



REAL ESTATE UNIT : REMAINDER OF ERF 1 DURBAN
(30 STIEBEL PLACE)
CONTRACT NO. 1E-3962



REAL ESTATE UNIT

REQUEST FOR PROPOSAL FOR THE LONG TERM LEASING AND REDEVELOPMENT OF THE REMAINDER OF ERF 1 DURBAN MEASURING 1 393 M² AS DEPICTED ON SJ Plan No. 4803/3 FOR A PERIOD OF 30 YEARS. (30 STIEBEL PLACE)

EThekweni Metropolitan Municipality, hereby request proposals from interested persons for the long term leasing of the Remainder of Erf 1 Durban as depicted SJ plan No,4803/3 measuring 1 393 m² for a period of 30 years.

THIS DOCUMENTS OF 61 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER / BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT.

Name of Bidder _____

DOCUMENTS TO BE SUBMITTED: 1 ORIGINAL AND 1 COPY

Closing date of the Bid: 18 February 2022
Closing Time: 11:00am.

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

No	CONTENTS	PAGE
1.	TENDER ADVERT	4
2.	INVITATION TO BID (MDB 1)	6
3.	TERMS AND CONDITIONS FOR BIDDING (MDB 1.1)	7
4.	TAX CLEARANCE CERTIFICATE REQUIREMENTS (MDB 2)	8
5.	PRICING SCHEDULE: FINANCIAL OFFER (REU MDB 3.1)	9
6.	DECLARATION OF INTEREST (MDB 4)	11
7.	DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (MDB 5)	14
8.	PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017. (MDB 6.1)	15
9.	BIDDERS INFORMATION (MDB 7)	21
10.	DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)	22
11.	CERTIFICATE OF INDEPENDENT BID DETERMINATION (MDB 9)	25
12.	STANDARD CONDITIONS OF SUBMISSION (MDB 10)	27
13.	EVALUATION CRITERIA (REU MDB 11)	31
14.	BID SPECIFICATION (REU MDB 12)	36
15.	PROPERTY INFORMATION (REU MDB 13)	43
16.	REGISTRATION DOCUMENTS (MDB 14)	47
17.	AUTHORITY TO SUBMIT BID (MBD 15)	48
18.	PAYMENT OF MUNICIPAL ACCOUNT (MBD 16)	49
19.	PROPOSAL FOR THE LEASE (REU MBD 17)	50
20.	SUSTAINABILITY MODEL (FUNDING/ DONOR/ SPONSOR) (REU 18)	52
21.	PUBLIC/SOCIAL BENEFIT PROPOSAL (MBD 19)	53
22.	PROPOSED EMPOWERMENT PLAN (MDB 20)	54
23.	EXPERIENCE AND CAPABILITIES OF BIDDER (MBD 21)	55
24.	ACCESS TO FUNDING (MBD 22)	58

TENDER ADVERT

REQUEST FOR PROPOSAL FOR THE LONG-TERM LEASING AND REDEVELOPMENT OF THE REMIANER OF ERF 1 DURBAN MEASURING 1 393 M² AS DEPICTED ON SJ Plan No. 4803/3 FOR A PERIOD OF 30 YEARS. (30 STIEBEL PLACE)

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

BID NUMBERS	TENDER DESCRIPTIONS	SITE SIZE
1E-3962	REQUEST FOR PROPOSAL FOR THE LONG-TERM LEASING AND REDEVELOPMENT OF THE REMIANER OF ERF 1 DURBAN MEASURING 1 393 M ² AS DEPICTED ON SJ Plan No. 4803/3 FOR A PERIOD OF 30 YEARS. (30 STIEBEL PLACE)	1 393 m ²
Non – compulsory briefing sessions	There will be no clarification meeting. Bidders are requested to submit email queries related to the bid. All email queries are to be submitted by 2022/01/14 Emailed questions and answers will be consolidated and posted on e-tenders/municipal website for the benefit of all tenders by 2022/01/28	
Document Availability	26 November 2021	
Documents Cost	Document Cost: R0,00	
Pre-qualifying criteria for Preferential procurement	<p>Pre-qualification criteria will be used to advance certain designated groups. Bidders will therefore be prequalified on the following basis</p> <ul style="list-style-type: none"> Companies/Joint Venture/Consortium with B-BBEE Contribution 1 Level with 100% black ownership. <p>NB: A bids that fail to meet any pre-qualification criteria stipulated above is an unacceptable bid and as such will not be evaluated for Stage 1 and Stage 2.</p>	
Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act, read together with paragraph 52 (22) (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"> Companies/Joint Venture/Consortium that are 100% owned by PPG (Priority Population Group) Bidders must score a minimum of 70 points for Functionality Evaluation in order to qualify for further evaluation in Price and B-BBEE. 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 indicate how and where the funding will be sourced/raised and it must include collateral to be pledged against such funding if required. The bidder to demonstrate proof of availability of 100% of the funding required for the development. This must include written support from verifiable funding institutions.</p> <ol style="list-style-type: none"> Bidders must provide as a proof a letter confirming funding from a registered funder which is registered with Financial Sector Conduct Authority (FSCA). The letter must reflects the full amount of the development cost or; If there is a shortfall, the bidder must demonstrate access to equity as how 	

