



BID NO: 8/2/1/444

**REQUEST FOR PROPOSAL TO DEVELOP ABAQULUSI “Wall-to-Wall”
LAND USE SCHEME (RURAL COMPONENT)**

BID DOCUMENT

RE- ADVERTISEMENT : 28 OCTOBER 2021

**The Municipal Manager
AbaQulusi Local Municipality
P O Box 57
Vryheid
3100**

Tel: 034 982 2133

Fax: 034 980 9637

**NAME OF PROFESSIONAL
SERVICE PROVIDER**

.....

CONTACT PERSON

.....

TELEPHONE

.....

FAX

.....

ADDRESS

.....

TENDER CLOSES: AT 12H00, FRIDAY, 05 NOVEMBER 2021

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2 ANNEXURE A (Forms)

- i. CERTIFICATE OF TAX CLEARANCE
- ii. RECORD OF ADDENDA TO BID DOCUMENTS
- iii. CERTIFICATE OF AUTHORITY
- iv. EVALUATION CRITERIA
- v. DECLARATION OF INTEREST (MBD 4)
- vi. DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES
- vii. COMPANY REGISTRATION CERTIFICATE
- viii. SCHEDULE OF TENDERER'S RELEVANT EXPERIENCE
- ix. RATES AND MUNICIPAL SERVICES CLEARANCE CERTIFICATE
- x. B-BBEE STATUS VERIFICATION CERTIFICATE
- xi. SCHEDULE OF KEY PERSONNEL AND CV'S
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- xiv. APPROACH & METHODOLOGY (BIDDERS PROPOSAL)
- xv. PROOF OF PROFESSIONAL INDEMNITY COVER
- xvi. CERTIFICATE OF AUTHORITY FOR SIGNATORY
- xvii. APPROACH AND METHODOLOGY

2.1 General**2.2 Invitation and notice for tender.****RE-TENDER NOTICE AND INVITATION TO TENDER****TENDER NUMBER: 8/2/1/444****PUBLISHED DATE: 28/10/2021****DEPARTMENT: DEVELOPMENT PLANNING****PROJECT NAME: DEVELOPMENT OF ABAQULUSI 'WALL-TO-WALL' LAND USE SCHEME (RURAL COMPONENT)****CONTRACT NO : 8/2/1/444**

The Abaqulusi Municipality hereby invites prospective bidders to submit proposals for the Development of the Abaqulusi Municipal Land Use Scheme with primary focus on the rural component which is to be incorporated with the urban component.

Due to current COVID – 19 challenges we encourage suppliers to get Bids documents on E-tenders (www.e-tenders.gov.za) as from the 28 October 2021. The bid document may be downloaded free of charge from: www.etenders.gov.za.

The minimum specifications are detailed in the bid document. Bidders should be professional Town and Regional Planners registered with the South African Council for Planners in terms of the Planning Profession Act, 2002 (Act No. 36 of 2002) and have the appropriate experience in developing land use schemes. The project is to be completed by 30th June 2022.

Bids may only be submitted on the bid documentation issued by Abaqulusi Municipality. Late submitted, unmarked, faxed, falsified or e-mailed offers will not be considered and will be disqualified. Bids must be placed in envelopes, clearly marked "TENDER NUMBER 8/2/1/444: DEVELOPMENT OF THE ABAQULUSI "Wall-to-Wall" LAND USE SCHEME (RURAL COMPONENT)" and deposited in the tender box at Corner of Mark and High Street, Vryheid 3100, not later than 12h00 on Friday, 05 November 2021. Technical Enquiries should be addressed to Mrs S. Vandayar-Dookhilal on 0349822133 or via email: svdookhilal@abaqulusi.gov.za

CONDITIONS:

No awards will be made to a person:

- ❖ Who is not registered on the Central Supplier Data base
- ❖ Who is in the service of the state
- ❖ If that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state , and / or
- ❖ Who is an advisor or consultant contracted with the Municipality or municipal entity
- ❖ Service Providers should be on Municipal Data Base if not please collect data base forms at SCM Office or down load them from Municipal website (www.abaqulusi.gov.za) and submit them with your proposal document.
- ❖ Preferably local companies and if not local companies at least 30% of the value of tender be sub-contracted to local companies with relevant experience

The Municipality reserves the right to withdraw any invitation to quote and / or to re- advertise or to reject any quote or to accept a part of it. The municipality does not bind itself to accept the lowest quotation or award a contract to the bidder scoring the highest number of points.

MINIMUM REQUIREMENTS

The following documents have to be attached:

- ❖ Central Supplier Data base registration report (Detailed / Summary)

- ❖ Valid copy of company registration document
- ❖ Certified B- BBEE Certificate from registered accountant is required or original Sworn Affidavit from Commissioner of Oath.
- ❖ Bids above R10m, Annual Financial Statements (AFS) are required,
- ❖ Fully Completed all the MBD'S on the tender document
- ❖ Fully completed tender document (bidder will be disqualified for incomplete document)
- ❖ Relevant experience as per tender document must be attached
- ❖ Original certified copy of Registration certificate with the authority (Relevant boards)
- ❖ Late quotations will not be accepted,
- ❖ This bid will be valid for a period of 90 days after the closing date
- ❖ This bid must only submitted on the documentation provided by Abaqulusi Municipality (Original document)
- ❖ An current account in terms of water and electricity / rates and taxes obtainable from your local municipality must be submitted or lease agreement
- ❖ Certified copies of identity documents of directors and owners of the company must be submitted
- ❖ Failure to comply with these minimum requirements will result in immediate disqualification of the bid.
- ❖ Service Providers should be on Municipal Data Base if not please collect data base forms at SCM Office or down load them from Municipal website (www.abaqulusi.gov.za) and submit them with your bid document.

The Abaqulusi Local Municipality does not bind itself to accepting any bid, either wholly or in part or give any reason for such action.

S LANDMAN
ACTING MUNICIPAL MANAGER

2.3 Bid Period

The Bids shall remain valid for 90 days from the final date for submission of Bids.

AbaQulusi Local Municipality shall notify the accepted Bidder, if any, of such acceptance by letter, written within the 90 days Validity Period or such extension of the Validity Period as mutually agreed to by AbaQulusi Local Municipality and Bidders and the said Bidder shall execute the formal contract within fourteen (14) days of the said acceptance letter.

Bids will be adjudicated in terms of the Preferential Procurement Policy Framework Act, 5/2000 and other applicable legislations. Council reserves the right to negotiate further conditions and requirements with the successful bidder.

AbaQulusi Local Municipality shall not be bound to accept the lowest or any Bid nor to assign any reason for its acceptance or rejection of any Bid and in no case shall any Bidder be paid for any expense incurred in the preparation of a Bid.

2.4 Representation or interpretation of Document

The AbaQulusi Local Municipality's representative shall do a representation or interpretation of the Invitation to Bid Documents in writing. If during the Bid period, the AbaQulusi Local Municipality makes any interpretation, clarification or change in the Invitation to Bid Documents, the AbaQulusi Local Municipality will issue a letter to all Bidders explaining the interpretation, clarification or change. The Bidder shall acknowledge the receipt of such letters in its submitted Bid.

2.5 Submission Data

The conditions applicable to this call for Expressions of Interest of tender are the Standard Conditions for the calling for Expression of interest as contained in Annex H of the uniformity in Construction Procurement as published in Government Gazette No31823, Board Notice 12 of 2009 of 30 January 2009.

