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

**RFP 32/2022**

**Tender document can be downloaded from E-tenders, COJ and the JPC websites at no cost [www.jhbproperty.co.za](http://www.jhbproperty.co.za), [www.etenders.gov.za](http://www.etenders.gov.za) and [www.joburg.org.za](http://www.joburg.org.za)**

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

**Closing date of submission: 28 October 2022** at 10h30 (Telkom Time)– no bid received after the closing date and time will be accepted or considered.

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

**1<sup>st</sup> Non-compulsory briefing session: 09 September 2022 at 14h00pm**  
**2<sup>nd</sup> Non-compulsory briefing session: 30 September 2022 at 14h00pm**

**Document availability: 29 August 2022 from 12:00pm.**

**RFP 32/2022: REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 16 ORLANDO EKHAYA**

**NAME OF BIDDER**

**DOCUMENTS TO BE SUBMITTED: 1 original, 1 Copy and Scanned version of the submission including annexures/ returnable in a USB Memory stick marked the bidders name.**

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

**THIS DOCUMENT CONSISTS OF 64 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER/BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT**

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## 1. INTRODUCTION



### 1.1 The Landowner and its Agent

#### 1.1.1 City of Johannesburg (CoJ)

Metro Centre, Civic Boulevard, Braamfontein

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

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

Reg. No. 2000/017147/07

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

The core functions of JPC are as follows;

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

**TENDER ADVERT**

**JPC MBD 1**

**RFP 32/2022: REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 16 ORLANDO EKHAYA**

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

<b>BID NUMBERS</b>	<b>TENDER DESCRIPTIONS</b>	<b>SITE SIZE</b>
RFP 32/2022	RFP 32/2022: REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 16 ORLANDO EKHAYA. THE PROPERTY SHALL BE DEVELOPED INTO MIXED USE DEVELOPMENT WITH SPECIAL EMPHASIS ON MIXED RENTAL RESIDENTIAL WITH A MINIMUM OF 20% OF THE TOTAL DEVELOPMENT BEING EARMARKED FOR AFFORDABLE HOUSING AT A MAXIMUM RENTAL OF R900 PER UNIT PER MONTH EXCLUDING MUNICIPAL SERVICES. THE ALLOCATION OF THESE AFFORDABLE UNITS(20% ) WILL BE IN LINE WITH THE COJ POLICIES.	43,217m2
<b>Non-compulsory briefing session</b>	1 <sup>st</sup> non-compulsory briefing session will take place 02 September 2022 and 2 <sup>nd</sup> non-compulsory briefing session will take place 30 September 2022 at 14h00am, City of Joburg Property Company Offices, 3rd floor (entrance level), A - Block, Auditorium, Forum I, Braampark, Braamfontein. COVID 19 PROTOCOLS TO BE OBSERVED.	
<b>Document Availability</b>	<b>29 August 2022 from 12:00 pm</b>	
<b>Document</b>	<b>The tender document can be downloaded from E-tenders, COJ and the JPC websites at no cost <a href="http://www.jhbproperty.co.za">www.jhbproperty.co.za</a>, <a href="http://www.etenders.gov.za">www.etenders.gov.za</a> and <a href="http://www.joburg.org.za">www.joburg.org.za</a></b>	
<b>Pre-qualification criteria for Preferential procurement</b>	<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"> <li>• Minimum B-BBEE Status (Level1, Level 2 and Level 3), and</li> <li>• The bidding entity must sub-contract a minimum of 30% to an EME or QSE which is at least 51% owned by black people</li> </ul> <p>NB: A bid that fails to meet any pre-qualification criteria stipulated above it is an unacceptable bid and as such will not be evaluated for Stage 1 and Stage 2.</p>	
<b>Closing Date</b>	<b>28 October 2022 at 10h30 (Telkom Time),</b> CoJ reserves the right to extend the closing date at its sole discretion.	

<b>Disqualifying Criteria</b>	None
<b>Compliance Criteria before award</b>	<ul style="list-style-type: none"> <li>• Valid Tax Compliant Verification PIN number issued by SARS.</li> <li>• Proof of registration of the Bidder as follows: <ul style="list-style-type: none"> <li>○ Natural persons- certified copy of ID document/ passport</li> <li>○ Partnership- copy of Partnership Agreement plus IDs of all partners</li> <li>○ Company- current CM29/COR 20.1</li> <li>○ Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1</li> <li>○ Trust- letter of appointment from the Master of the High Court of SA and deed of trust</li> </ul> </li> <li>• JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners</li> <li>• Entity BBBEE Certificate or JV/Consortium Consolidated BBBEE Certificate</li> <li>• Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted.</li> <li>• Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle arrears Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted</li> <li>• Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) / Proof that acknowledgements or arrangements have been made to settle arrears /Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted</li> <li>• In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation and a JV / Consortium agreement</li> <li>• Central Supplier Database (CSD) registration valid on tender closing date</li> <li>• Submission of public interest score (PIS) as per Companies Act Regulation 26(2). The public score calculation must be supported by the following: <ul style="list-style-type: none"> <li>○ Audited Annual Financial Statement indicating the latest three financial periods, <b>OR</b></li> <li>○ Latest unaudited annual financial statement used for the calculation of the PIS.</li> </ul> </li> <li>• Bidding Entity resolution.</li> <li>• Signature of the following documents; <ul style="list-style-type: none"> <li>○ Declaration of interest in MBD 4</li> <li>○ Declaration of the Bidder's Past Supply Chain Practices in MBD 8,</li> <li>○ Certificate of Independent Bid Determination in MBD 9, and</li> <li>○ Bidders Information in JPC MBD 7</li> </ul> </li> </ul>
<b>Address</b>	City of Joburg Property Company SOC LTD, 3 <sup>rd</sup> Floor, Forum I, 33 Hoofd Street, Braam Park Office Park, Braamfontein.