	<p>they fund the shortfall or if the shortfall will be covered through Bank guarantee.</p> <p>3. If the bidder has sufficient funds in the bank account, the bidder must provide a bank guarantee from a Financial Institution that is registered with a Financial Sector Conduct Authority confirming that such money will be reserved for the proposed development.</p>	
Selection Criteria	Above R10 Million	
	<ul style="list-style-type: none"> • Non-Signature and non-commissioning of the declaration of the Bidder's Past Supply Chain Practices in MBD 8 and Bid Submission in MB. • Any rental offer below the reserve price will not be considered. • Failure to meet the mandatory criteria. <p>NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2.</p>	
Closing Date	18 February 2022	
Conditions of submission of Request for Proposal	<ul style="list-style-type: none"> • Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS. • Proof of registration of the Entity as follows: - Natural persons- certified copy of ID document/ passport - Partnership- copy of Partnership Agreement plus IDs of all partners - Company- current CM29 - Close Corporation- current copy of CK1 and/or CK2C - Trust- letter of appointment from the Master of the High Court of SA and deed of trust - Proof of registration of NPO or NGO (Copy of Provincial Registration Certificate etc.) • Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual for all his/her properties/ Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted for all the properties of the directors. • In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation, a JV / Consortium agreement and a Joint Venture B-BBEE Certificate and the JV/Consortium agreement. • Completion and signature of all bid documents. • Central Supplier Data Base (CSD) registration. 	
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-BBBEE status level of contributor</p>	

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ETHEKWINI METROPOLITAN MUNICIPALITY)					
BID NUMBER	1E-3962	CLOSING DATE	18 February 2022	CLOSING TIME:	11:00
DESCRIPTION	REQUEST FOR PROPOSAL FOR THE LONG TERM LEASING AND REDEVELOPMENT OF THE REMIANER OF ERF 1 DURBAN MEASURING 1 393 M² AS DEPICTED ON SJ Plan No. 4803/3 FOR A PERIOD OF 30 YEARS. (30 STIEBEL PLACE)				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A LEASE AGREEMENT WITH ETHEKWINI METROPOLITAN MUNICIPALITY.					

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

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

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

3.2 DOES THE ENTITY HAVE A BRANCH IN THE RSA?

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

3.3 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

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

3.4 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

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

3.5 IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

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

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

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 amount of R84 120,00 as 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	R
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? ☐ Yes ☐ 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?

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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) Either the 80/20 preference point system will be applicable to this tender.
- 1.3 Points for this bid shall be awarded for:
 - (a) Price; and
 - (b) 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**

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

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

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 Level of Contributor	Number of points (80/20 system)
1	20

2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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 Companies/Joint Venture/Consortium that are 100% owned by PPG (Priority Population Group)

Bidders must score a minimum of 70 points for Functionality Evaluation in order to qualify for further evaluation in Price and B-BBEE.

The objective criteria for location (Physical address) will be assessed based on the CIPC documents/Company registration document using the following order of preference: -

- eThekweni Metropolitan Area
- KwaZulu 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		

7. DECLARATION WITH REGARD TO COMPANY/FIRM

7.1. Name of company/ firm:.....

7.2. VAT registration number:.....

7.3. Company registration number:.....

7.4. TYPE OF COMPANY/ FIRM

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

7.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

7.6. COMPANY CLASSIFICATION

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

7.7. MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account Number:

Stand Number:

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

7.9. 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.

WITNESSES 1..... 2..... SIGNA- TURE(S) OF BIDDERS(S)
--	---------------------------------------

MDB 7: BIDDERS INFORMATION

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

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

in my capacity as

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

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

- ☐ He/she knows and understands the contents hereof and that it is true and correct;
- ☐ He/she has no objection to taking the prescribed oath; and
- ☐ That he /she regards the prescribed oath as binding on his/her conscience
- ☐ That the provisions of the regulations contained in Government Notice R1258 of 21st July 1972 (as amended) have been complied with.

 Bidder (s)

Signed before me

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

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

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.2.1	If so, furnish particulars:		

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

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS
 DECLARATION FORM TRUE AND CORRECT.

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - 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.

PRE-QUALIFICATION CRITERIA

Pre-qualification criteria will be used to advance certain designated groups. Bidders will therefore be prequalified on the following basis

- Companies/Joint Venture/Consortium with B-BBEE Contribution 1 Level with 100% black ownership.

NB: A bids that fail to meet any pre-qualification criteria stipulated above is an unacceptable bid and as such will not be evaluated for Stage 1 and Stage 2.