The Standard conditions for the calling for Expression of Interest make several references to the submission Data for details that apply to this submission. The submission date shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions for the calling for expression of interest.

Each item of data given below is cross-referenced to the clause in the standard conditions for the calling for Expression of interest.

Clause number	Submission Data
1	The employer is AbaQulusi Local Municipality
1.2	The documents associated with the calling for expression of interest issued by the employer comprise: Part 1 E.1: Submission procedures E.1.1 Invitation and notice for submission of expression of interest E.1.2 Submission data Part E.2: Returnable documents E.2.1 List of returnable documents Submission schedules

	Part E.3 Indicative Project Description Part E.4 Indicative scope of work
1.2	The employer is Name: AbaQulusi Municipality Address: P O Box 57 Vryheid 3100 Tel: 034 982 2133 Fax: 034 980 9637
1.3	Only those respondents, who are Professional Planners, are eligible to submit proposals.
1.5	The arrangements for a compulsory briefing session are as stated in the notice and invitation to submit an Expression of Interest Respondents must sign the attendance list in the name of the responding entity. Addenda will be issued to and submissions will be received only from those responding entities appearing on the attendance list.

3 Returnable Documents

3.1 Responsive Bid Criteria

The requests for proposals will only be regarded as responsive if:

- At least the company owners/directors/members are registered as Professional Planners with South African Council for Planners (SACPLAN), and have been allocated as resource to this project as Project Manager/s and duly noted as such in the schedule of key personnel.
- Copies of certificates proving current Professional Registration with SACPLAN, including registration numbers of such person is included with the Tender as part of returnable documentation.
- Submission of an Original Valid Tax Clearance Certificate.
- All other forms attached with the Bid document are completed and signed.
- Copy of Joint Venture Agreement if bidder is a joint venture and/or consortium.
- Copy of Professional Indemnity Cover. (Minimum R 2.0 million).
- Letter for signatory for authority.

3.2 Bidder fully acquainted with all these requirements

Submission of a Bid shall be deemed conclusive evidence that the Bidder is fully acquainted with and shall be fully responsible for any requirements, restrictions, constraints or any physical difficulties within or concerning Professional Services to undertake the development of land use scheme and land audit for AbaQulusi Local Municipality.

3.3 Professional service provider's representation

The Professional Service Provider shall designate a representative, in writing (letter for authority for signatory), duly empowering the said representative to bind the Professional Service Provider with regard to all matters involving the submission of the bid.

4 Description of the Project (Scope of Work)

APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP THE RURAL COMPONENT OF THE ABAQULUSI WALL-TO-WALL LAND USE SCHEME WHICH IS TO BE INCORPORATED INTO THE URBAN COMPONENT

4.1 BACKGROUND

- 4.1.1 The Spatial Planning and Land Use Management Act, Act No. 16 of 2013 states in Chapter 5, Section 24 (1) that a Municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this Act. The Spatial Planning and Land Use Management Act, Act No. 16 of 2013 came into effect on the 1st of July 2015. These "Wall-to-Wall Schemes" were supposed to be in place by 2020. However, an application for extension of the 2020 deadline has been submitted to the Department of Rural Development and Land Reform by COGTA of behalf of local municipalities.

In addition, care needs to be taken that the scheme content requirements as described in the Spatial Land Use Management Act No 16 of 2013 (hereafter SPLUMA) , need to be addressed within the project.

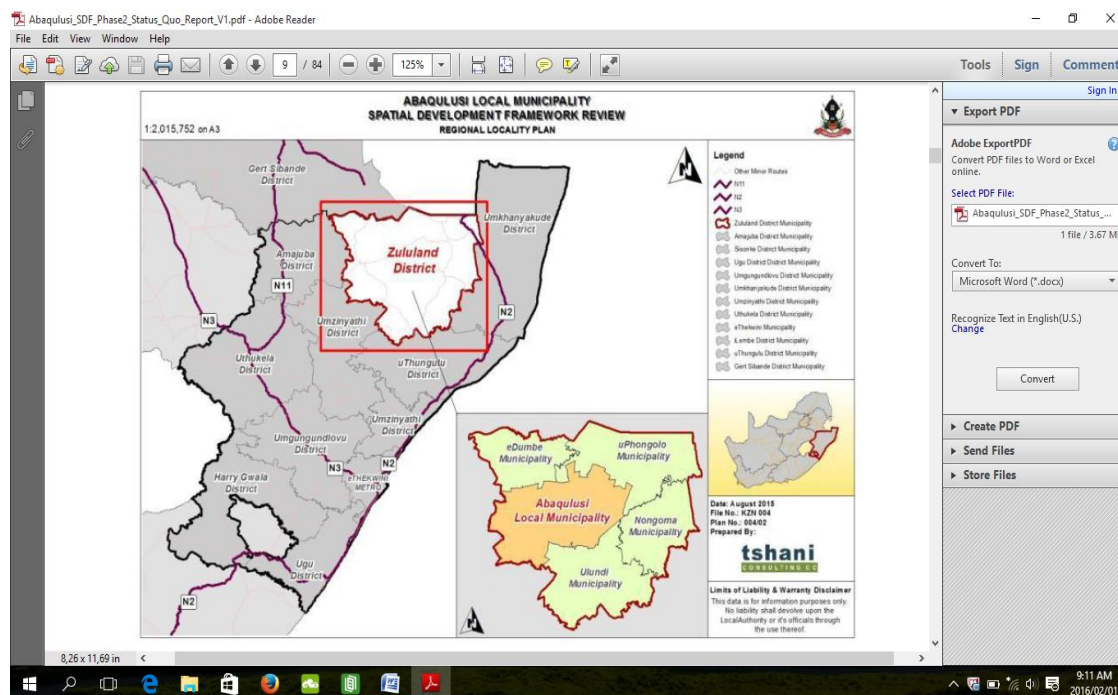
- 4.1.2 Schemes are understood to be tools used by Municipalities to guide and manage development and land usage in accordance with the vision, objectives and broad strategic focus of the IDP, SDF and its associated Strategic Environmental Assessment (SEA).
- 4.1.3 The development of a Scheme is based upon the clear understanding of current land uses and land rights within the proposed area of the scheme. The detailed investigation into the current status of land usage and land rights needs to occur in keeping with the SPLUMA and other relevant legislation.
- 4.1.4 The AbaQulusi Local Municipality requires the development of a wall to wall land use scheme which is legally compliant with core planning and development legislation ensures sustainable, clear and appropriate management guidance for the municipal area of jurisdiction. The existing Vryheid Town Planning Scheme developed in 1984 is outdated and is only applicable to the Vryheid area. The Urban Component of the AbaQulusi Wall-to-Wall Land Use Scheme has been prepared and is to be adopted by the AbaQulusi Municipal Council.
- 4.1.5 A Service Provider is required to assist the AbaQulusi Local Municipality in developing:
- A comprehensive Rural Component of the Wall-to-wall Land Use Scheme, and
 - A comprehensive Single Wall-to-Wall Land scheme inclusive of the review of the Urban Component in line with the Department of Land Reform Land Use Guidelines and all other relevant Municipal, Provincial and National policies and guidelines. To this end the AbaQulusi Municipality invites proposals from suitably qualified and experienced service providers.