<b>Evaluation</b>	<b>Functionality, Price and BBBEE using the 90/10 preference point system, 90 for financial offer and 10 for B-BBBEE status level of contributor</b> $Ps = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$
<b>Enquiries</b>	<a href="mailto:tenders@jhbproperty.co.za">tenders@jhbproperty.co.za</a>

**Please note the following conditions of submission:**

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

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

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

**MBD 2**

**INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (CITY OF JOHANNESBURG)</b>					
BID NUMBER:	<b>RFP 32/2022</b>	CLOSING DATE	<b>12 October 2022</b>	CLOSING TIME:	<b>10H30 (Telkom Time)</b>
DESCRIPTION	<b>RFP 32/2022: REQUEST FOR PROPOSALS (RFP) FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 16 ORLANDO EKHAYA</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A DEVELOPMENT AND LONG TERM LEASE AGREEMENT WITH THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY</b>					

BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT 33 HOOFD STREET, FORUM 1, BLOCK A, 3<sup>RD</sup> FLOOR, BRAAM PARK, BRAAMFONTEIN, JOHANNESBURG. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – ( NOT TO BE RE-TYPED OR AMENDED)

<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					



<b>SIGNATURE OF BIDDER</b>	.....	<b>DATE</b>	
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED</b>			
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			
Municipality/Municipal Entity: City of Joburg Property Company (SOC) LTD Enquiries Tel: 010 219 9000 Email: tenders@jhbproperty.co.za			

**TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>	
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.	
1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–OR DOWNLOADED ONLINE (NOT TO BE RE-TYPED)</b>	
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.	
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.	
2.3 VALID TAX COMPLIANT VERIFICATION PIN NUMBER ISSUED BY SARS.	
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 PIN / CSD NUMBER.	
2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.	
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
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	
<b>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.</b>	

**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: .....

**PRICING SCHEDULE: FINANCIAL OFFER**

**JPC MBD 3:**

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

Rental Offer per Month (on commencement date)	R
Annual Escalation 6%	%

**4. NON-REFUNDABLE JPC FEE**

In addition to the above offer, the preferred bidder shall pay to JPC a non-refundable JPC Fee equal in value to 1.5% (one and half percent) of the total proposed development cost (excluding the land value), for facilitating the project and/or must be payable on an agreed milestone.

Non-refundable JPC Fee equal in value to 1.5% (one and half percent) of the total proposed development cost (excluding the land value).  (Refer to MDB17 for makeup of Development Cost).	R
---	---

**5. DEVELOPMENT COST**

<b>TOTAL DEVELOPMENT COST:</b>	R
--------------------------------	---

**6. FINANCIAL OFFER**

NPV of rental over 50 years	R
JPC Facilitation Fee (once off)	R
<b>TOTAL FINANCIAL OFFER</b>	R

**NB: NPV to be calculated at an annual escalation of 6% PER ANNUM.**

**Template for NPV calculations, Refer to Annexure A. LINK BELOW**

**[K:\29 AUGUST 2022 FINAL RFP FOR ADVERTISEMENT\ORLANDO EKHAYA\NPV Working Template-Annexure A.xlsx](#)**

Fixed Monthly Rental Offer Calculated Over 50 Years. 1. Annual Rental escalation of 6 % 2. For comparison <b>NPV</b> rental offers will be calculated using 10% discounted rate 3. 50 Year Lease	R
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**NB: The following information in line with the above financial offer must be attached to the bid document;**

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

**BIDDERS MUST SUBMITT A RENTAL SCHEDULE INDICATING THE NPV CALCULATIONS**

**7. PAYMENT FOR RATES, TAXES, AND SERVICES**

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

**MBD 4:**

**DECLARATION OF INTEREST**

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

No.	Information	Please provide detail	
3.1	Full name of bidder or his or her representative		
3.2	Identity number		
3.3	Position occupied in the company (director, trustee, shareholder <sup>2</sup> )		
3.4	Company registration number		
3.5	Tax reference number		
3.6	VAT registration number		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state?  If yes, please furnish particulars :	Yes	No
3.7.1	Name of director		

No.	Information	Please provide detail	
3.7.2	Service of state organization		
3.8	Have you been in the service of the state for the past twelve months?  If yes, please furnish particulars :	Yes	No
3.8.1	Name of director		
3.8.2	Service of state organization		
3.9	Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?  If yes, please furnish particulars :	Yes	No
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	Are you, aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?  If yes, please furnish particulars :	Yes	No
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i>  If yes, please furnish particulars :	Yes	No
3.11.1	Name of director		
3.11.2	Service of state organization		

No.	Information	Please provide detail	
3.12	<p>Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?</p> <p>If yes, please furnish particulars:</p>	Yes	No
3.12.1	Name of director		
3.12.2	Name of relative		
3.12.3	Relationship		
3.13	<p>Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract?</p> <p>If yes, please furnish particulars:</p>	Yes	No
3.13.1	Name of director		
3.13.2	Related company		
Note:	<p>SCM Regulations:</p> <p>"In the service of the state" means to be –</p> <ul style="list-style-type: none"> <li>(a) a member of – <ul style="list-style-type: none"> <li>(i) any municipal council;</li> <li>(ii) any provincial legislature; or</li> <li>(iii) the national Assembly or the national Council of provinces;</li> </ul> </li> <li>(b) a member of the board of directors of any municipal entity;</li> <li>(c) an official of any municipality or municipal entity;</li> <li>(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);</li> <li>(e) a member of the accounting authority of any national or provincial public entity; or</li> <li>(f) an employee of Parliament or a provincial legislature.</li> </ul> <p>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.</p>		

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

Full Name	Identity Number	State Employee Number

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

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

**MBD:5**

**DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)**

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

1 Are you by law required to prepare annual financial statements for auditing? **YES / NO**

1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.

.....

.....

2. Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?

**YES / NO**

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.

.....

.....

.....

.....

3 Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?

**YES / NO**



3.1 If yes, furnish particulars

.....  
 .....

4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?

**\*YES / NO**

4.1 If yes, furnish particulars

.....  
 .....

**CERTIFICATION**

**I, THE UNDERSIGNED (NAME) .....**

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

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

.....  
 Signature

.....  
 Date

.....  
 Position

.....  
 Name of Bidder

**MBD 6**

**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 B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to this bid:

- the 90/10 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

1.2

- a) The value of this bid could not be determined, therefore the highest acceptable tender will be used to determine the applicable preference point system; or
- b) The 90/10 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

- (a) Financial Offer; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
<b>FINANCIAL OFFER</b>	90
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	10
<b>TOTAL POINTS FOR FINANCIAL OFFER AND B-BBEE MUST NOT EXCEED</b>	<b>100</b>

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 purchaser 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 purchaser.