SELECTION CRITERIA

- Any offer below the reserve price will not be considered.
- Failure to meet the pre-qualification criteria.
- Failure to meet the mandatory criteria.
- NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2

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 three (3) copies of the of the completed Bid document.
 - All Proposal documentation received shall be deemed EThekweni 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 sindi.magadla@durban.gov.za

REU MBD 11: EVALUATION CRITERIA

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

Stage 1: Functionality Evaluation

Bids will be evaluated in order to establish whether they meet a minimum threshold score of 70 points out of 100 for functionality, based on the following criteria:

FUNCTIONAL CRITERIA	Max Points	Returnable documents to be used in evaluation
PROPOSED CONCEPT	30	
<p>Conformity of the Development Proposal to the vision for the property as expressed in REU MBD 12.</p> <p>Development Concept - High level conceptual design outlining the intended uses = 10 Points</p> <p>Detailed level theoretical design outlining the intended uses and ratios = 5 Points</p> <p>Floor area and elevations = 5 Points</p> <p>No submission = 0 Points</p>	10	A detailed concept plan-the bidder must submit a detailed concept plan that include all the information as outlined on this page. The Business concept should include a list and description of services to be offered, must submit drawings showing the proposed layout and appearance of the facility and the site to be leased site. All final designs must be approved by Council and before construction can commence on the site
<p>Development Programme (10)</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 = 10 Points</p> <p>A high level plan indicating 4 of the 5 stages and each timeframe for each stage = 8 Points</p> <p>A high level plan indicating 3 of the 5 stages and each timeframe for each stage = 6 Points</p> <p>A high level plan indicating 2 of the 5 stages and each timeframe for each stage = 4 Points</p> <p>A high level plan indicating 1 of the 5 stages and each timeframe for each stage = 2 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>	10	Narrative – High level redevelopment/ refurbishment programme including Inception Stage, Planning, Design, Construction and Commissioning and including timeframes for each stage.
<p>Development Experience of the bidding entity (10)</p> <p>Bidder to indicate total value of development projects completed. Scoring will be based on the total value of development.</p> <p>no submission or below R10 million = 0 Points</p> <p>Between R10 million – R15 million= 2 Points</p> <p>Between R16 million – R30 million = 4 Points</p> <p>Between R31 million, - R50 million =6 Points</p> <p>Between R51 million – R70 million = 8 Points</p>	10	Bidder to complete REU MBD 21 and provide any verifiable documents to demonstrate its experience including contactable references for completed projects.

above R71 million = 10 Points		
CAPACITY AND EXPERIENCE	28	
Professional Team (12). Must have 5 yrs post registration experience, provide CVs and Proof of Registration documents and a maximum of 2 traceable references of work that is ≥ R10 million for each project. This amount refers to consultants' fee portion of the project value.	12	CV's of the professional team and proof of registration with professional bodies where requested, a maximum of 2 traceable references of work that is ≥ R10 million for each project. This amount refers to consultants' fee portion of the project value.
Architect with 5 years post registration experience, (registration with relevant institutions/statutory bodies and 2 traceable references = (3 Points) Proof of professional registration = 1 Point Proof of 5 years post registration experience = 1 Point Proof of 2 traceable references of work that is ≥ R10 million for each project = 1 Point NB: No points will be allocated to the Architect without proof of registration, less than 5 years post registration and has less than 2 traceable references of work that is ≥R10 million for each project.	3	REU MBD 21
Quantity Surveyor (registration with relevant institutions/statutory bodies and traceable references) =) 3 Points) Proof of professional registration = 1 Point Proof of 5 years post registration experience = 1 Point Proof of 2 traceable references of work that is ≥ R10 million for each project = 1 Point NB: No points will be allocated to the Pr QS without proof of registration, less than 5 years post registration and has less than 2 traceable references of work that is ≥R10 million for each project.	3	REU MBD 21
Engineers (civil and electrical) (registration with relevant institutions/statutory bodies and traceable references) = 3 Points Proof of professional registration = 1 Point Proof of 5 years post registration experience = 1 Point Proof of 2 traceable references of work that is ≥ R10 million for each project = 1 Point NB: No points will be allocated to the Engineer without proof of registration, less than 5 years post registration and has less than 2 traceable references of work that is ≥R10 million for each project.	3	REU MBD 21
Project Manager (registration with relevant institutions/statutory bodies and traceable references) = 3 Points Proof of professional registration = 1 Point Proof of 5 years post registration experience = 1 Point Proof of 2 traceable references of work that is ≥ R10 million for each project = 1 Point NB: No points will be allocated to the PM without proof of registration , less than 5 years post registration and has less than 2 traceable references of work that is ≥R10 million for each project .	3	REU MBD 21