4.2 Location and district context

AbaQulusi Local Municipality is one of five local municipalities which are located in the Zululand District Municipality at the Northern boundary of the KwaZulu Natal Province (See Map 1 below). Zululand District Municipality jurisdiction comprises of five (5) local Municipalities, being AbaQulusi Local Municipality, eDumbe Local Municipality, uPhongolo Local Municipality, Nongoma Local Municipality and Ulundi Local Municipality.

The Zululand District Municipality is bordered to the north by Gert Sibande District Municipality located in Mpumalanga Province, to the north by the Kingdom of Swaziland, to the east by UMkhanyakude District of

KwaZulu Natal, to the south by the uThungulu District, to the South-West by the UMzinyathi District and to the north-west by the Amajuba District.



4.3 THE OBJECTIVES OF THE PROJECT

Central to this project is the imperative to provide clear developmental and regulatory land management based on a new generation of Schemes that encompass the following objectives:

- 4.3.1 To engage in empirical land based research with a focus on land use and land rights audits in keeping with the requirements of the SPLUMA for the rezoning, subdivision, consolidation and opening of appropriate registers in this regard;
- 4.3.2 To develop empirical audit registers and maintenance criteria for each register;
- 4.3.3 To capture all audit information in appropriate Arc View shape files GIS based mapping with appropriate metadata in keeping with Abaqulusi Municipality GIS standards;
- 4.3.4 To provide clarity on what may or may not occur on particular areas of land;
- 4.3.5 To promote the certainty for land use and management thus creating investor confidence;
- 4.3.6 To promote amenity, efficient land use practices and reserve land for essential services;
- 4.3.7 To resolve conflict between different land uses and to control negative externalities;

- 4.3.8 To enable the mix of convenient land usage, efficient movement processes and promote economic development;
- 4.3.9 To protect natural, cultural and religious resources, unique areas, eco-system services, areas of archaeological and historical significance and land with agricultural potential;
- 4.3.10 To ensure public involvement in land management decision making processes;
- 4.3.11 To provide for sound local regulation and enforcement procedures;
- 4.3.12 To accord recognition to indigenous and local spatial knowledge, land use practices and land allocation processes;
- 4.3.13 To ensure the collaborative designation areas for future use;
- 4.3.14 To ensure that schemes are developed in a collaborative manner aiming at social justice and the equitable regulation of contested spaces; and
- 4.3.15 To ensure that the wall to wall scheme developed is fully informed by the 2020 SDF;
- 4.3.16 To accommodate the variations within Municipalities by using a continuum of detail within Schemes. There are Schemes applicable to different areas of the Municipality ranging from elementary, more detailed to comprehensive Schemes and from policy-based Schemes to more prescriptive approaches. Whichever aspect of the continuum is adopted, a collaborative usage of the “Guidelines for the Preparation of Schemes for Municipalities” as developed by Department of Cooperative Governance in 2011 needs to be taken into consideration;
- 4.3.17 The collaborative development of more detailed spatial linkage plans for core areas where necessary;
- 4.3.18 The Scheme must give effect to the development principles contained in the Spatial Planning & Land Use Management Act No. 16 of 2013 including:
 - (i) Spatial Justice;
 - (ii) Spatial Sustainability;
 - (iii) Efficiency;
 - (iv) Spatial Resilience; and
 - (v) Good Administration

5 SCOPE OF WORK AND CRITICAL MILESTONES

The following project phases with associated critical milestones are suggested and should be aligned with the **Tables in 8.1 and 17.1:**

Phase 1: Project initiation and work plan development in keeping with the ToRs.

Phase 2: Status Quo Analysis with a focus on:

- **Update existing Land Rights Audit** of the municipal area of jurisdiction. This audit is to include a rights inquiry entailing enquiry into who occupies the land, the extent of the land

parcel, what rights have been accorded, where the rights pertain to, what the rights are, how long they are accorded for, who has accorded the rights, what form the rights take (i.e. PTOs, tile deeds, use rights for women, servitudes, rights of way) and any other rights that are applicable to the area under investigation;

- **Update existing Land Use Audit** including what kinds of land uses, range of uses, the statutory, official and oral records of land use authorization and any other registers and recoding process as may be applicable to land usage and authorization including records held by the Surveyor General such as survey diagrams, LEFTEA (Less Formal Township Establishment Act 113 of 1991) and other legislative recording processes;
- An audit of the existing and current noncompliant land uses; and
- *A detailed Status quo recording and mapping process as specified in more detail in section 4.2 below*

Phase 3: Preparing the Land Use Framework or Linkage Plan

Phase 4: Preparing the Scheme Map (Rural Scheme Component)

Phase 5: Preparing land uses and development parameters which is to be incorporated with the approved AbaQulusi Urban Land Use Scheme.

Phase 6: Stakeholder consultation and refinement of Audit Mapping and detailed Audit and overall review of the proposed Scheme in keeping with the outcomes of the consultation process.

Phase 7: SPLUMA Application Procedures and Adoption of the Scheme

Phase 8: Close Out Process

The scope of work for each phase should pay strict attention to the objectives of the project as detailed in section three above and should encompass the following core elements in each phase:

5.1 Phase 1: Project initiation

5.1.1 A detailed project inception report is required which clearly spells out the proposed methodology, approach, timelines and milestones. The following work plans should be included in the presentation of the inception report to the Steering Committee:

- i. The overall project work plan;
- ii. The public participation process plan;
- iii. The skills transfer process plan; and
- iv. The development of clear land right and land use audit questionnaires, register and mapping formats to the satisfaction of the Steering Committee.
- v. Excel spread sheet listing all stakeholders (with current contact details) to be consulted

5.2 Phase 2: Status Quo Analysis

This phase encompasses the collection of key data which is analysed and mapped in the form of a set of base maps which are used as the foundation to the future development of a Scheme.

4.2.1 The development of a Scheme Companion Document:

As is discussed in the Guidelines for the Preparation of Schemes for Municipalities (2011:53) the following **Key questions need to be asked:**

- *“Is there an existing Scheme/s and what have been the benefits/failings of that Scheme/s?*
- *What pressures/opportunities does the area face?*
- *What type/character of area are we collaboratively designing for? What is the interpretation/application/ translation of the SDF” in this collaborative process (if any)?*
- *“What needs to be managed, by whom and why?*
- *What are the benefits of a Scheme for this area” and these groups of people?*
- *Who is going to implement and manage the Scheme? (2011:53 with adaptations)*

These questions should be spelled out and answered in a Scheme Companion Document.