## 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) **“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;
- (j) **“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 90/10 PREFERENCE POINT SYSTEMS

A maximum of 90 points is allocated for financial offer on the following basis:

**90/10**

90 for purchase offer and 10 for B-BBBEE status level of contributor

$$Ps = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

- Ps = Points scored for price of tender under consideration;
- Pt = Price of tender under consideration; and
- Pmax = Price of highest acceptable tender.

#### 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 Contribution	Number of points 10
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non – Contributor	0
<b>Total Maximum Pts</b>	<b>10</b>

#### 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 10 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?

*(Tick applicable box)*

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

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)***

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

- 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 last 51% owned by:	EME	QSE
	√	√
<b>Black people ( As defined by the Act B-BBEE Number 46 of 2013 and any amended)</b>		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**8.6 COMPANY CLASSIFICATION**

- Manufacturer

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

**8.7 MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

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

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE 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. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

**JPC MBD 7:**

**BID SUBMISSION**

**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	
<b>BIDDER BANKING DETAILS</b>			
Name of Bidder's Banker			
Contact details of Banker			

<b>Please indicate how you became aware of the invitation to submit this Proposal</b>			
The Star		JPC Web site	
Sowetan		On site notice	
COJ Website		E- Tenders	

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



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

**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? (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><b>The Database of Restricted Suppliers now resides on the National Treasury’s website <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> and can be accessed by clicking on its link at the bottom of the home page</b></p>	Yes	No
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><b>The Register for Tender Defaulters can be accessed on the National Treasury’s website <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> by clicking on its link at the bottom of the home page.</b></p>	Yes	No

Item	Question	Yes	No
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	No
4.3.1	If so, furnish particulars:		

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

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

## MBD 9:

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_

(Bid Number and Description)

in response to the invitation for the bid made by:

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

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

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

(Name of Bidder)

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

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

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

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

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

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

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**STANDARD CONDITIONS OF SUBMISSION**

The following conditions apply to all bids submitted:

- All bids must be submitted in compliance with the Bid Specifications specified in JPC MBD 12
- The property is made available in accordance with the information and stipulations contained in JPC MBD 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 FOR PREFERENTIAL PROCUREMENT**

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

- Minimum B-BBEE Status (Level 1, Level 2 and Level 3), and/or
- The bidding entity must sub-contract a minimum of 30% to an EME or QSE which is at least 51% owned by black people.

**NB: A bid that fails 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.**

**DISQUALIFICATION CRITERIA**

None

**COMPLIANCE PRIOR TO AWARD**

- Valid Tax Compliant Verification PIN number issued by SARS.
- Proof of registration of the Bidder as follows:
  - Natural persons- certified copy of ID document/ passport
  - Partnership- copy of Partnership Agreement plus IDs of all partners
  - Company- current CM29/COR 20.1
  - Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1
  - Trust- letter of appointment from the Master of the High Court of SA and deed of trust
- JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners
- Entity BBEE Certificate or JV/Consortium Consolidated BBEE Certificate
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted.

- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle arrears Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) / Proof that acknowledgements or arrangements have been made to settle arrears /Valid Lease agreement / Affidavit stating why an up to date municipal account cannot be submitted
- In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation and a JV / Consortium agreement
- Central Supplier Database (CSD) registration valid on tender closing date
- Submission of public interest score (PIS) as per Companies Act Regulation 26(2). The public score calculation must be supported by the following:
  - Audited Annual Financial Statement indicating the latest three financial periods, **OR**
  - Latest unaudited annual financial statement used for the calculation of the PIS.
- Company resolution.
- Signature of the following documents;
  - Declaration of interest in MBD 4
  - Declaration of the Bidder's Past Supply Chain Practices in MBD 8,
  - Certificate of Independent Bid Determination in MBD 9, and
  - Bidders Information in JPC MBD 7

### **SUBMISSION OF PROPOSALS**

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and JPCs' MBDs contained in this document.
- In this regard:
  - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
  - The Bidder(s) must submit one (1) original hard copy and (1) soft copy on USB.
  - All Proposal documentation received shall be deemed COJ property and shall not be returned or thus requested back by any Bidder.
- Proposals must be sealed, clearly marked with RFP name and number, and addressed to The Chief Executive Officer, City of Joburg Property Company (SOC) Ltd
- Bidder's return address must be clearly indicated at the back of the envelope.
- The fully completed document with annexures must be submitted before the closing date specified on the front cover, and be deposited in the tender box made available by the Client Services Centre of:

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

- **PROPOSALS WHICH ARE NOT SUBMITTED IN A PROPERLY SEALED AND MARKED ENVELOPE AND DEPOSITED IN THE BOX BEFORE THE CLOSING DATE AND TIME, WILL NOT BE OPENED.**
- The information required in the MBDs must be provided accurately and honestly. All details provided by the Bidder(s) will be regarded as material representations, which the COJ and/or its agent the JPC base the evaluation of the Proposal on. Any misrepresentation will be treated as material and will result in the disqualification of the Proposal by the COJ and/or its agent the JPC.

### **OPENING OF PROPOSALS**

- All proposals are to be submitted at the JPC offices, on or before the closing date and time. After which as a precautionary measure (as a result of the Covid – 19 pandemic) the Opening Register will be uploaded on the JPC website.
- Bidder's return address must be clearly stipulated or indicated on the back of the envelope.

### **EVALUATION OF PROPOSALS**

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

## **RESOLUTIONS OF DISPUTES**

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

3<sup>rd</sup> Floor, Forum 1, Braampark, 33 Hoofd Street, Braamfontein, Johannesburg

Fax: (010) 219 9400

- The written complaint must contain the following information:
  - The bid reference number;
  - The section of the Policy, Regulations or Act that has been violated;
  - The details of the violation;
  - The City Department or Municipal Owned Entity involved;
  - Relief sought.
- The Chief Executive Officer may appoint an independent person, from outside or within the City or JPC, to investigate and propose a dispute resolution mechanism to address the complaint. The person so appointed will be someone who was not involved in the transaction in question.

## **PROHIBITIONS**

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

- Failure by the above mentioned persons to comply with the above shall lead to cancellation of the contract.

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

- The COJ and JPC does not encourage awarding of contracts to close family members of employees in decision-making positions.
- The bidder must declare and state whether a spouse, child or parent of the bidder or of a director, manager or shareholder is in the service of the City of Johannesburg Municipality or has been in the service of the state in the previous twelve months.

