



REAL ESTATE UNIT : ERF 1055 MAGABHENI-A

CONTRACT NUMBER: 27346 (7E)



REAL ESTATE UNIT

REQUEST FOR PROPOSALS FOR THE SALE OF ERF 1055 MAGABHENI -A.

EThekwinI Metropolitan Municipality, hereby invites interested persons to submit proposals for the sale of Erf 1055 Magabheni-A measuring 2 965 m² as depicted on plan SJ4762/5

THIS DOCUMENT CONSISTS OF 46 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER / BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT.

Name of Bidder_____

DOCUMENTS TO BE SUBMITTED: 1 ORIGINAL AND 1 COPIES

Tender documents together with one soft copy (either a disk or memory stick to be submitted on or before 11:00am on the closing date.

Closing date of the Bid: 26 July 2024
Closing Time: 11:00

Issued by: T.E. Mmusinyane
HEAD: Real Estate Unit
4th Floor,
199 Anton Lembede Street
DURBAN 4001

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TENDER ADVERT

REQUEST FOR PROPOSALS FOR THE SALE OF ERF 1055 MAGABHENI-A.

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

BID NUMBERS	TENDER DESCRIPTIONS	SITE SIZE
27346 (7E)	REQUEST FOR PROPOSALS FOR THE SALE OF ERF 1055 MAGABHENI-A.	2 965m ²
No briefing sessions	There will be no clarification Meeting. Bidders are requested to submit email queries related to the bid. All email queries are to be submitted by 11 July 2024. Email questions and answers will be consolidated and posted on eTenders/Municipal website for the benefit of all tenderers by 18 July 2024.	
Document Availability	June 2024	
Documents Cost	Document Cost: R0,00	
Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act 5 of 2000 is to give effect to Section 25 (5) of the Constitution of the Republic of South Africa	In line with Section 25 (5) of the Constitution "The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis." 1) The demographic profile of property ownership or access to property will be assessed using the Municipality's Miscellaneous lease register in relation to the location of the subject property and the level of participation in the sector. Preference will be given to the most underrepresented groups within that property profile. The graph depicted under Annexure A on page 42 represents the current demographic profile of existing leases that would apply to this bid. Bidders must meet the mandatory requirement and the eligibility criteria to qualify for further evaluation in Price, Preference Goals and the Objective Criteria.	
Mandatory Requirements	Proof of registration of NPO, NGO, PBO, NPC (Copy of Provincial Registration Certificate etc.)	
Mandatory Requirements in line with the requirements of Regulation 41 (4) of the Asset Transfer Regulations to ensure that the successful bidder has the ability to develop, maintain and safeguard the capital asset.	Bidders are required to demonstrate proof of availability of 100% of the funding required for the purchase price. This must include written support from verifiable funding institutions. Letter from the registered funding institution confirming 100% funding of the purchase price. This must include written support from verifiable funding institutions/ expression of interest to fund from a registered funder with Financial Sector Conduct Authority (FSCA) reflects the full amount of the purchase price.	
Selection Criteria	Below R10 Mil	
	NB: Failure to meet the following requirements will invalidate the bid. Any proposal below the reserve price will not be considered. Non-Signature and non-commissioning of the declaration of the Bidder's Past Supply Chain Practices in MBD 8 and Bid Submission in MBD's.	
Closing Date	26 July 2024	

Conditions of submission of Request for Proposal	• Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS. • Proof of registration of the Entity as follows: - Proof of registration of NPO or NGO (Copy of Provincial Registration Certificate etc.) • Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual/organisation for all his/her properties/ Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted for all the properties of the directors. • In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation, a JV / Consortium agreement and a Joint Venture B-BBEE Certificate and the JV/Consortium agreement. • Completion and signature of all bid documents. • Central Supplier Data Base (CSD) registration. • Bidders must submit a “hard copy” submission to the Tender Box located in the ground floor foyer of the Municipal Buildings, 166 KE Masinga Road (Old Fort Rd), Durban and an electronic submission via SSS. Bidders must ensure that the hard copy and electronic submission are the same, failing which the submission will be deemed invalid. Bidders are responsible for resolving all access rights and submission queries before the tender closing date. Tender closing date and time remain unchanged.
Address	Ground floor Engineering Unit, Municipal Centre 166 K.E. Masinga Road (formerly Old Fort Road) DURBAN
Evaluation	Price Offer and Preference Goal using 80/20. 80 for purchase value and 20 for Preference Goal.