Construction Team Bidder to submit, profiles, experienced and qualifications (with a minimum of 5 years' experience)	16	Bidders to complete REU MBD 21 and provide any verifiable documents to demonstrate its experience.
Site Manager = 3 points Proof that the Site Manager has in excess of 5 years' relevant work experience= 1 Points Proof of the Site Manager has completed 2 projects in the last 5 years = 2 Points NB: No points will be allocated to Site manager with less than 5 years of experience and have not completed 2 projects in the last 5 years.	3	
Registered Health & Safety Officer = 3 points Proof of professional registration as health and Safety officer = 1 Point Proof that the Health & Safety Officer has in excess of 3 years' relevant work experience= 1 Points Proof of the Health & Safety Officer has completed 2 projects in the last 5 years = 1 Points NB: No points will be allocated to Site manager with less than 5 years of experience and have not completed 2 projects in the last 5 years.	3	REU MBD 21
Social Facilitator = 3 points Proof that the Social Facilitator has in excess of 5 years' relevant work experience= 1 Points Proof of the Social Facilitator has completed 2 projects in the last 5 years = 2 Points NB: No points will be allocated to the Social Facilitator with less than 3 years of experience and has less than 2 traceable references of work that is for each project.	3	REU MBD 21
Main contractor- Evidence of at least 3 or more Completed Projects of a similar nature (i.e. Development/ Building Conversion/Refurbishment) = 4 points Proof of 4 similar projects = 4 Points Proof of 3 more similar projects= 3 Points Proof of 2 similar project = 2 Points Proof of 1 similar project= 1 Points 0 points will be awarded for contractors who have completed 0 project of a similar nature.	3	REU MBD 21
TRANSFORMATION AND EMPOWERMENT PLAN	22	
a Job Creation Plan including the plan During Construction = 5 points After Construction = 7 points Enterprise Development (during and after construction) = 3 points Training and Development Programmes (throughout the	22	Local Employment Plan including 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

<p>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= 3 points</p>		
FINANCIAL CAPABILITY	20	
<p>a) Investment Value</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.</p> <p>The reserved price indicated on the offer page should be used as a benchmark for the market value of the property. =10 Points</p> <p>total investment not specified = 0 Points</p> <p>total investment value of development of R11 million between and R15 million = 2 Points</p> <p>total investment value of development of between R16 million and R30 million = 4 Points</p> <p>total investment value of development of between R31 million and R50 million = 6 Points</p> <p>total investment value of development of between R51 million and R70 million = 8 Points</p> <p>total investment value of development of between R71 million and above = 10 Points</p>	10	<p>REU MDB 22</p> <p>The Financial Viability that is requested as part of the Development Proposal would also be assessed.</p>
<p>b) Funding Model</p> <p>Provide funding model to incorporate how and where the funding will be sourced/raised and it must include collateral to be pledged against such funding if required.</p> <p>The bidder to demonstrate proof of availability of 100% of the funding required for the development. This must include written support from verifiable funding institutions.</p> <p>Letter from registered funding institutions confirming funding for the project Proof of available funds (bank statements or financial statements of the bidder. = 10 Points</p> <p>Non Submission of a Letter from registered funding institutions confirming funding for the project Proof of available funds (bank statements or financial statements of the bidder = 0 Points</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 institutions confirming funding for the project</p> <p>Proof of available funds (bank statements or financial statements of the bidder</p>
Total	100	

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

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

- 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 70 Points in Stage 1 will be evaluated in this stage. Bids will be evaluated as follows:

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

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

The following Specifications apply to this bid:

1. Property Information

PROPERTY DESCRIPTION	Remainder of 1 Durban
Ownership	eThekweni Metropolitan Municipality
Locality	30 Stiebel Place
Land Size	1 393 m ²
Zoning	Beach
Current Use	
FAR	As per scheme
Coverage	As per scheme
Height	n/a
Access	30 Stiebel Place
Building lines	As per scheme
Structural and Physical feature	Currently developed as restaurant and conference centre.
Geotechnical Conditional	Any geotechnical conditions will be the responsibility of the Developer.
Other Requirements	<p>A Site Development Plan shall be submitted to the Local Authority Any further town planning Proposals and or rezoning shall be the responsibility of the Developer.</p> <p>The bidder is required to comply will all relevant building regulation laws, including but not limited to SPLUMA, NEMA, Municipal Bylaws etc.</p>

2. Overview

The Ethekeweni Municipality is the owner of property described as Remainder of Erf 1 Durban situated on the Durban Beachfront at 30 Stiebel Place measuring 1 393 m². The Property is currently as Restaurant (Old Blue Lagoon Conference)

The Golden Mile is the stretch of beachfront in the city of Durban, KwaZulu-Natal, South Africa, including the promenade that runs along with it. It runs roughly from uShaka Beach (where the uShaka Marine World is located) in Point Waterfront to Suncoast Casino and Entertainment World in the north and now includes a route directly to Moses Mabhida Stadium. It abuts the central business district of the city to its west. It is one of the main tourist attractions in the Durban area.

The wide stretch of golden sands, artificially separated by various piers, provides excellent opportunities for sun worshippers and swimmers to enjoy the sub-tropical sunshine and warm waters of the Indian Ocean. Most of the Mile's beaches are protected year-round by lifeguards and shark nets. The Mile is also a well-known surfer's haven. The South Beach end, in particular, is well known as a safe beach for neophyte surfers. The beachfront properties are a mix of residential apartments and tourist hotels, development of which boomed in the 1970s, although remnants of Durban's art-deco architecture are still evident of a shark tank. Interspersed among the beachfront properties are several popular restaurants and nightclubs.