*The service provider and stakeholders need to “determine the **appropriate level of management** required, the resources needed, and the broad approach that should be adopted from the continuum of approaches (simple to complex, policy to prescriptive)” (2011:53).*

As discussed in detail in the “Guidelines for the Preparation of Schemes for Municipalities” (2011:52) the following data sets need to be sourced and analysed:

- Review of the AbaQulusi IDP, SDF and Provincial Framework Plan;
- A land audit including a review of title deeds, lease information, cadastral information, land tenure, PTO’s, settlements and land allocation processes;
- Environmental elements including *inter-alia*: 1:50 year and 1:100 year flood lines Core indigenous / local knowledge land use practices;
- Aerial photography and important mapping ;
- Geology, soil, topography and slope analysis;
- Current land use, building uses and servitudes;
- Levels of services, service demands, capacity levels, costs, thresholds for expansion; Integrated Development Plan and Water Service Development Plan (WSDP)
- Settlement patterns, demographics and projections on future demographics;
- Social facilities and requirements for future social facilities;
- Ecological features and catchment areas;
- Register of Protected Areas, Provincial Protected Areas, Nature Reserves, World Heritage Sites, Protected Forest Areas, Catchment Areas;
- National Biodiversity Framework;
- Bioregional Plans, Provincial Biodiversity Management Plans;
- Provincial list of threatened ecosystems and species, areas of agricultural potential;
- Core conservation/fully functional ecosystems, isolated areas;
- Areas where urban agriculture may or may not occur;
- Areas where the harvesting of indigenous vegetation occurs, may or may not occur;
- Important water plans, dams and rivers;
- Environmental Management Plans, SEAS, sites of cultural or ecological significance;
- Local knowledge practices and land use designations;

- Consider demarcation issues affecting the scheme
- Any other locally specific information as may be deemed to be necessary and within the budget as specified by the service provider.
- Circulate the Draft Audit Reports, Registers and Status Quo Report to the relevant stakeholders and authorities that have legislative, approval, local, socio-economic and ecological interests in the area.
- Record all comments and address comments to the satisfaction of the Steering Committee, Submit to Council for consideration and final review.
- The mapping of audit material should be presented in a series of maps and associated registers and overlays clarifying the land use, land rights, the 1:50 year and 1:100 year flood lines and the detailed Status Quo findings for the area as called for in section 4.2.

5.3 Phase 3: Preparing the Land Use Framework or Linkage Plan

The review of the 2006 Land Use Framework will be required as a linkage process in order to translate the 2020 SDF and their associated scheme guidelines *“into broad land use areas, before commencing the detailed formulation of zones”* (2011:53). *This involves identifying the broad land use areas as well as the preparation of the broad areas within the “Municipality that suggest how an area is to be developed in the future”* (2011:53). ***This plan needs to be developed through a sound participation process so that stakeholder validation of the proposed zones are aligned to the SDF informed vision statements and collaboratively developed statements of intent. This also requires the consideration of available infrastructure, economic usage, and requirements for social facilities.***

5.4 Phase 4: Preparing the Scheme Map

Refine the appropriate Zones and Statements of Intent that are established for each area in the Framework Plan.

In preparing the Zoning Map, a collaborative process needs to be engaged in and as is discussed in the Guidelines for the Preparation of Schemes for Municipalities (2011:53) the following **key questions need to be asked within a participatory process:**

- “1. What is the design population of the area? What is the planning horizon prior to future revision?
2. How many sets of zones should be there? This is dependent on the size, complexity demands and development trends emerging in the area, as well as the role of the Municipality, formal and local/indigenous land use practices in place. This requires the refinement of the statements of Intent and the consideration of the SDF and the Sector Plans in relation to strategic development intent, local/indigenous knowledge systems and practices and policy imperatives.
3. How much space should be allocated to each type of zone?
4. How much public space is needed and where?

5. What social facilities are needed to support the population?
6. Where should the different sets of zones be located?
7. What types of land are suitable and appropriate for each type of zone?
8. What types of land uses are appropriate for the different zones?
9. What should be the physical relationship between various types of zones?
10. Where should the exact boundary lines of each zone run, bearing in mind that some zones are separated by street pattern, design considerations, accessibility, and areas of transition?
11. Consideration of growth/development edges.
12. Alignment with Act No. 70 of 1970 in terms of obtaining permission for change of land use or subdivision of land in agricultural areas?"

5.5 Phase 5: Preparing Land Uses and Development Parameters

This phase encompasses:

- 5.5.1 The stakeholder collaborative development of land uses and associated user friendly set of tables for uses that should be freely permitted, permitted by consent or prohibited, and the development parameters/Scheme controls relevant for each zone.
- 5.5.2 The development parameters and additional controls that should apply to each zone should be clearly stipulated³.
- 5.5.3 Draft the appropriate set of General Definitions and Land Use Definitions. This process should be consistent with the Land Use Tables and aligned to the Urban Component and should be checked by legal experts with experience in planning law, Schemes, appeals and local/indigenous knowledge land use practices.
- 5.5.4 Prepare appropriate Management Overlays where necessary.
- 5.5.5 Develop relevant planning and environmental policies, procedures and additional controls (e.g. sacred and historical places, restricted land access places, gender based land practise encouraging safety for vulnerable children and people, parking policies, guidelines relating to urban agriculture, preservation of listed buildings and grazing lands). Decide which aspects should be included in the Scheme and which should be located in the accompanying documents.

5.6 Phase 6: Consultation and Review

Sound consultation is required adjacent municipalities to ensure alignment and avoid cross border scheme conflicts. Circulate the Draft Scheme to relevant authorities that have approval requirements and concerned with social justice such as, but not limited to the Gender Commission, the Department of

Agriculture, Environmental Affairs and Rural Development, Department of Transport, Department of Water Affairs, department of Social Development and the NGO sector dealing with barrier free access for people with disabilities and amend where appropriate. Submit to Council for consideration and initiate the Public consultation process as per public consultation Plan and as per the Planning and Development Act No. 6 of 2008. Initiate revisions based on the public comments that have been addressed.

5.7 Phase 7: Adoption and Application Procedures

The Service Provider undertakes the SPLUMA application process with all appropriate documentation to Council for final adoption. The Municipal Manager certifies signs and dates the documents adopted by Council. The set of application forms relevant to the scheme are developed and translated into the appropriate language for public usage. Such documents may include application forms required for:

- Consent applications;
- Amendment to the scheme
- Development applications;
- Subdivision applications;
- Appeals;
- Submission of building plans; and
- Criteria for the submission of development applications
- Other as recommended by service providers and community

5.8 Phase 8: Close out Process

The close out process encompasses a brief close out report, GIS Data, Scheme Clauses, Scheme Mapping, Overlays, Final Participation Report and Skills Transfer Report.

6 Outcomes and Deliverables

- 6.1** The final documentation should be in the form of both hard and electronic versions of core documents and maps. Mapping should be submitted in Arc View GIS format (i.e. shape-files, layer files, mxd files) for use in the COGTA GIS environment. All mapping notation should be in keeping with the standards already established in the COGTA Scheme Guidelines (COGTA 2011) and in accordance with the collaborative processes undertaken throughout the project. The Service Provider should ensure that all GIS data and metadata is fully compatible with the standards set by COGTA GIS and the Spatial Planning Unit for each phase of the project before invoices are submitted for payment.
- 6.2** The documents and communication media should be prepared well in advance and the stakeholder engagement process should be to the satisfaction of the Steering Committee. Innovation and the use of isiZulu where appropriate is required for stakeholder engagements;
- 6.3** The Service Provider will be expected to submit draft reports and associated Development Communication Media and appropriate mapping for each phase of the project.
- 6.4** The Final Consolidated Report which consists of:
- 6.4.1 Three copies of the Consolidated Report encompassing the relevant aspects of the previous phased outcomes including all maps, tables, registers and figures in both hardcopy (printed) and softcopy (electronic as MS word and PDF documents);
 - 6.4.2 Maps at A0 level with appropriate transparent overlays;
 - 6.4.3 Three copies of the Public Participation Report & associated comments; and
 - 6.4.4 Mapping should be submitted in Arc View GIS format as per section five (5.1).
 - 6.4.5 The Final reviewed Land Use Audit Register
 - 6.4.6 The Final reviewed Land Rights Register
 - 6.4.7 Ten CD's with all data sets, consolidated reports and SPLUMA-PDA application.