**GENERAL ENQUIRIES**

Only email enquiries will be accepted, such enquiries must be directed to [tenders@jhbproperty.co.za](mailto:tenders@jhbproperty.co.za)

**EVALUATION CRITERIA**

A two-stage evaluation will be applied to the evaluation of the bid as follows:

**Stage 1: Functionality Evaluation**

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

FUNCTIONAL CRITERIA	Points	Returnable documents to be used in evaluation
<p><b>1. CAPACITY AND EXPERIENCE BIDDER AND PROFESSIONAL TEAM</b></p>	<p><b>30</b></p>	<p>Returnables to be attached under JPC MBD 20</p>
<p><b>CAPACITY AND EXPERIENCE BIDDER AND PROFESSIONAL TEAM</b></p> <p><b>Capacity and experience of the Bidder’s professional team in delivering projects of a similar nature: 20 points:</b></p> <ul style="list-style-type: none"> <li>• <b>Architect: 4 points:</b> <ul style="list-style-type: none"> <li>- 7 and above submission of proof of experience with large mixed-use projects (greater than R100m): = (3)</li> <li>- 5 large mixed use projects (amounting to R80 m) = (2)</li> <li>- 3 Large mixed use projects (amounting to R60 m) = (1)</li> <li>- Projects less than (R60M will be scored) =0</li> </ul> </li> <li>• <b>Submission of proof of registration with the relevant council = (1)</b></li> <li>• <b>Civil, Structural and Electrical Engineers with green building design experience and Proof of registration with the relevant professional councils =4 points</b> <ul style="list-style-type: none"> <li>- Civil =(1)</li> <li>- Structural = (1)</li> <li>- Electrical = (1)</li> <li>- Demonstrate successful completion of 2 or more green projects (1)</li> </ul> </li> <li>• <b>Project Manager: 4 points:</b> <ul style="list-style-type: none"> <li>- Proof of registration with relevant council =(1)</li> <li>Experience of 8 years and more = (3)</li> <li>Experience of 7 - 4 years = (2)</li> </ul> </li> </ul>		<p><b>CV’s of the professional team with qualifications and proof of registration with professional bodies where requested.</b></p> <p><b>The professional team must demonstrate its experience in projects of a similar nature(multi-storey developments)by submitting testimonials/ signed and dated reference letters with traceable/ contactable references.</b></p>

<p>Experience of 4 – 2 years = (1)</p> <p>Experience of less than 2 years = (0)</p> <ul style="list-style-type: none"> <li>• <b>Property Management: 2 points</b> <ul style="list-style-type: none"> <li>- Experience in Property Management, 3 years and above =(2)</li> <li>- Experience in Urban Management, 3 years and above =(1)</li> <li>- Less than 3years =(0)</li> </ul> </li> <li>• <b>Quantity Surveyor: 2 points</b> <ul style="list-style-type: none"> <li>- Proof of registration with the relevant council =(1)</li> <li>- Experience of 8 years and above =(1)</li> <li>- Experience of Lessa than 8 years = (0)</li> </ul> </li> <li>• <b>Urban Designer: 1 points</b> <ul style="list-style-type: none"> <li>- Urban designer with experience of more than 8 years =(1)</li> <li>- Experience of Lessa than 8 years = (0)</li> </ul> </li> <li>• <b>Stakeholder Consultant (Social Facilitation) (2)</b> <ul style="list-style-type: none"> <li>- Experience in Stakeholder Consulting 3 years and above =(1)</li> <li>- Demonstrate experience with stakeholder mapping, community mobilisation/awareness campaigns =(1)</li> </ul> </li> <li>• <b>Landscape Architect: (1)</b> <ul style="list-style-type: none"> <li>- Experience of 3 projects over R100m =(1)</li> </ul> </li> </ul>		<p><b>CV's of the professional team with qualifications and proof of registration with professional bodies where requested.</b></p> <p><b>The professional team must demonstrate its experience in projects of a similar nature(multi-storey developments)by submitting testimonials/ signed and dated reference letters with traceable/ contactable references.</b></p>
<p><b>Development Experience of the bidding entity in delivering projects of a similar nature (5)</b></p> <p>The bidder must demonstrate its experience in delivering building projects. The value of the projects must be clearly stated. Scoring will be based on the total value of development.</p> <p>R500m and above = (5) Points  R499m - R400m =(4)Points  R399m - R300m =(3) Points  R299m - R200m =(2) Points  R199m - R100m =(1) Point  Less than R100m = (0)</p> <p><b>Development Experience of the Bidder's proposed professional team in delivering projects of a similar nature (5)</b></p> <p>The bidder's professional team must demonstrate its cumulative experience in delivering large scale building projects. The value of the</p>		<p><b>Bidder to complete JPC MBD 20 and provide any verifiable documents to demonstrate its experience. Letters of reference stating the project name, project value, completion year and contactable and traceable reference must be attached.</b></p> <p><b>Completion certificates as proof of completion of projects.</b></p>

<p>projects must be clearly stated. Scoring will be based on the total value of development projects successfully completed</p> <p>R1 billion and above =(5) Points  R800 m - R700m =(4) Points  R699m - R600m =(3)Points  R599m - R500m =(2)Points  R499m - R400m =(1) Point  Less than R400m =(0)</p>		
<p><b>3. DEVELOPMENT PROPOSAL</b></p>	<p><b>25</b></p>	
<p><b>Conformity of the Development Proposal to the vision for the property:</b></p> <p><b>Development Concept (10)</b></p> <ul style="list-style-type: none"> <li>• High level conceptual design outlining the intended uses =(3)</li> <li>• Integration of multiple uses within the development including parking if required =(2)</li> <li>• Sustainability- (demonstrate use of green building principles that are environmentally responsible and resource efficient) =(2)</li> <li>• High level detailed plan demonstrating how the bidder will deliver on the projects vision. =(3)</li> </ul> <p><b>Development Programme (5)</b></p> <ul style="list-style-type: none"> <li>• High level development programme including Inception Stage, Planning, Design, Construction and Commissioning =(3)</li> <li>• Detailed breakdown of timelines. =(2)</li> </ul>		<p><b>DEVELOPMENT PROPOSAL - JPC MBD 17</b></p> <p><b>In addition to providing the information on MBD 17, the bidder must submit a development proposal that include all the information as outlined on this page.</b></p> <p><b>Bidder to provide a detailed breakdown of timelines</b></p>
<p><b>OPERATIONAL PLAN (10)</b></p>		
<p><b>Approach and methodology:</b></p> <ul style="list-style-type: none"> <li>• Operational plan-indication of the intended management and maintenance including the public open space. =(2)</li> <li>• Stakeholder engagement =(2)</li> <li>• Operations and Management plan post construction - Detailed plan outlining how the property and facilities managements aspects would be undertaken during the operations phase of the project =(4)</li> <li>• Estimated Operating Cost =(2)</li> </ul>		<p><b>The vision for the property is expressed in JPC MBD12</b></p>