ELIGIBILITY CRITERIA

Failure to meet the below eligibility criteria will render the bid invalid. No bids will be considered from persons or organisations who do not meet the below eligibility criteria. Furthermore, those bids invalidated by sections of this eligibility criteria will be excluded.

Creche	Religious Organisation	Non-Profit Community Activities (activities run by NPO's, NGO's, PBO's, NPC's etc)
The creche to provide its registration certificate and constitution.	The Religious Organisation to provide its registration certificate and church constitution.	The organisation / entity to provide its registration certificate and constitution / memorandum of agreement.
Track record: Please provide your relevant qualification (of yourself and staff members) as per legislated Early Childhood Development (ECD) required qualifications.	The Religious Organisation to provide a list of congregants with proof of addresses of its congregants.	Track record: Please provide a Business Plan of the community-based activity to be undertaken on the property and how that benefits the community. Please include the organisational structure.
Track record: Please indicate your relevant experience (of yourself or significant project team members) of running a facility like the one you are proposing. Compliance certificates from Social Development, Education and Health Departments must be provided. Provide proof of no less than 2 years of operating a creche.	The Religious Organisation to provide availability of finance or acceptable proof of funding to acquire the site and develop same within two years plus possible extension. The Religious Organisation to provide a site layout plan and cost of development.	Track record: Please provide your relevant qualification (of yourself or significant project team members) of running a facility like the one you are proposing.
The creche to provide availability of finance or acceptable proof of funding to acquire the site and develop same within two years plus possible extension.	If your denomination is already represented in Ward 99 your tender is deemed invalid.	Track record: Please indicate your relevant experience (of yourself or significant project team members) of running a facility like the one you are proposing. Supporting documentation from recognised Bodies / Associations that your facility falls under or should be affiliated to must be provided. Provide proof of no less than 2 years of operating a similar facility.
Indicate the value of the buildings (which comply with National Building Regulations) your organisation proposes to develop on the site. Provide a site layout plan of the proposed creche building.	State or provide proof of other welfare type facilities / activities that have been provided in addition to religious facilities.	The organisation or entity to provide availability of finance or acceptable proof of funding to acquire the site and develop same within two years plus possible extension.
Indicate the cost of development.	Whether or not the congregation or membership is drawn from the area in which a site is being applied for. A letter from the Church Association or Fraternal can be provided.	Provide a site layout plan of the proposed development and the costs thereof.

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ETHEKWINI METROPOLITAN MUNICIPALITY)					
BID NUMBER	27346 (7E)	CLOSING DATE	26 July 2024	CLOSING TIME:	11:00
DESCRIPTION	REQUEST FOR PROPOSALS FOR THE SALE OF ERF 1055 MAGABHENI-A.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A SALE AGREEMENT WITH ETHEKWINI METROPOLITAN MUNICIPALITY.					

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

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
EMAIL ADDRESS					
VAT REGISTRATION					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)		Yes	B-BBEE STATUS LEVEL SWORN AFFIDAVIT		Yes
		No			No
(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE / SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)					
SIGNATURE OF BIDDER			DATE		
CAPACITY UNDER WHICH THIS BID SIGNED					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO: LETTY ZONDI Tel. 031- 311 4388 E-mail: Letty.Zondi@durban.gov.za					

TERMS AND CONDITIONS FOR BIDDING**1. BID SUBMISSION:**

- 1.1 BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–OR DOWNLOADED ONLINE (NOT TO BE RE-TYPED)**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

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

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**3.1 IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?**

☐	YES	☐	NO
--------------------------	-----	--------------------------	----

3.2 DOES THE ENTITY HAVE A BRANCH IN THE RSA?

☐	YES	☐	NO
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3.3 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

☐	YES	☐	NO
--------------------------	-----	--------------------------	----

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

☐	YES	☐	NO
--------------------------	-----	--------------------------	----

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

☐	YES	☐	NO
--------------------------	-----	--------------------------	----

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

DATE:

TAX CLEARANCE CERTIFICATE REQUIREMENTS

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

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

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

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

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

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

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

PRICING SCHEDULE: FINANCIAL OFFER

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

Acceptable minimum / reserve purchase/ reserve price is **R56 000.00 excluding VAT.**

Any offer below the minimum acceptable price /will not be considered and such bids would accordingly be disqualified.