7 Project Duration

- 7.1** It is expected that the project is to be completed by 30th June 2022 in order to comply with the June 22 deadline granted by the Minister of Agriculture, Land Reform and Rural Development. It is recommended where possible that certain tasks be performed concurrently to meet the deadline stated above. The target dates for each milestone and the approximate budget percentage allocation is suggested in Table No 1.

DEVELOPMENT OF ABAQULUSI LOCAL MUNICIPALITY LAND USE SCHEME (RURAL COMPONENT)

BID NO: 8/2/1/444

PROJECT STAGES	TASKS	ESTIMATE D COST %	TIME IN MONTHS
Phase 1 : Project Initiation	Project Inception Report	5%	1
Phase 2 : Status Quo Analysis	Data collection and Analysis Land Audit and land rights register	15%	2
Phase 3 : Draft and Finalise the Abaqulusi Rural Component Land Use Scheme Document	Essentially refers to a quick scan of the existing information leading to the preparation of the final Draft Land Use Management Policy	22%	5
	Interim report for Land Use Management Policy		
	Draft Land Use Management Policy (Draft Policy Clauses and Maps, draft development parameters)		
Phase 4 : Finalise the GIS version of the Abaqulusi Rural Component Scheme maps	Finalise Rural policy Clauses, Rural Policy Maps and Update GIS database	10%	2
	Legal review		
Phase 5 : Public Participation	Public Participation Preparation (incl printing, venue hire, equipment hire, advertising, etc.	13%	2
	Public Participation and Stakeholder Consultation on the Rural Policy (all wards plus external stakeholders e.g. sector departments and Amakhosi etc.		
	Workshop with Abaqulusi Councillors and Management Team		
	Respond to comments, representations and objections for Rural policy – Legal input required		
Phase 6 : SPLUMA Application and Adoption of Abaqulusi Rural Component Land Use Scheme	Adoption of the Rural Policy	5%	2
	Attend to any appeals (As and when required)		
Phase 7 : Consolidation of Urban and Rural Scheme Documents	Consolidation of Final Draft Documents: - Review of the Urban Component Land Use Scheme Clauses and Maps; - Final Draft Land Use Management Framework/policy; - Final Draft Scheme Maps for urban areas and rural settlements; - Final Draft Scheme clauses for urban areas and rural settlements; - Legal Review; - Final Draft Rural Land Use Management Policy (Land Use and Development Parameters and Maps); - Final Companion Document	25%	5 (Consultant to run phase concurrently to meet deadline of June 2022)
	Consolidate the scheme clauses, maps and GIS of rural and urban to give effect to a comprehensive wall to wall Abaqulusi Scheme.		

Phase 8 : Close Out Process	Close Out Process: • Close Out Report • Final Wall-to-Wall Land Use Scheme Document	5%	1
TOTAL		100%	Date of appointment to 30 th June 22

7.2 The budget should be in keeping with the phases of the project. *All costs such as travel accommodation, workshop catering and disbursements, should be consolidated into single project budget estimates for each phase.* The Steering Committee will assume that all expenditure relating to the project is anticipated by the Service Provider and is consolidated into the budget estimates for each phase. Only the consolidated budget for each phase should be shown in the proposal submitted and in subsequent invoices submitted to the Municipality.

8 RELEVANT SKILLS AND EXPERIENCE

8.1 Below is a summary of Mandatory requirements:

The Project leader must hold a ***tertiary qualification in planning*** which is recognised for registration in the category of Professional Planner by the South African Council for Planners (SACPLAN) in terms of the Planning Profession Act, 2002 ***and must be registered*** with SACPLAN as a Professional Planner. A Copy of valid registration certificate is to be attached to the proposal.

8.2 Skills and abilities required in the team to execute the project include the following:

- Town and Regional / Development Planning;
- ***Sound GIS proficiency and capacity to address the 1:50 year and 1:100 year flood line mapping;***
- Urban and Rural Planning experience;
- Sound experience in working with Traditional Authorities;
- Sound Participatory Planning experience;
- Sound local/indigenous knowledge land use practices research experience;
- Thorough understanding of IDP,SDF, SEA, Scheme Development, strategic planning process, and Design;
- Proven Scheme Development, SDF, Precinct / Framework Plan compilation experience;
- Sound understanding of Scheme interrelationship with land legal issues, technical, indigenous/local knowledge, cadastral, social, economic, land use, transport, environmental, and regulatory data sets;
- Project Management;
- Facilitation and translation skills;

- Research, analytical, writing and communication skills; and
- Ability to think strategically and
- Use of Development Communication Media and innovative approaches to land management in local contexts.

8.3 It is recommended that the Service Provider ensures that people with relevant skills are part of the project. A list of people containing, among other things, names, qualifications and experience who will be directly involved in each phase of the project must be submitted. The phased listing should clearly indicate what work each team member will undertake in each phase of the project and the associated time allocation and budget allocated to each team member, per phase.

8.4 The Team Leader, Spatial Planner, Land Legal Expert, Indigenous/Local Knowledge Team Member and the Team Secretary will be attending all the Steering Committee meetings. Relevant team members that are directly involved in the particular project phase will be expected to attend progress report meetings. The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the Steering Committee.

9 Mandatory Capacity Building and Skills Transfer

*Skills development is an integral part of the project. The process should ensure that skills development and skills transfer occurs within the project and is to be achieved with Municipal Planning staff and COGTA based Candidate Planners. Proposals should indicate how skills development and transfer will be achieved, monitored and evaluated within each phase of the project. Skills transfer is not to be seen as being made up of councillor and stakeholder meetings and feedback sessions within the project. **Genuine, hands on planning work within the project is an essential aspect of this process. Service providers who omit this section of the proposal will automatically be disqualified from consideration.***

10 Information Gathering, Provincial and National Guidelines

10.1 The successful Service Provider is expected to make contact with all the relevant GIS, Planning and other officials and units within the various spheres of government to obtain information that is required for the project.

10.2 The Service Provider will be supplied with a letter from the AbaQulusi Municipality confirming the appointment. ***However, the responsibility for specifying and collecting the information necessary for the successful execution of the project remains entirely with the Service Provider.***

11 TERMS AND CONDITIONS OF THE PROPOSAL

11.1 General

- 11.1.1 Awarding of the proposal will be subject to the Service Provider's express acceptance of AbaQulusi Municipal Supply Chain Management general contract conditions.
- 11.1.2 That should the successful bidder not be local, at least 30% of the total value of the tender be sub-contracted to local companies with the relevant experience.
- 11.1.3 The Service Provider will sign a Memorandum of Agreement with AbaQulusi Municipality upon appointment.
- 11.1.4 Staff allocations will be confirmed during project initiation and shall remain unchanged for the duration of the project, unless prior written consent has been granted by the Steering Committee.
- 11.1.5 All secretarial services such as arranging meetings, setting of agenda's and minute taking shall be the responsibility of the Service Provider.
- 11.1.6 No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of the AbaQulusi Municipality except where duly authorized to do so in writing by the Municipality.
- 11.1.7 The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not discloses such records or information to any third party without the prior written consent of the AbaQulusi Municipality.
- 11.1.8 The AbaQulusi Municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance and non-compliance with the contract.
- 11.1.9 The short-listed service providers may be required to do a presentation in person and at their own cost should it be deemed necessary to do so.