<p><b>4. EMPOWERMENT PLAN AND SOCIAL BENEFIT</b></p>	<p>15</p>	
<p>Job Creation Plan (during and after construction) = (3)</p> <p>Enterprise Development (during and after construction) = (3)</p> <p>Training and Development Programmes (throughout the lifecycle of the project with timelines) = (3)</p> <p>Demonstrate how the development will benefit the local community and/or community based organisations = (2)</p> <p>Procurement of Material from Local Suppliers = (2)</p> <p>Partnership with Women, Youth and People with disabilities Owned Companies = (2)</p>		<p><b>PROPOSED EMPOWERMENT PLAN – JPC MBD 18 and 19</b></p> <p>The bidder is expected to provide a detailed plan outlining how it would empower SMME's and individuals through the design and implementation of the project. Where possible, the bidder must identify potential local supplier and women owned companies that could be part of the project</p> <p><b>NB : Bidders who fail to submit a comprehensive empowerment plan will be scored accordingly</b></p>
<p><b>FINANCIAL CAPABILITY</b></p>	<p>20</p>	
<p>The bidder must be able to demonstrate proof of availability/ access to the funding required to execute the development</p> <ul style="list-style-type: none"> <li>As stipulated in MBD 21, the bidder must provide a funding plan stating the sources of funding required for the development =(6)</li> </ul> <p><b>PROOF OF FUNDING AVAILABILITY (6)</b></p> <ul style="list-style-type: none"> <li>Bidder must provide proof of availability; of all non-debt financing and/or</li> <li>Bidder to provide proof of all equity funding (in the form of bank statements or by way of a written undertaking of an equity funder and/or</li> <li>Bidder to provide proof of availability of debt funding from a financial institution.</li> </ul> <ul style="list-style-type: none"> <li>Bidder to provide a project plan with cash flows =(6)</li> </ul>		<p><b>JPC MBD 21</b></p> <p>Detailed funding model backed by and signed off by a QS and accountant and/or,</p> <p>Copy of stamped bank statements showing availability of funds and/or,</p> <p>Signed letter from registered funding institutions confirming funding for the project and/ or,</p> <p>An original current (not older than three months on date of submission) letter from the bank confirming the</p>

<ul style="list-style-type: none"> <li>Bidder to demonstrate availability of 1.5% of the development value to cover the JPC facilitation fee =(2)</li> </ul>		<p><b>working capital available and,</b></p> <p><b>Proof of own equity funding in relation to equity contribution as well as Proof of sound equity partners and their financials if relying on equity funding.</b></p>
<b>INVESTMENT VALUE</b>	<b>10</b>	
<p>A realistic monetary investment value pledged to the project backed by a QS Report =(2)</p> <p>Development feasibility report with financial ratios and cash flow projections for at least the first 10 years =(8)</p>		<p><b>JPC MBD17</b></p> <p><b>Development feasibility report supported by ratios and cash flow analysis for the first 10 years</b></p>
<b>TOTAL</b>	<b>100</b>	

**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 90 points is allocated for financial offer on the following basis:

$$Ps = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where

- Ps = Points scored for price of tender under consideration;  
 Pt = Price of tender under consideration; and  
 Pmax = Price of highest acceptable tender.

- Only those bids that attain the minimum threshold score of 70 Points in Stage 1 will be evaluated in this stage. Bids will be evaluated as follows:

<b>EVALUATION CRITERIA</b>	<b>WEIGHT 90/10</b>
<b>Broad Based Black Economic Empowerment</b>	<b>10 points</b>
<b>Financial Offer</b>	<b>90 points</b>
<b>Total</b>	<b>100 points</b>

- Points for Broad Based Black Economic Empowerment will be awarded as follows:

<b>B-BBEE Status Level of Contribution</b>	<b>Number of points 10</b>
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non - Contributor	0
<b>Total Maximum Pts</b>	<b>10</b>

## BID SPECIFICATIONS

The following Specifications apply to this bid:

### 15.1.1.1. Property Information

Property Description	Erf 16 Orlando Ekhaya, in Region D is , located on Kingsley Sithole Street, along Chris Hani Drive between the Baralink Node in the east and the Klipspruit Valley with Maponya Mall and the Nancefield precinct to the west. The suburb Orlando East borders the precinct in the north and Pimville with the University of Johannesburg (UJ) Soweto campus form the southern boundaries. The subject property is vacant land that forms part of Orlando Ekhaya Urban Development framework.
Size (approximate)	Total Size 43,332m <sup>2</sup>
Zoning	Business 1
Servitudes	There is a power line servitude in favour of Eskom with ancillary rights as will more fully appear from Notarial Deed K2411/1999S registered on 21 May 1999 (SG 5225/1996). There is a 3m wide sewer line unregistered servitude that runs along the power line servitude on all the sites.
Structures and physical features	There is currently an existing structure on Erf 16, that is over sixty (60) years old. The house qualifies as a heritage building that must be
Geotechnical conditions	A Geotechnical investigation has been completed on the property. In terms of the investigation there are no geotechnical conditions which would prevent development.
Environmental	The authorisation that was issued in May 2006 covers Erf 16. The Gauteng Department of Agriculture, Conservation and Environment is of the opinion that while there are certain sensitivities on site, if the development is correctly planned, executed and managed, that it will result in the optimal use of the land.  The letter from Agriculture, Conservation and Environment was signed on 17/05/2006 and states that the authorised activity would have to commence within 5 years from the date of signature after which the authorisation will lapse and the applicant would have to reapply for exemption or authorisation. Because the first few