The Golden Mile has long been a popular domestic holiday destination and during the holiday seasons South Africans from across the country, but in particular the Gauteng region, flock to enjoy its many attractions, which include:-

- Blue Lagoon, a popular hangout, picnic and fishing spot

3. Vision for the property

The proposals should align the facility to the City's vision for the area in line with the strategies, legislative requirements and regulatory frameworks. The paragraph 7.7 of eThekweni Inner City Local Area Plan has outlined the vision Sports and Lifestyle as follows:

7.7 SPORTS AND LIFESTYLE

The sports and lifestyle precinct is bounded by the Umgeni River to the north, the railway line to the west and the coast-line to the east.

7.7.1 ROLES

7.7.1.1 STRATEGIC

This precinct is the sporting hub of the metro, and includes 2 golf courses, as well as the Kings Park and Moses Mabhida Stadiums, and a wide range of other facilities catering for many

7.7.1.2 ECONOMIC

The sports and leisure facilities are used by local, national and international users, however other than during major events, many of the facilities are underutilized. There is potential to host more events. The proposed football academy will be a complementary activity, although the current proposals are too spread out and sterilize too much of the precinct for that one function. International precedent suggests that the scale of the precinct relative to the size of the inner city as a whole is appropriate. different sporting codes. The precinct will be the primary location of the proposed Common Wealth Games.

7.7.1.3 SOCIAL

The open space provided in the precinct is important, however much of the amenity is exclusive, and not accessible to the general public. Access for all must be improved, and connections across the precinct from the Berea to the beach will assist. The river and beachfront edges are actively used recreation spaces that could be further enhanced. As the population of the inner city is radically increased over the next few decades, protecting as much of this open space as possible will become an even greater imperative.

7.7.1.4 ECOLOGICAL

Most of the northern part of the precinct falls within the Umgeni River floodplain, and plays crucial flood attenuation and environmental lung functions. Climate change and sea level rise projections, suggest that development in the floodplain would be high risk.

7.7.2 KEY IDEAS

- New east-west connections across the precinct from the railway line to the coastal edge
- Consequent reconfiguring and downgrading of the existing north-south connections to landscaped complete streets that accommodate all transport modes
- Extend the promenade – in an environmentally appropriate manner – all the way around and along the river's edge
- Retain the distinct ecological character of the beachfront in this precinct
- Release land south and east of the stadium for mixed use high density development
- Public realm upgrade and reconfiguring of People's Park
- High density mixed use development around the MM stadium and along the railway edge. Where this impacts on D'MOSS an ecological study would be required prior to proceeding with proposals.
- Optimize the green hub area
- Maintain the floodplain area as an open space but provide for appropriate and publically accessible recreational opportunities.

Figure 93: Sports and Lifestyle Precinct Vision



		SPECIAL ZONE 18: UMGENI RIVER BIRD AND ZOOLOGICAL PARK				
SCHEME INTENTION: To provide, preserve, use land or buildings for a limited mix of land-uses, as listed below.						
MAP COLOUR REFERENCE: Black cross hatch with zone number				MAP REFERENCE:		
PRIMARY		SPECIAL CONSENT		PRECLUDED		
<ul style="list-style-type: none">• *Conservation Area• *Conference Facility• Garden Nursery• *Restaurant/ Fast Food• *Shop• *Zoological Garden• Any use considered by the Head : DPEM to be ancillary to the uses referred to in paragraph 2(a) below or likely to encourage the use of the land comprising this special zone		<ul style="list-style-type: none">• Any other land use considered by the Head: Development Planning, Environment, and Management to be ancillary to the primary land use		<ul style="list-style-type: none">• All other uses		
ADDITIONAL CONTROLS						
Zone No. 16 shall apply to the following properties :- (a) Portion 4 of Erf 221, Durban North (b) Portion 6 of Erf 221, Durban North (c) Portion 46 of Erf 223, Durban North (d) Portion 2 of Erf 224, Durban North (e) Portion 4 of Erf 227, Durban North						
The conditions applicable to this Zone shall be as follows :-						
1. The sites described in (a) to (e) above shall be consolidated or tied by a notarial deed in restraint of free alienation in favour of the eThekweni Municipality.						
2. The use of the land comprising this Zone shall be limited to the following :- (a) The Conservation Area and a Zoological Garden shall be restricted to the keeping of the following :- (i) birds; (ii) butterflies; (iii) mammals, excluding any species that the KwaZulu Natal Parks Board considers potentially dangerous to humans; (iv) any other type of animal by Special Consent;						
provided that all species shall be housed in enclosures, the nature of which shall be to the satisfaction of the Head : Development Planning, Environment and Management.						
(b) *Shop shall be for the sale of curios and souvenirs; however, such shop shall not exceed a maximum floor area of 100m ² .						
(c) *Conference Facility for the use of conference / function room, which shall not exceed a gross floor area of 100m ² .						
(d) Garden Nursery						
(e) Refreshment kiosk						
(f) *Restaurant/ Fast-food Outlet which may be designed and sited to the satisfaction of the Head: Development Planning, Environment and Management. Such Restaurant/ Fast-food Outlet shall not exceed a gross floor area of 500m ² .						
3. Onsite parking shall be in terms of Section 8. of this scheme.						
4. Points of ingress and egress shall be provided to the satisfaction of the Head: Development Planning, Environment and Management.						
6. The land comprising this special zone shall be landscaped to the satisfaction of the Head: Development Planning, Environment and Management.						
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION (m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA
BUILDING LINE	SIDE AND REAR SPACE					
N/A	N/A	N/A	N/A	No buildings other than the bird / animal enclosures shall exceed 2 storeys in height	N/A	<ul style="list-style-type: none">• Shop = 100m²• Conference Facility = 100m²• Restaurant not to exceed a gross floor area of 500m²