12 RENUMERATION

The AbaQulusi Municipality shall remunerate the Service Provider in respect of its services in accordance with the following conditions:

- 12.1** The Service Provider agrees hereto that responsibility of payment for services rendered to the Municipality shall vest in the Service Provider, who shall submit a tax invoice for work completed and invoiced in accordance with the items set out in Appendix 1.

- 12.2** The Municipality shall pay to the Service Provider the amount of such invoice within 30 days of receipt of an agreed invoice. All supporting documents must be attached to all invoices submitted.
- 12.3** In the event that the Municipality is not satisfied with the performance of the Service Provider, the Municipality shall give written notice to this effect to the Service Provider providing sufficient detail and a reasonable period to enable the Service Provider to rectify such performance.
- 12.4** In the event of the entire amount or a portion of the invoice being disputed by the Municipality, only that portion in dispute shall be withheld from payment, until the dispute is resolved. The undisputed portion shall be paid to the Service Provider within the stipulated time frames.
- 12.5** The Service Provider shall immediately give notice of any circumstances preventing it from completing its obligations in terms of the contract.

13 FEES AND DISBURSEMENTS

- 13.1** Claims for recoverable costs will not be reimbursed;
- 13.2** The Municipality will not reimburse the successful tenderer for claims of costs associated with travel and related matters;
- 13.3** Because the basis of payment is on a phase based product system, as set out in **Appendix 1**. All costs that may arise must be built into the proposal price per phase and be set out as per **Appendix 1**. All claims in respect of disbursements, incidental expenditure, workshop and travelling costs will not be reimbursed.

14 CONTRACT CONDITIONS

14.1 Memorandum of Agreement:

The successful Service Provider will be required to enter into a contract with AbaQulusi, in the form of a Memorandum of Agreement (MOA). A **pro forma MOA** is attached as **Appendix 2**, and the details specific to the project will be finalised in the MOA on appointment.

14.2 Budget

The Municipality has a limited budget for this project. The project will need to be completed by 30th June 2022 in accordance with Supply Chain policy and criteria **for invitations to Service Providers submitting proposals**.

The charge out rates and budget for the project must be set down by the Pricing Schedule attached as Appendix 1.

15 JOINT VENTURE/CONSORTIUM

15.1 Service providers who submit quotations as a Joint Venture or Consortium must include the following documentation as part of the Proposal Documentation:

- (i) An agreement entered into between all parties confirming the joint venture or consortium;
- (ii) Proof of mandate of signatories to the agreement above;
- (iii) Details of the percentage interest and participation held by members of the joint venture or consortium;
- (iv) A mandate to the principal tenderer leading the joint venture or consortium; and
- (v) A valid original Tax Clearance Certificate in respect of each party in the joint venture or consortium.

The failure to submit any of the above-mentioned documentation will lead to a disqualification of the quotation.

16 APPENDIX 1**16.1 Pricing Schedule**

PROJECT STAGES	TASKS	ESTIMATED COST %	TIME IN MONTHS
Phase 1 : Project Initiation	Project Inception Report	5%	1
Phase 2 : Status Quo Analysis	Data collection and Analysis Land Audit and land rights register	15%	2
Phase 3 : Draft and Finalise the Abaqulusi Rural Component Land Use Scheme Document	Essentially refers to a quick scan of the existing information leading to the preparation of the final Draft Land Use Management Policy	22%	5
	Interim report for Land Use Management Policy		
	Draft Land Use Management Policy (Draft Policy Clauses and Maps, draft development parameters)		
Phase 4 : Finalise the GIS version of the Abaqulusi Rural Component Scheme maps	Finalise Rural policy Clauses, Rural Policy Maps and Update GIS database	10%	2
	Legal review		
Phase 5 : Public Participation	Public Participation Preparation (incl printing, venue hire, equipment hire, advertising, etc.	13%	2
	Public Participation and Stakeholder Consultation on the Rural Policy (all wards plus external stakeholders e.g. sector departments and Amakhosi etc.		
	Workshop with Abaqulusi Councillors and Management Team		

DEVELOPMENT OF ABAQULUSI LOCAL MUNICIPALITY LAND USE SCHEME (RURAL COMPONENT)

BID NO: 8/2/1/444

	Respond to comments, representations and objections for Rural policy – Legal input required		
Phase 6 : SPLUMA Application and Adoption of Abaqulusi Rural Component Land Use Scheme	Adoption of the Rural Policy	5%	2
	Attend to any appeals (As and when required)		
Phase 7 : Consolidation of Urban and Rural Scheme Documents	Consolidation of Final Draft Documents: - Review of the Urban Component Land Use Scheme Clauses and Maps; - Final Draft Land Use Management Framework/policy; - Final Draft Scheme Maps for urban areas and rural settlements; - Final Draft Scheme clauses for urban areas and rural settlements; - Legal Review; - Final Draft Rural Land Use Management Policy (Land Use and Development Parameters and Maps); - Final Companion Document	25%	5 (Consultant to run phase concurrently to meet deadline of June 2022)
	Consolidate the scheme clauses, maps and GIS of rural and urban to give effect to a comprehensive wall to wall Abaqulusi Scheme.		
Phase 8 : Close Out Process	Close Out Process: - Close Out Report - Final Wall-to-Wall Land Use Scheme Document	5%	1
TOTAL		100%	Date of appointment to 30 th June 22

17
17.1

MEMORANDUM OF AGREEMENT *PRO FORMA*

APPENDIX 2

To be signed after appointment

18 Documentation to be included;

- Company resume;
- Project reference (letters signed by references confirming successful completion of projects)
- An original valid Tax Clearance from SARS
- BBBEE Certificate
- CVs detailing personal details, qualifications, competence and experience of each staff member to be involved in this particular project.
- Company registration certificate from CIPRO
- Water and light statement from the municipality where business is operating
- Company registration with relevant professional bodies
- SACPLAN registration number and certificates for professional employees that will be used on the project.

All proposals will be evaluated in terms of 80 points for price and 20 points for BBBEE status with maximum points at 100.

On the evaluation, the tenders would be ranked in accordance with the points obtained, the tender scoring the highest points being ranked first so on. In the event of a tie, the municipality will rank the tenderer whose company is majority by PPG higher than the other one(s).

The ranking will qualify the top tenderer to be considered for the award of the contract but would be expected to fulfil the last requirement. At this time, the municipality will prepare an agreement contract, which will have to be agreed to by the successful tenderer for this signature.

Therefore minimum functionality score to qualify for further evaluation is 70%

The Tenderer shall provide a record for relevant projects. The bidder shall provide details of projects of a similar size and nature to the Contract executed in the past 3 years. It is essential that full details of these projects and the Employer references be provided in order for the project to be evaluated and points accordingly awarded.