	<p>phases of Orlando Ekhaya were implemented</p> <p>A record of decision (ROD) in terms of NEMA was obtained for the township . The ROD was activated in time with the construction of services and other parts of the development and remains valid. The development will have to comply with the provision of the the approved Environmental Management Plan (EMP)</p>
Heritage	<p>Heritage Management Guidelines were prepared for the Orlando eKhaya Precinct. The guidelines in as far as they refer to the building on Erf 16 indicate that the building can be adaptively reused but must be retained.</p>

**The following Specifications apply to this bid:**

1. Identification of Property: The Property referred to in this Proposal call is defined as Erf 16 Orlando Ekhaya
2. Specifications for use and development of the Property: The property shall be developed as mixed use development with special emphasis on mixed rental residential with a minimum of 20% of the total development being earmarked for affordable housing at a maximum rental of R900 per unit per month excluding municipal services. The allocation of these affordable units(20% ) will be in line with the CoJ Policies
- 3.
4. The Property Tenure: Erf 16 Orlando Ekhaya is owned by the City of Johannesburg. Erf 16 Orlando Ekhaya is the subject property of this RFP, the Property shall be made available by means of a long-term lease and development agreement in accordance with JPC’s standard agreement. The following terms of contract are non-negotiable:
5. The lease period will be restricted to a maximum of 50 (fifty) years. Upon expiry or termination of the Development and Lease agreement, possession of the property and all improvements will revert to the City of Johannesburg without any compensation.
6. The option to purchase is not part of this bid.
7. On signature of the agreement the preferred bidder shall pay to JPC a non-refundable JPC Fee equal in value to 1.5% (one and half percent) of the total proposed development cost (excluding the land value), for facilitating the project and/or transaction will be due on signature of the agreement and payable on agreed milestone.
8. Bidders are expected to support the goals and objectives of the National Government’s Expanded Public Works Program (EPWP). In this regard, the successful proposer will be required to keep the required records and provide regular reports to JPC as required by the EPWP. In addition hereto,

bidders are expected to support the relevant enterprise development programmes of the City of Johannesburg.

9. Local Area spending target must be in accordance with the Empowerment Plan MBD 18.
10. The successful bidder(s) will be responsible for and shall bear all costs related to the development of the property including bulk services.
11. The successful bidder will be responsible for the protection or relocation of all servitudes which may be registered over the property.
12. Bidders and their professional team are required to demonstrate their ability and capacity to deliver and manage the proposed development.
13. The property is made available in accordance with the site information made available in MBD13.
14. The successful bidder will be responsible to obtain all statutory approvals (Environmental, Water Use Licence, Site Development Plan, Building Plan, etc) which are required for the development of the property.
15. Bidders are required to submit a proposal outlining a plan to achieve a 5-star green star rating for the development.
16. Bidders are encouraged to utilise the maximum bulk that is available in terms of the zoning conditions of the property.
17. Bidders are required to demonstrate the ability to raise/secure the required funding for the proposed development
18. Bidders are to submit offers in terms of the requirements of this RFP

**MDB 13:**

**SITE /PROPERTY INFORMATION**

**1. LOCALITY MAP**

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



**4.1 AERIAL MAP**



JPC MBD 14:

## REGISTRATION DOCUMENTS

The following documents must be attached

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

**JPC MBD 15:**

**AUTHORITY TO SUBMIT BID**

***If bidder is a legal entity, a company resolution /Power of Attorney must be attached (these documents must authorise the named person to submit this application and to enter into agreements with the City of Johannesburg should the application be successful)***

Is a company resolution attached?	YES	NO
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Is the bidder a natural person?	YES	NO
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Is a certified ID copy attached?	YES	NO
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Is a copy of the bidder's power of attorney attached?	YES	NO
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**JPC MBD 16:**

**PAYMENT OF MUNICIPAL ACCOUNT**

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

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

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

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

**JPC MBD 17:**

**DEVELOPMENT PROPOSAL**

**1.1 Development Proposal:**

Bidders are required to submit a concise development proposal for the site. The development proposal must include a concept Site Development Plan, an Architectural concept of the proposed development, proposed tenancing, and the approach to the rehabilitation and preservation of the natural environment

The development proposal must contain the following:

<b>Concept Site Development Plan (Tenancing)</b>	<b>Total Floor area (m2)</b>
<b>TOTALS</b>	

**4.1. Proposed Development Summary**

<b>Use</b>	<b>Total Floor area (m2)</b>

<b>TOTALS</b>	

### 1.3. Estimated development time frames

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

### 1.4. Include development Methodology writeup

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

### 1.5. Maintenance and Operational Plan

### 1.6 Estimated Cost of Development

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

**JPC MBD 18:**

**PUBLIC/SOCIAL BENEFIT PROPOSAL**

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

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

**JPC MBD 19:**

**PROPOSED EMPOWERMENT PLAN**

**The City of Johannesburg (COJ)** is and will remain deliberate about transformation and its economic empowerment goals and is committed to empowerment agenda as an integral part to nation building.

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.

The bidder is required to commit to the achievement of the following specific targets by completing the table below. The commitments made in this MBD 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
<b>Job Creation &amp; Job intensive plan</b>		
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	
<b>Training &amp; Development programme</b>		

Number of black people Trained in some aspect of the project	60% of workforce	
Number of black youth Trained in some aspect of the project	50% of black people trained	
Number of black women Trained in some aspect of the project	40% of black people trained	
Number of black disabled people Trained in some aspect of the project	3% of black people trained	
<b>Localisation</b>		
Rand value of spend to local SMMEs that have black ownership in line with the approved “Delivery Pipeline Management Matrix” (overleaf)	50% of project value	R
Full use of locally sourced or locally assembled material and/or products in line with the approved “Delivery Pipeline	70% of project value	
<b>Enterprise and supplier Development</b>		
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		