Sale Offer	R
Sale offer in words	
Bidder / Entity Name	
Represented By	
Capacity	
Signature	
Date	

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

eThekwini Vendor Portal Registration Number:

PR

C.S.D Registration Number:

MAAA

S.A.R.S Pin Number:

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

Declaration of Interest

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

4. PAYMENT FOR RATES, TAXES AND SERVICES

In addition to the above amount the lessee will be responsible for the payment of all municipal services and other costs deemed necessary on the property, including rates and taxes levied on the property including electricity, water, sewerage and sanitation removal, which are levied on the property.

5. POSSESSION OF THE SITE

The purchaser will take possession of the site on the date of transfer.

DECLARATION OF INTEREST

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

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

3.6.1 If so, furnish particulars.

.....

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

3.7.1 If so, furnish particulars.

.....

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

– (a) a member of –

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

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

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

3.8.1 If so, furnish particulars.

.....
.....

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

3.9.1 If so, furnish particulars

.....
.....

3.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state? YES /NO
3.10.1 If so, furnish particulars.

.....
.....

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

3.11.1 If so, furnish particulars.

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

.....

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

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

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

1. Are you by law required to prepare annual financial statements for auditing?

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

***YES / NO**

.....

.....

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

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

2.2 If yes, provide particulars.

.....

.....

.....

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

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

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

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

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

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

	POINTS
PURCHASE OFFER	80
Preference goals	20
Total points for Price and Preference goal must not exceed	100

- 1.5 Failure on the part of a bidder to submit proof of CSD report, Consolidated BBEE Certificate for Consortium, Joint Venture, Trust or Consortium, Joint Venture, Trust Agreement together with the bid, will be interpreted to mean that preference points for Preference points are not claimed.
- 1.6 The Municipality reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the Municipality.

2. DEFINITIONS

- (a) **highest acceptable tender** means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders;

- (b) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation.
- (c) **“price”** means an amount of money tendered for goods or services and includes all applicable taxes less all unconditional discounts.
- (d) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by Municipality in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the Municipality and a third party that produces revenue for the Municipality, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions.
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).
- (f) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of the tender invitation;
- (g) **“tender for income-generating contracts”** means a written offer in the form determined by Municipality in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the Municipality and a third party that produces revenue for the Municipality, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions.
- (h) **“specific goals”** means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in Government Gazette No. 16085 dated 23 November 1994;

3. DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

(a)

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

<u>80 / 20 Points System</u>	OR	<u>90 / 10 Points System</u>
$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$		$Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$

Where:

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

- (b) A maximum of 10 or 20 points may be awarded to a tenderer for the specific goal specified for the tender.
- (c) The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
- (d) Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 6 and 7 of the Preferential Procurement Regulations 2022 read together with Section 4 (4) and 4 (5) of the Ethekewini Municipality: SCM Policy 2023, preference points must be awarded for specific goals stated in the tender.

For the purposes of this tender the tenderer will be allocated points based on the points claimed for the goal(s) stated in Table 1 below, as supported by proof/ documentation stated in the Conditions of Tender:

- 4.2 In cases where the municipality intends to use Regulation 3(2) of the Regulations, which states that if it is unclear whether the 80/20 or 90/10 preference point system applies, the municipality must, in the tender documents, stipulate in the case of:
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system:
- 4.3 then the municipality must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Specific Goals for the tender and points claimed are indicated as per table 1 and table 2 below. Tenderers are to indicate their points claim for each of the Specific Goals:

Ownership Goal

The tendering entity's Percentage Ownership, in terms of the Ownership Category(s) listed below, is to be used in the determination of the tenderer's claim for Preference Points.