19 ANNEXURE A (Forms)**ANNEXURE A (Forms)**

Form: 1	Certificate of Tax Clearance	25
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Form: 10	Certificate Of Independent Bid Determination	40
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Form: 13	Declaration of Interest	46
Form: 14	Certificate of Attendance; Clarification Meeting	48
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Form 17	Approach And Methodology	51
Form 18	Certificate of Bid Compliance	52

19.1

Form 1

CERTIFICATE OF TAX CLEARANCE

The tenderer shall attach to this page

- 1 The original valid Tax Clearance Certificate / VALID SARS PIN

In the event of a joint venture, each member shall comply with the above requirement.

SIGNED ON BEHALF OF THE TENDERER:

19.2

Form 2

D. RECORD OF ADDENDA TO BID DOCUMENTS

I / We confirm that the following communications received from the Employer or his representative before the date of submission of this bid offer, amending the bid documents, have been taken into account in this bid offer and is attached hereto.

ADD. NO.	DATE	TITLE OR DETAILS
1		
2		
3		
4		
5		

Please attach all Addenda hereto

SIGNATURE: DATE:
 (Of person authorized to sign on behalf of the bidder)

19.3

Form 3

19.3.1 CERTIFICATE OF AUTHORITY

19.4 DECLARATION WITH REGARD TO EQUITY

19.5 Name of firm :

19.6 VAT registration number :

19.7 Company registration number :

19.8 TYPE OF FIRM

- ☐ Partnership
- ☐ One person business/sole trader
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

19.9 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

19.10 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporters, etc.

[TICK APPLICABLE BOX]

19.11 MUNICIPAL INFORMATION

Municipality where business is situated:

Registered Account No:

Stand No:

20.1 EVALUATION CRITERIA

Proposal will be evaluated on the 80/20 system where 80 points is for price and 20points is for BBBEE.

The value of this bid is estimated to not exceed R 50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

Criteria	YES/NO	COMMENT/ PROOF TO BE PROVIDED
Organisational Capacity and Resources		
1. Proposals must provide a valid Tax Clearance Certificate from SARS		Tax Clearance Certificate provided
2. Company profile and CVs of all individuals allocated to this contract.		Company profile and CVs References of experience in project management, scheme development, strategic planning and scheme guidelines development and SEA implications for schemes. (Minimum of 3 references)
Experience		
1. Experience in Project Management		Members experience and CV's
2. Experience in development of land use schemes		Appointment Letters and Completion Certificates.
3. Experience in GIS		Members experience and CV's
4. Experience in rural and urban land management, regulation and application processing of team members		
5. Experience in land use audit		
6. Experience in land rights audit		
7. Skills Transfer experience.		CV and Reference Checks
Project Managers capability – qualifications		
1. Project Management		Certified Copy of Qualifications
2. Registration with South African Council for Planners SACPLAN		Certified Copy of the SACPLAN Certificate.
3. Tertiary qualification in Town and Regional Planning		Certified Copy of Qualifications

FUNCTIONALITY EVALUATION CRITERIA

The Department will measure functionality as follows:

- a) Service Provider's relevant experience for the assignment, the quality of the method proposed the qualifications of the key staff to be employed on this project, and the proposed, transfer of skills, etc.
- b) The following criteria will be used to determine compliance to the minimum required functionality score of 70% in order to be further evaluated and will be weighted and scored as set out below:

Criteria	Weighting	Scoring measurement		
Company Experience in developing land use schemes Reference letters and Completion Certificates to be submitted	5	5 = > 5 Scheme projects 3 = 3 - 4 Scheme projects 1 = 1 – 2 Scheme Projects 0 = 0 Scheme Projects		
Project Leaders experience in developing Schemes and Qualification Certified Certificates, Detail in CV for experience, SACPLAN Registration	20	Qualification 2 = Degree/BTECH 3 = Honours Degree 5 = Master's Degree	Experience 10 = >10 5 = 5 – 9 3 = 1 – 4 0 = 0	SACPLAN Reg. 5 = Professional Planner 0 = Other
Locality of Company Utility statement from the Municipality where business is operating	15	15 = AbaQulusi 10 = Zululand District 5 = KZN 0 = Other but within South Africa		
Clear understanding of Methodology and Approach demonstrated in the tender document Manner and sequence in which the project will be implemented	10	10 = Excellent 5 = Good 2 = Acceptable 0 = Poor		
Project Plan and Budget – clear project plan and financial implications Clear demonstration of project timeframes, milestones, cost implications and deliverables per milestones	10	10 = Excellent 5 = Good 2 = Acceptable 0 = Poor		
Total scores	60			

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Form 5

21.1 DECLARATION OF INTEREST (MBD 4)

21.1.1 No bid will be accepted from persons in the service of the state*.

21.1.2 Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

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

21.1.4 Full Name:.....

21.1.5 Identity Number:.....

21.1.6 Company Registration Number:.....

21.1.7 Tax Reference Number:.....

21.1.8 VAT Registration Number:.....

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

21.1.10 If so, furnish particulars.

* MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

.....

.....

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

21.1.12 If so, furnish particulars

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

23.1.14 if so, furnish particulars.

.....

.....

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

23.1.16 If so, furnish particulars

.....

.....

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

23.1.18 If so, furnish particulars.

.....

.....

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

23.1.20 If so, furnish particulars.

.....

.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

22.1 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

22.2 This Municipal Bidding Document must form part of all bids invited.

22.3 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.

22.4 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. wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
- d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

Item	Question	Yes	No
24.5.1	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes ☐	No ☐
24.5.2	If so, furnish particulars:		
24.5.3	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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes ☐	No ☐
24.5.4	If so, furnish particulars:		
24.5.5	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 ☐

24.5.6	If so, furnish particulars:		
Item	Question	Yes	No
24.6	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
24.7	If so, furnish particulars:		
24.8	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
24.9	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

Where

x is the imported content in Rand

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

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

- 1.6. A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

2. Definitions

- 2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

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

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

4. Does any portion of the services, works or goods offered have any imported content?
(Tick applicable box)

YES		NO	
-----	--	----	--

- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(Tick applicable box)

YES		NO	
-----	--	----	--

- 5.1. If yes, provide the following particulars:

- (a) Full name of auditor:
- (b) Practice number:
- (c) Telephone and cell number:
- (d) Email address:

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

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

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

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

IN RESPECT OF BID NO.

ISSUED BY: (ABAQULUSI MUNICIPALITY):

.....

NB

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

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

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

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that

- (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (ii) the declaration templates have been audited and certified to be correct.

(c) The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

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

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

(d) I accept that the Municipality has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Municipal imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

NB!!! Download Annexure {C,D & E} from : <http://www.thedti.gov.za/industrialdevelopment/ip.jsp>.

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Form 7

22.6 COMPANY REGISTRATION CERTIFICATE

The bidder is to affix to this page a certified copy of Company Registration Certificate.