## INTERPRETATIONS

<p><b>"Black-empowered enterprise"</b></p>	<p>means an enterprise that is 50,1% black-owned and where there is substantial management control</p>
<p><b>"Black Designated Groups"</b></p>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution;</li> <li>(b) Black people who are youth as defined in the National Youth Commission Act of 1996;</li> <li>(c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act;</li> <li>(d) Black people living in rural and under developed areas;</li> <li>(e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;</li> </ul>
<p><b>"Black People"</b></p>	<p>Is a generic term which means African, Coloureds, Indians and Chinese</p> <ul style="list-style-type: none"> <li>(a) who are citizens of the Republic of South Africa by birth or decent; or</li> <li>(b) who became citizens of the Republic of south Africa by naturalisation -             <ul style="list-style-type: none"> <li>(i) before 27 April 1994;</li> <li>(ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date.</li> </ul> </li> </ul>
<p><b>"Localisation"</b></p>	<p>Locally produced can be defined using the approved local matrix Determines the meaning of locally produced/supplier depending Complexity of the work package and skill required.</p> <ul style="list-style-type: none"> <li>○ <b>Simple work package and no skills required</b>  Where simple work package and no skill required - the use of immediate communities is primary.</li> <li>○ <b>Simple work package and medium to low skill required</b>  Where simple work package and medium to low skill required - the use of COJ regional suppliers is primary.</li> <li>○ <b>Simple work package and medium to high skill</b>  Where simple work package and medium to high - the use of suppliers within the City of Joburg is encouraged and promoted.</li> <li>○ <b>Simple work package and Specialized skills</b></li> </ul>

Where simple work package and specialized skills - the use of suppliers in the Gauteng province is encouraged and promoted.

- **Mixed work package and no skills required**

Where mixed work package and no skill required - the use of COJ regional suppliers is primary.

- **Mixed work package and medium low skill required**

Where mixed work package and medium to low skill required - the use of suppliers within the City of Joburg is encouraged and promoted.

- **Mixed work package and medium high skill**

Where mixed work package and medium high - the use of suppliers in the Gauteng province is encouraged and promoted.

- **Mixed work package and Specialized skill**

Where mixed work package and specialized skill - the use of national vs International suppliers is primary.

- **Complex work package and no skill required**

Where complex work package and no skill required - the use of suppliers within the City of Joburg is encouraged and promoted.

- **Complex work package and medium low skill**

Where mixed work package and medium low skill - the use of suppliers in the Gauteng province is encouraged and promoted.

- **Complex work package and medium high skill**

Where mixed work package and medium high skill - the use of national vs International suppliers is encouraged and promoted.

- **Complex work package and Specialized skills required**

Where complex work package and specialized skill required - the use of nationally assembled products is encouraged and promoted.

**"Enterprise & Supplier Development"** Means monetary and Non-Monetary contribution carried out for the benefit of suppliers with the objectives of contribution to development, sustainability and financial and operation independence of the beneficiaries

**"Majority Black owned and Controlled Company"** means a juristic person, having shareholding or similar members interest, in which black participants enjoy a right to

	Exercisable Voting Rights that is at least 51% of the total such rights measured using the Flow Through Principle; and means an enterprise that is 51% black-owned and where there is substantial management control
<b>"Partnership"</b> means:	means a juristic person, having shareholding or similar members interest, in which black participants enjoy a right to Exercisable Voting Rights that is at least 25% and an enterprise that is 25% black-owned and where there is substantial management control
<b>"Person with disability"</b>	means: <b>Black people who are persons with disabilities</b> as defined in the employment of people with disabilities issued under the Employment Equity Act;
<b>"SMME"</b>	Small Micro Medium Enterprises Entities with a turnover of less than R35 M
<b>"Unemployed Black people"</b>	means: (a) <b>unemployed black people</b> not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution;
<b>"SMME"</b>	Small Micro Medium Enterprises Entities with a turnover of less than R10M
<b>"Wholly Black Owned"</b>	Means: 100% black ownership and at least 30% of the ownership must be women and/or designated groups.
<b>"Youth"</b>	means: <b>Black people who are youth</b> as defined in the National Youth Commission Act of 1996.
<b>"100% Black Owned"</b>	Means : 100% black ownership made up by any combination of black owners

# Delivery Pipeline Management Matrix

		SKILLS REQUIRED			
		UNSKILLED	SEMI-SKILLED	SKILLED	EXPERT
AVAILABILITY OF LOCAL SUPPLIERS	COMMON/MANY	Wholly Black Owned	100% Black owned	Majority Black owned and Controlled	Partnership with 25% Black owned and controlled
	LIMITED	100% Black owned	Majority Black owned and Controlled	Partnership with 25% Black owned and controlled	Enterprise & Supplier Development
	RARE/FEW	Majority Black owned and Controlled	Partnership with 25% Black owned and controlled	Enterprise & Supplier Development	Knowledge Transfer programme
INTERNATIONAL SUPPLIERS	INTERNATIONAL/ NO-LOCAL SUPPLIER	Partnership with 25% Black owned and controlled	Enterprise & Supplier Development	Knowledge Transfer programme	Knowledge Transfer programme

## Annexure B

		CIDB GRADE /SKILLS			
		CIDB 1-3 No Skill	CIDB 4-5 Medium Low	CIDB 6-7 Medium High	CIDB 8-9 Specialized Skills
LEVEL OF COMPLEXITY	Simple	Immediate Communities suppliers	Region Specific suppliers	City of Joburg suppliers	Gauteng suppliers
	Mixed	Region Specific suppliers	City of Joburg suppliers	Gauteng suppliers	National suppliers
	Complex	City of Joburg suppliers	Gauteng suppliers	National Suppliers	Locally Assembled products

**EXPERIENCE AND CAPABILITIES OF BIDDER**

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

<b>Summary of Developer and Team</b>	
Value of Developments completed <u>by bidder, acting as “Developer”</u>	R
Value of Developments completed <u>by bidder’s principals, acting as developer / development manager.</u>  <i>NOTE: Any experience as “Developer” to be duplicated here</i>	R
Total combined value of FEEs earned to date by all key members of bidders proposed professional team.	R

**Details of development experience completed by bidder, acting as developer OR by bidder’s principals, acting as developer / development manager but not under the name of the bidder.**

(PLEASE EXPAND TABLE IF REQUIRED )

NB: DO NOT ATTACH A SEPARATE TABLE

Name of Development	Year completed	Value of Development	Bidder / Bidders’ Principals	Client & contact Numbers
Total value of developments				

**5.3.2.3. Details of fees earned by key members bidders proposed professional team**

(PLEASE EXPAND TABLE IF REQUIRED)

NB: DO NOT ATTACH A SEPARATE TABLE

KEY DISCIPLINE	NAME OF TEAM MEMBER	TOTAL VALUE OF FEES EARNED TO DATE IN PREVIOUS PROJECTS.
PROJECT MANAGEMENT		R
ACHITECTURE		R
ENGINEERING SERVICES (Civil and Electrical)		R
QUANITITY SURVEY		R
OTHER (e.g. Town planner; environmentalist)		R
<b>TOTAL</b>		R

**THE BIDDER MUST INCLUDE TRACABLE REFERENCES FOR EACH PROFFESION**

**ACCESS TO FUNDING**

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

**The bidder must however submit proof of the availability of finance to fund 30% of the development cost through equity funding**

**Please note that the following definitions will be used in assessing the proof of availability of finance:**

Proof of available funds (bank statements or financial statements of the bidder)

Provide funding model to incorporate how and where the funding will be sourced/raised for the various phases of the project.