1.10 RESERVATION OF LAND

1.10.1 The relevant areas of land shown on the Scheme Map as Reservations and listed in Section 6: Reservation of Land may only be used for the purposes and under the conditions, set out therein.

1.10.2 Where reservations for purposes such as public open space, road, Provincial, National and Local Government, essential services appear on an Erf, no person shall erect a building or execute any other work on the reserved land save with the Special Consent of the Municipality after approval by the organ of state concerned; provided that any existing land use or existing building may continue until such time as the Municipality has acquired and transferred ownership of the land in terms of the provisions of the Local Authorities Ordinance or any other similar law. In granting its Special Consent under this clause the Municipality shall only permit uses that are of a temporary nature and it shall specify the date on which consent shall expire.

7

		<p>2.The use of the land comprising these sites shall be limited to the following :-</p> <p>(a)the parking of buses and taxis;</p> <p>(b)shops, restaurants and residential accommodation;</p> <p>(c)ablution facilities, rest areas for bus and taxi drivers and storage facilities;</p> <p>(d)any use considered by the Municipality to be ancillary to the uses referred to in paragraphs (a), (b) and (c) or likely to encourage the use of the land comprising these for the purpose described above;</p> <p>(e) any other uses by special consent.</p> <p>3. Building development shall not exceed 50% coverage of the entire Special 26/02/1998Zone nor 4 storeys in height.</p> <p>4. Building line, side and rear space provisions shall be to the satisfaction of the Executive Director (Physical Environment); provided that in the case of the rear space adjacent to the boundary of these sites at its interface with the railway tracks, the space proposed shall be referred to the South African Rail Commuter Corporation for approval.</p> <p>5. The provision of parking for buses and motor vehicles shall be to the satisfaction of the Executive Director (Physical Environment).</p> <p>6. The land comprising these sites shall be landscaped to the satisfaction of the Executive Director (Physical Environment).</p>
--	--	---

The Blue lagoon precinct is currently within conceptual design for redevelopment and successful bidder will require interface with design consortia currently undertaking design within the precinct.

CONDITIONS OF THE DEVELOPMENT LEASE.

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

Property Tenure

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

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:

1. The lease period will be for a period of **30 (Thirty) years**. Upon expiry or termination of the Development and Lease agreement, possession of the property will revert to the eThekweni Metropolitan Municipality without any compensation.
2. Bidders are required to make an offer not less than the minimum acceptable offer for the lease of the facility on the property as part of the proposal form; as indicated in REU MBD 3.
3. Market Rental will be reviewed every five years.
4. 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 bidders account.
5. The lessee shall under no circumstances cede any rights of the property to a third party without the written consent from the Municipality, such consent shall only be granted where the empowerment rating of entity to which the rights are ceded to are equal or greater than the original lessee;
6. The successful bidder will be responsible for the cancellation, protection and/or relocation of all servitudes that may be registered over the property.
7. Bidders are required to demonstrate their ability and capacity to deliver and manage the proposed development.
8. The successful bidder will be responsible to obtain all statutory approvals (Environmental, Water Use Licence, Site Development Plan/s, Building Plan/s, etc.) which are required for the development of the property.
9. Development shall be subject to all related legislation and Municipal by-Laws.
10. 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.
11. The premises shall only be utilised for the purpose as advertised and may not be rezoned for any other purposes for the duration of the lease period;
12. That, a deposit equal to one month's rental shall be paid by the lessee upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up

date at the time of the expiry of the lease agreement or vacation of property, subject to the property being returned in a clean and tidy condition.

