 of the Municipal Asset Transfer Regulation.
- 1.20.2 That the Municipal Council approves that .1 above is subject to the condition that the appointment of the lessee in terms of existing leases as indicated on Annexure" shall be by direct negotiation and the new leases as indicated on Annexure "E" in the report of the Head: Real Estate dated 2021-01-29 shall be leased by way of public tender. All appointment of leases in terms of the report shall be in full compliance with the prevailing Municipal legislative framework including the Municipal Supply Chain Management Policy.
- 1.20.3 That a flat rate, fair market rental of R10 000.00 (Ten Thousand Rand) per locator, per month for all cellphone sites i.e. existing leases and new leases has been determined for the first year thereafter escalating by 7% per annum for the duration of the lease period
- 1.20.4 That the sites be used for Cellular Base Stations purposes only.
- 1.20.5 That in terms of the zoning of the sites it shall be necessary for the new lessees to obtain the special consent of the Council for the construction of the cellular phone base stations and the leases shall be based on this Proviso.
- 1.20.6 That the lessees shall obtain Provincial approval in terms of Environmental Impact Assessment which shall accompany the Special Consent applications.
- 1.20.7 That all cost incidental to the transactions shall be at the cost of the lessees
- 1.20.8 That the Head: Real Estate be authorized to sign all documents necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the City and any other applicable legislation and it shall be further subject to such further conditions as the Head: Real Estate considers necessary to protect Council interest.

ADOPTED.

CONFIDENTIALITY

The parties acknowledge that for the purposes of this Tender, the parties may come into contact with or have access to PI and other information that may be classified or deemed as private or confidential and for which other party is responsible. Such PI may also be deemed or considered as private and confidential as it relates to any third party who may be directly or indirectly associated with this Tender

The Parties agree that they will at all times comply with POPIA and its Regulations and Codes of Conduct and that it shall only collect, use and process PI it comes into contact with pursuant to this Tender in a lawful manner, and only to the extent required to execute the services, or to provide the goods and to perform their respective obligations in terms of this Tender.

The Parties agree that is shall put in place, and at all times maintain, appropriate security measures to ensure the protection and confidentiality of PI that it, or its employees, its contractors or other authorized individuals comes into contact with pursuant to this Tender, whether or not they are still in the employ of the parties

Unless so required by law, the Parties agree that it shall not disclose any PI as defined in POPIA to any third party without the prior written consent of the other party, notwithstanding anything to the contrary contained herein.

Consent Clause

I _____ ID number _____

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

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

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

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

Signed at.....this.....day

of.....20.....

.....
Name and Surname

.....
Signature