Provide detailed financial feasibility of the proposed development including all financial ratios

Financial Viability (including Financial Sustainability)

- Development cost (Total Investment Value)
- Projected income

Financial Feasibility Ratios

- IRR (Internal Rate of Return)
- ROI (Return on Investment)
- NPV (Net Present Value)

Total Development Cost	R
Debt Finance	R
Equity Investment	R
Source of Debt Finance <ul style="list-style-type: none"> <li>• Letter confirming access to debt funding</li> </ul>	
Source of Equity Finance <ul style="list-style-type: none"> <li>• Written confirmation of equity funding</li> </ul> NB. This source may not be a bank loan	

## **CONSENT AND ACKNOWLEDGMENTS IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 2013 (POPI)**

This section sets out how personal information will be collected, used and protected by the City of Joburg Property Company SOC Ltd (hereinafter referred to as “JPC”), as required by the Protection of Personal Information Act.

The use of the words “the individual” for the purposes of this document shall be a reference to any person, with reference to the bidder and its directors/shareholders/personnel, communicating with JPC and/or concluding any agreement, registration or application, with the inclusion of each of those individuals referred to or included in terms of such agreement, registration or application.

### **1. What is personal information?**

The personal information that JPC may require relates to names and surnames, birth dates, identity numbers, passport numbers, demographic information, education information, occupation information, health information, addresses, memberships, and personal and work email and contact details.

### **2. What is the purpose of the collection, use and disclosure (the processing) of personal information?**

JPC is legally obligated to collect, use and disclose personal information for the purposes of:

- reporting initiatives to the City of Johannesburg Metropolitan Municipality;
- reporting all contracts awarded to National Treasury;
- obtaining information related to Tax Compliance information from SARS;
- verifying information on the National Treasury database of defaulters;
- evaluating and processing applications for registration on the database;
- compiling statistics and other reports;
- providing personalised communication in respect of the tender/quotation submitted;
- complying with the law; and/or
- for a purpose that is ancillary to the above.
- for the evaluation and adjudication of Quotations, Request for Proposals and Panel of service providers
- posting all awards for Request for Proposals and Panel on the JPC website

Personal information will not be processed for a purpose other than what is identified (the purpose) above without obtaining consent beforehand.

### **3. How will JPC process personal information?**

JPC will only collect personal information for the purpose as stated above. Information will be collected in the following manner:

- directly from the individual
- through the documents submitted with the tender/quotation;
- from service providers who provided services or goods to JPC;
- from JPC's own records relating to previous supply of services or goods; and/or
- from a relevant public or equivalent entity.

### **4. To whom will personal information be disclosed?**

The personal information may be disclosed to other relevant public or other entities on whose behalf we act as intermediaries, other third parties referred to above in relation to the purpose or who are sources of personal information, service providers such as professional bodies who operate across the borders of this country (transborder flow of information), where personal information must be sent in order to provide the information and/or services and/or benefits requested or applied for.

In the event of another party/ies acquiring all of or a portion of JPC's mandate or functions, personal information will be disclosed to that party but they will equally be obliged as we are, to protect personal information in terms of this policy and the law.

In respect of Request for Proposals and Panel to the Bid Evaluation and Adjudication Committee members

### **5. Consent and Permission to process personal information:**

I hereby agree with the policy and provide authorisation to JPC to process the personal information provided for the purpose stated:

- I understand that withholding of or failure to disclose personal information will result in JPC being unable to perform its functions and/or any services or benefits I may require from JPC.
- Where I shared personal information of individuals other than myself with JPC I hereby provide consent on their behalf to the collection, use and disclosure of their personal information in terms of this personal information policy and I warrant that I am authorised to give this consent on their behalf.

- To this end, I indemnify and hold JPC not responsible and harmless in respect of any claims by any other person on whose behalf I have consented, against JPC should they claim that I was not so authorised.
- I understand that in terms of POPIA and other laws of the country, there are instances where my express consent is not necessary in order to permit the processing of personal information, which may be related to police investigations, litigation or when personal information is publicly available.
- I will not hold JPC responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

#### **6. Rights regarding the processing of personal information:**

- The individual may withdraw consent to the processing of personal information at any time, and should they wish to do so, must provide JPC with reasonable notice to this effect. Please note that withdrawal of consent is still subject to the terms and conditions of any contract that is in place. Should the withdrawal of consent result in the interference of legal obligations, then such withdrawal will only be effective if JPC agrees to same in writing. JPC specifically draws to the attention that the withdrawal of consent may result in it being unable to provide the requested information and/or services and/or financial or other benefits.
- In order to withdraw consent, please contact the JPC Information Officer/SCM
- Individuals are encouraged to ensure that where personal information has changed in any respect to notify JPC so that our records may be updated. JPC will largely rely on the individual to ensure that personal information is correct and accurate.
- The individual has the right to access their personal information that JPC may have in its possession and are entitled to request the identity of which third parties have received and/or processed personal information for the purpose. Please note however, that any request in this regard may be declined if:
  - the information comes under legal privilege in the course of litigation,
  - the disclosure of personal information in the form that it is processed may result in the disclosure of confidential or proprietary information,
  - giving access may cause a third party to refuse to provide similar information to JPC,
  - the information was collected in furtherance of an investigation or legal dispute, instituted or being contemplated,
  - the information as it is disclosed may result in the disclosure of another person's information,
  - the information contains an opinion about another person and that person has not consented, and/or
  - the disclosure is prohibited by law.

**7. Queries relating to breach of personal information:**

Please submit queries relating to the breach of personal information to the JPC's information officer and SCM in writing as soon as the breach is discovered.

Signature:	Date:
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