22.7 SCHEDULE OF TENDERER'S RELEVANT EXPERIENCE

22.9 The tenderer shall list below all relevant contracts successfully completed during past seven years

EMPLOYER : CONTACT PERSON AND TELEPHONE NUMBER	NATURE OF WORK	VALUE OF WORK (INCL VAT)	MONTH & YEAR COMPLETED OR TO BE COMPLETED

SIGNATURE: DATE:
(of person authorised to sign on behalf of the bidder)

23.1 RATES AND MUNICIPAL SERVICES CLEARANCE CERTIFICATE

This serves to conform that my municipal rates and taxes are paid up to date and the following is attached:

1. An original/certified copy of the most recent municipal certificate, indicating the status of payment of all municipal accounts and taxes: Electricity, water, refuse, rates and levies, from the Municipality in which jurisdiction it is business is situated.
2. In the case where the tenderer does not own property/is a tenant for the purpose of its business establishment, the tenderer to provide an original/certified copy of certificate from its landlord certifying that all the tenants payments in respect of all municipal accounts and taxes i.e. electricity, water, refuse, rates and levies are paid up to date.
3. In the case where it is not possible for a tenderer to obtain the certificate in (2) above from its landlord, the tenderer is required to submit an original/certified copy of the lease agreement for the premises where its business is situated.

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Form 10 Municipal Bidding Document (MBD)**24.1 CERTIFICATE OF INDEPENDENT BID DETERMINATION**

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

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

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

24.2 CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

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

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

25 PREFERENTIAL PROCUREMENT SCHEDULES AND AFFIDAVIT THAT WILL BE INCORPORATED INTO THE CONTRACT

26 PREFERENTIAL PROCUREMENT DECLARATION AFFIDAVIT

IMPORTANT NOTES:

- 1. *Tenderers with annual total revenue of R5 Million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the Broad-Based Black Economic Empowerment Act, and must submit a certificate issued by a registered auditor, accounting officer (as contemplated in section 60(4) of the Close Corporation Act, 1984 (Act No. 69 of 1984)) or an accredited verification agency.***
- 2. *Tenderers other than Exempted Micro Enterprises must submit an Original or certified copy of a Valid B-BBEE status level verification certificate substantiating their B-BBEE rating.***
- 3. *Submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and be in accordance with notices published by the Department of Trade and Industry in the Government Gazette.***
- 4. *These certificates must be submitted by each Tenderer and, in the case of a Consortium or Joint Venture, by every member of the Consortium or Joint Venture. Any subcontractor(s) nominated for participation in the contract must also submit these certificates.***
- 5. *False documents and/or information will invalidate the tender.***
- 6. *The B-BBEE status level attained by the tenderer must be used to determine the number of points contemplated in the table below.***
- 7. *The said certificates are essential and vital for the evaluation of the tender, and failure to submit these certificates will prejudice the tender and may invalidate it at the discretion of the Employer.***
- 8. *The information for registration as in the possession of the ABAQULUSI LOCAL MUNICIPALITY will apply.***
- 9. *It is the Tenderer's responsibility to ensure that the details as submitted to the Municipality are correct.***

27

Form 11

27.1 **B-BBEE STATUS VERIFICATION CERTIFICATE**

The bidder is to affix to this page a certified copy of B-BBEE status level verification

28

Form 12

28.1 SCHEDULE OF KEY PERSONNEL AND CV'S**Notes to Tenderer:**

1. The tenderer shall list below all the key personnel and relevant information who will be engaged on the project
2. Attach CV's of the key personnel with the proposal
3. Attach copies of relevant SACPLAN Certificates with the CV's

CATEGORY OF EMPLOYEE	KEY PERSONNEL, PART OF THE CONTRACTOR'S ORGANISATION	NUMBER
Project Managers		
Professional Planners		
Technical Planners		
Others:		

Note: Certified copies of qualifications and registrations are to be attached

SIGNATURE:
(of person authorised to sign on behalf of the bidder)

DATE:

29

Form 13

29.1 DECLARATION OF INTEREST

1. Any legal person, including persons employed by the principal, or persons having a kinship with persons employed by the principal, 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 employed by the principal, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where-

- the bidder is employed by the principal; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declaring acts and persons who are involved with the evaluation and or adjudication of the bid.

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

- 2.1 Are you or any person connected with the bidder, employed by the principal?..... **YES/NO**

- 2.1.2 If so, state particulars.

.....

.....

- 2.2 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the principal and who may be involved with the evaluation and or adjudication of this bid?..... **YES/NO**

- 2.2.1 If so, state particulars.

.....

.....

- 2.1 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the bidder and any person employed by the principal who may be involved with the evaluation and or adjudication of this bid?..... **YES/NO**

- 2.3.1 If so, state particulars.

.....

.....

.....

30 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.3.1 ABOVE IS CORRECT. I ACCEPT THAT THE PRINCIPAL MAY ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

31

Form 14

31.1 CERTIFICATE OF AUTHORITY FOR SIGNATORY

Notes to Bidder:

1) The signatory for the bidder shall confirm his/her authority thereto by attaching a duly signed and dated copy of the relevant resolution of the board of directors/partners. Alternatively this form may be used directly. It is deemed that whoever authorizes the signatory has the capacity to commit the tenderer to enter into contracts.

2) In the event that the tenderer is a joint venture, a certificate of authority for signatory is required from all members of the joint venture and the designated lead member shall be clearly identified.

By resolution of the board of directors passed at a meeting held on

Mr/Ms, whose signature appears below, has been duly authorised to sign all documents in connection with the bid for Contract No.: Request for Proposal for Professional Planners to develop AbaQulusi Local Municipality's Land Use Scheme (Wall-to-Wall, and Land Use and Land Rights Audit.

and any contract which may arise there from on behalf of (block capitals)

.....

SIGNED ON BEHALF OF THE COMPANY:

IN HIS/HER CAPACITY AS:

DATE:

SIGNATURE OF SIGNATORY:

WITNESS:

SIGNATURE

SIGNATURE

.....
NAME (PRINT)

.....
NAME (PRINT)

32

Form 15

32.1 PROOF OF PROFESSIONAL INDEMNITY COVER

1. The bidder shall attach to this page, proof of his Professional Indemnity Cover (Minimum R 2.0 million)
2. In the event of the bidder being a joint venture/consortium the details of the individual members must also be provided.

SIGNED ON BEHALF OF THE TENDERER:

33.1 APPROACH & METHODOLOGY (BIDDERS PROPOSAL)

Notes to Tenderer:

1. Attach Methodology the Tenderer wish to apply for this contract.

SIGNED ON BEHALF OF THE TENDERER:

34

Form 17

34.1 CERTIFICATE OF BID COMPLIANCE**Note to Tenderer**

1. This form has been created as an aid to ensure a bidder's compliance with the completion of the returnable forms and schedules

FORM NO	FORM DESCRIPTION	TICK IF COMPLETED
1	INVITATION TO BID	
2	PROPOSAL AND CERTIFICATE OF TAX CLEARANCE	
3	RECORD OF ADDENDA TO BID DOCUMENTS	
4	CERTIFICATE OF AUTHORITY	
5	PREFERENCE OF POINT CLAIM FORM	
6	DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES	
7	SCHEDULE OF TENDERER'S RELEVANT EXPERIENCE	
8	SCHEDULE OF KEY PERSONNEL & CV'S	
9	DECLARATION OF INTEREST	
10	CERTIFICATE OF ATTENDANCE AT PRE-BID SITE VISIT AND CLARRIFICATION MEETING	
11	CERTIFICATE OF AUTHORITY FOR SIGNATORY	
12	PROOF OF PROFESSIONAL INDEMNITY COVER	
13	APPROACH & METHODOLOGY (BIDDERS PROPOSAL)	
14	PROOF OF EXPERIENCE (APPOINTMENT AND COMPLETION CERTIFICATES)	

SIGNED ON BEHALF OF THE TENDERER:

.....