13. All administrative and incidental costs relating to the drafting of the lease shall be for the lessee's account.
14. Bidders are required to submit a financial proposal which is not limited to but should include;
 - A detailed cost estimate, together with supporting documentation of the costs of development.
 - A time schedule for the redevelopment of the building.
 - Failure to meet the time schedules will result in the penalties which will be in line with the lease agreement that will be signed between the EThekweni Municipality and the Lessee.
15. That, the application shall be liable for the payment of all sewerage, refuse removal fees, Levied or payable in respect of the site and all electricity and water supplied to the site.
16. 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.
17. 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.
18. 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.
19. 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. Ariel Photo





2. SITE INFORMATION

Property Description	Remainder of 1 Durban
Size (Lease area)	1 393 m ²
Zoning	SPECIAL ZONE 18: UMGENI RIVER BIRD AND ZOO-LOGICAL PARK
Structures and Physical features	<p>The property is a property measuring 1 393 m² in a good condition.</p> <p>The interior of the structure is still in a good condition.</p>
Current Use	Currently occupied and used as restaurant.
Minimum Acceptable Rental Offer	R84 120 Per month
Highest and Best Use	The highest and best use is in line with town planning of providing, preserving the use land or buildings for a limited mix of land-uses.

Plan showing
Land to be Leased
Stiebel Place
Suburb of Stamford Hill
EtheKwini Municipality

Cadastral Description:
Proposed Lease on Remainder of Erf 1 Durban

Notes:

1. Street address is encircled
2. Area and dimensions are as per approved diagram (SG 2720/1999)
3. Building position is approximate and scaled off 2019 aerial photography
4. All services shown or otherwise, are as obtained from the Corporate GIS database or other relevant internal or external Departments and should be verified on site as applicable
5. Lease Erf 12480 is currently zoned as Public Open Space Reservation. Zoning information is obtained from the Corporate GIS database.
6. Lease Erf 12480 (SG 2720/1999) is approved but not registered.

Proposed Lease	
Sides	Metres
AB	35.66
BC	43.00
CD	20.50
DE	20.50
EA	28.00
Area = 1393 sq m	

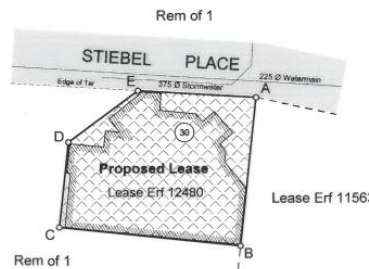
Existing Road Area

Land to be Leased (1393 sq m)

Existing Building



Y - 3 400
X + 3 299 400 (WG31')



Y - 3 500
X + 3 299 300

Y - 3 500
X + 3 299 400

SCALE 1:750

LOCALITY SKETCH



PRELIMINARY

 ETHEKWINI MUNICIPALITY	Approved 2. K. Deputy Head: Surveying & Land Information
	Prelim. Plan Date : 2020/07/08 Final Plan Date : SJ 4803/3
Sheet No.: 1:1000 U49 Drawn by : A. Misra Checked by : B. Byrnes	1:2000 U49 Job No. : 2020/60 Ward No. : 27 Digital Ref. : 4803_3
Survey Correspondence Ref. : 5319 Land Transactions Ref. : 13064/C Vote No. : 31521.27999.7101.99000.7101.PD001.0010	
Prepared by: Surveying & Land Information Department Engineering Unit 166 K.E. Masinga Road (Old Fort Road) Durban Tel : 031 - 311 7226	

OWNERSHIP SCHEDULE

PROPERTY	REGISTERED OWNER	DIAGRAM NUMBER	CURRENT DEED
Remainder of Erf 1 Durban	EtheKwini Municipality	GV 38 F 8	G 1737/1855
Lease Erf 12480 Durban	EtheKwini Municipality	SG 2720/1999	-

Ownership details obtained via "DEEDSWEB"

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		No	
-----------------------------------	-----	--	----	--

Is the bidder a natural person?				
---------------------------------	--	--	--	--

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

Is a copy of the bidder's power of attorney attached?	Yes		No	
---	-----	--	----	--

MBD 16: PAYMENT OF MUNICIPAL ACCOUNT



DECLARATION OF MUNICIPAL CHARGES FROM TENDERER

EtheKwini Revenue
Florence Mkhize Building
251 Anton Lembede Street
Durban
4001

Tel: 031 328 1200
Fax: 031 328 1002
E-Mail: revline@durban.gov.za
Website: <http://www.durban.gov.za>

I, _____
(Full Name and Surname)

ID Number in my capacity as the duly authorised member / director /
owner or partner of

(Full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture) hereinafter referred to as the
TENDERER

do hereby declare that all Municipal charges of the aforesaid TENDERER, are, as at the date hereunder, fully paid or an
Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in installments.

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

ACCOUNT	ACCOUNT NUMBER
ELECTRICITY	_____
WATER	_____
RATES	_____
OTHER (specify)	_____

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the Contractor by the Municipality shall be first set off against such arrears. **ATTACHED** please find copies of the above account's and or agreements signed with the municipality.