Table 1

Ownership Category	Criteria	80/20	90/10
Race: Black	0%	0	0
	>0% and <51%	8	4
	>51% and <100%	15	7.5
	100%	20	10
Proof of claim as declared on MBD 6.1 (1 or more of the following will be used in verifying the tenderer's status) • Companies and Intellectual Property Commission registration document (CIPC) • CSD report. • B-BBEE Certificate of the tendering entity. • Consolidated B-BBEE Certificate if the tendering entity is a Consortium, Joint Venture, or Trust (Issued by verification agency accredited by the South African Accreditation System). • Agreement for a Consortium, Joint Venture, or Trust.			

RDP Goal: The promotion of South African owned enterprises

The tendering entity's **Address** (as stated on the National Treasury Central Supplier Database (CSD) or on the eThekweni Municipality Vendor Portal) is to be used in the determination of the tenderer's claim for **Preference Points** for this Specific Goal.

Table 2

Goal Weighting 50%		
Location	80/20	90/10
KZN	0	0
ETM	5	2.5
Magabheni	10	5
Magabheni-A	20	10
Proof of claim as declared on MBD 6.1 (1 or more of the following will be used in verifying the tenderer's status) • CSD report		

- 4.4 All bidders will have to submit BEE rating certificates, issued by either verification agencies accredited by the South African Accreditation System (SANAS) or by registered auditors approved by the Independent Regulatory Board for Auditors (IRBA) or sworn affidavits in a case of Exempted Micro Enterprises or Qualifying Small Enterprise.
- 4.5 Any enterprise with an annual Total Revenue of R 10 million or less qualifies as an Exempted Micro Enterprise.
- 4.6 Exempted Micro-Enterprises are deemed to have B-BBEE Status of "Level Four Contributor" having a BBBEE procurement recognition of 100% in terms of the Codes of Good Practice.
- 4.7 An Exempted Micro Enterprise (EME) with at least 51% black ownership qualifies as a Level 2 contributor with BBBEE level of 125% in terms of the Codes of Good Practice.
- 4.8 An Exempted Micro Enterprise with 100% black ownership qualifies as a Level 1 contributor with BBBEE level of 135% in terms of the Codes of Good Practice.
- 4.9 An Exempted Micro Enterprise that is regarded as a specialized enterprise with at least 75% black beneficiaries qualifies as a Level 1 contributor with BBBEE level of 135% in terms of the Codes of Good Practice.
- 4.10 An Exempted Micro Enterprise that is regarded as a specialized enterprise with at least 51% black beneficiaries qualifies as a Level 2 contributor with BBBEE level of 125% in terms of the Codes of Good Practice.
- 4.11 A Qualifying Small Enterprise (QSE) with at least 51% black ownership qualifies as a Level 2 contributor.
- 4.12 A QSE with 100% black ownership qualifies as a Level 1 contributor.
- 4.13 A QSE that is regarded as a specialized enterprise with at least 51% black beneficiaries qualifies as a Level 2 contributor with BBBEE level of 125% in terms of the Codes of Good Practice.
- 4.14 A QSE with less than 51% black ownership is required to submit a BBBEE level verification certificate issued by BBBEE verification professional.
- 4.15 A Trust, consortium or joint venture:

- (a) must submit a B-BBEE status level certificate in order to qualify for points;
- (b) will qualify for points as an unincorporated entity provided, that they submit their consolidated scorecard is prepared for separate tender; and
- (c) where no consolidated scorecard exists, the weighted average (in accordance with participation percentages) will be used and rounded off to the nearest status level.

4.16 If a service is provided by only tertiary institutions, such services must be procured from the tertiary institutions identified by means of bidding process. Tertiary institutions must submit their B-BBEE status in terms of the B-BBEE Codes of Good Practice Specialized Scorecard.

4.17 This tender is subject to an Objective Criteria in terms of Section 2 (1) (f) of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) as follows:

Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act 5 of 2000 is to give effect to Section 25 (5) of the Constitution of the Republic of South Africa	In line with Section 25 (5) of the Constitution “The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.” 2) The demographic profile of property ownership or access to property will be assessed using the Municipality’s Miscellaneous lease register in relation to the location of the subject property and the level of participation in the sector. Preference will be given to the most underrepresented groups within that property profile. The graph depicted under Annexure A on page 42 represents the current demographic profile of existing leases that would apply to this bid. • Bidders must meet the mandatory requirement and the eligibility criteria to qualify for further evaluation in Price, Preference Goals and the Objective Criteria.
---	---

4.18 Award of where Bidders have Scored Equal Points Overall

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

5. BID DECLARATION

5. DECLARATION WITH REGARD TO COMPANY/FIRM

5.1. Name of company/ firm:.....

5.2. VAT registration number:.....

5.3. Company registration number:.....

5.4. TYPE OF COMPANY/ FIRM

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

5.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....