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

Full Name and Surname

Signature

Date

Designation

Company Stamp

Contact No

REU MBD 17: DEVELOPMENT PROPOSAL

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

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

1,2 Proposed improvements summary (if any)

Use	Total Floor area (m2)
Totals	

1.3 Estimated Cost of Development.

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

8	Totals	

1.3 Estimated development time frames

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

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

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

REU MBD 19: PUBLIC/SOCIAL BENEFIT PROPOSAL

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

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

REU MBD 20: PROPOSED EMPOWERMENT PLAN

FRAMEWORK FOR ACCELERATING ECONOMIC EMPOWERMENT AND TRANSFORMATION

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

EMPOWERMENT TARGETS

DESCRIPTION	TARGET	Bidders Commitment in numbers of persons
Job Creation & Job intensive plan		
Total number of jobs to be created in the project	Total jobs created	
Number of jobs created for unemployed black people in this project	60% of total jobs	
Number of job created for black people in this project	30 % of total jobs	
Training & Development programme		
Number of black people Trained in some aspect 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.	
Enterprise and supplier Development		
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.	

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)				
Project Manager				

--	--	--	--	--

THE BIDDER MUST INCLUDE TRACABLE REFERENCES FOR EACH PROFFSSION.

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>It is assumed that 70% of the development will be financed via debt finance (development bond loan).</p> <p>The bidder must however submit proof of the availability of finance to fund 30% of the development cost through equity funding</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 (bank statements or financial statements of the bidder)</p> <p>Provide funding model to incorporate how and where the funding will be sourced/raised and it must include collateral to be pledged against such funding if required.</p> <p>Development Cost (Total Investment Value)</p>	
Total Development Cost	R
Debt Finance	R
Equity Investments (if any)	R
Source of Debt Finance <ul style="list-style-type: none"> Letter confirming access to debt funding 	
Source of Equity Finance <ul style="list-style-type: none"> Written confirmation of equity funding <p>(Note: this source may not be a bank loan).</p>	

ANNEXURES

COUNCIL DECISION – 27 May 2021

COMMITTEE RECOMMENDS:

- 4.1 That the Municipality declares in terms of Regulation 34(1)(b) of the Asset Transfer Regulations, read together with Section 14(2)(a) and (b) of the Municipal Finance Management Act 2003, that:
- 4.1.1 The beachfront properties listed below are not required to provide minimum level of basic Municipal services during the proposed lease period;
- 4.1.2 The fair market rental of the properties has been determined as follows:

- 35 -

(eThekweni Municipality
Council Decisions - 2021-05-27)

No.	Property Description Building	Current Usage	Extent M ³	Monthly Rental	Market Value	Hand Plan	Lease Period
1.	Remainder of Erf 1 Durban	Restaurant	1 393	R84 120	R6 000 000	SJ 4803/5	30 Years
2.	Remainder of Erf 1 Durban	Restaurant	122	R12 400	R900 000	SJ 4805/3	9 Years & 11 Months
3.	Erf 12281 Durban	Restaurant	81	R5 850	R500 000	SJ 4805/9	9 Years & 11 Months
4.	Remainder of Erf 1 Durban	Retail	4 028	R100 900	R7 800 000	SJ 4805/7	30 Years
5.	Rem of Erf 1 & Erf 12281 Durban	Restaurant	743	R82 620	R6 400 000	SJ 4805/10	9 Years & 11 Months
6.	Erf 12281 Durban	Restaurant	806	R97 370	R6 700 000	SJ 4805/6	9 Years & 11 Months
7.	Erf 1 Durban	Kiosk	50	R8 400	R700 000	SJ 4444/4	9 Years & 11 Months
8.	Proposed Lese on Erf 12281 Durban	Retail	1 091	R120 000	R8 700 000	SJ 4806/8	30 Years
9.	Erf 12281 Durban	Restaurant	584	R82 200	R6 000 000	SJ 4806/1	9 Years & 11 Months
			14 792	R593 550.00			

- 4.1.3 The rental above be deferred during construction/redevelopment phase where the capital cost to be invested is in excess of R10 000 000.00 (Ten Million Rand), for a period not exceeding twelve (12) months.

- 4.1.4 The long-term lease period of twenty (20) years and thirty (30) years will be subject to a redevelopment proposal that must be approved by Council and will be further subject to a five (5) years rental reviews and turnover rental clauses.
- 4.2 That the properties be leased by public tender process in accordance with the provisions of the Preferential Procurement Policy Framework which supports Radical Economic Transformation Framework and Supply Chain Management Policy.
- 4.3 That authority be granted to the Deputy Head: Surveyor & Land Information to review hand plans and, in the event where there has been a change, to confirm location and sizes of the properties before leases are concluded.
- 4.4 That in the event of objections being lodged to granting of the leases the matter be referred for resolution in terms of Section 50 of the Supply Chain Management Policy headed "Resolution of Dispute Objections Complaints and Queries".
- 4.5 That, in the event of the lease not being concluded within twelve (12) months from date of determination of the rent, authority be granted to the Head: Real Estate to review the rental in line with the current market rentals and in the event where there has been a change in market rentals.
- 4.6 That subject to the adoption of .1 - .5 above and the approval by the Bid Adjudication Committee, the Head: Real Estate be granted authority to sign all documents necessary to conclude the agreement.

ADOPTED, by the majority vote.