5.6. COMPANY CLASSIFICATION

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

6. MUNICIPAL INFORMATION

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

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

6.1. 1, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, certify that the points claimed, based on the specific goal as specified in the tender, qualifies the tendering entity for the preference(s) shown.:

- 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 specific goals have 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, if deemed necessary.

WITNESSES 1..... 2.....	 SIGNATURE(S) OF BIDDERS(S)
--	--

CONSTITUTIONAL COURT JUDGEMENT

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

MDB 7: BIDDERS INFORMATION

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

I,
 ("The Bidder").

in my capacity as

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

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

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

 Bidder (s)

Signed before me

 COMMISSIONER OF OATHS

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

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
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:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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

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

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)

- (c) methods, factors or formulas used to calculate prices;
- (d) the intention or decision to submit or not to submit, a bid;
- (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
- (f) bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
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

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

MBD 10: STANDARD CONDITIONS OF SUBMISSION

The following conditions apply to all bids submitted:

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

SELECTION CRITERIA

NB: Failure to meet the following requirements will invalidate the bid.

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

CONDITIONS OF SUBMISSION FOR REQUEST FOR PROPOSAL

- Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS.
- Proof of registration of the Entity as follows:
 - Natural persons- certified copy of ID document/ passport
 - Partnership- copy of Partnership Agreement plus IDs of all partners
 - Company- current CM29
 - Close Corporation- current copy of CK1 and/or CK2C
 - Trust- letter of appointment from the Master of the High Court of SA and deed of trust
 - Proof of registration of NPO or NGO (Copy of Provincial Registration Certificate etc)
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual for all his or her properties/ Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted.
 - ☐ Central Supplier Data Base registration
 - ☐ Completed and signed bid documents including MBD 1, 2, 3,4,5,8,9, 15,16 and17.
 - ☐ Completed and signed bid documents including MBD 1 to MBD 17

SUBMISSION OF PROPOSALS

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and MBDs contained in this document.
- In this regard:
 - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
 - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.

- The Bidder(s) must submit one (1) original and three (3) copies of the of the completed Bid document.
- All Proposal documentation received shall be deemed EThekweni Municipality property and shall not be returned or thus requested back by any Bidder.
- Proposals must be sealed, clearly marked with RFP name and number, and addressed to Head: Real Estate
- Bidder's return address must be clearly indicated at the back of the envelope.
- The fully completed document with annexures must be submitted before the closing date specified on the front cover and be deposited in the tender box located at the foyer, Ground Floor, Municipal Building, 166 K.E. Masinga Road, Durban.
- **PROPOSALS WHICH ARE NOT SUBMITTED IN A PROPERLY SEALED AND MARKED ENVELOPE AND DEPOSITED IN THE BOX BEFORE THE CLOSING DATE, WILL NOT BE OPENED.**
- **PROPOSALS WHICH ARE NOT SUBMITTED IN THE CORRECT FORMAT WITH ANNEXURES ATTACHED, DULY COMPLETED, INITIALLED, COMMISSIONED AND SIGNED, WILL NOT BE CONSIDERED.**
- The information required in the MBDs must be provided accurately and honestly. All details provided by the Bidder(s) will be regarded as material representations, which the Municipality base the evaluation of the Proposal on. Any misrepresentation will be treated as material and will result in the disqualification of the Proposal by the Municipality. Bidders, who fail to provide such information to the satisfaction of the Municipality, will be disqualified.

OPENING OF PROPOSALS

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

EVALUATION OF PROPOSALS

- The Municipality reserves the right to seek clarification or further information from Bidder(s) and to appoint professionals to advise and verify information on aspects of the Proposals submitted in a manner that the Municipality deems appropriate.
- The preferred Bidder(s) may be required to make presentations to the Municipality.
- The Bidder(s) shall be deemed to know and understand the content of the Request for Proposal document and a submission of the MBDs will indicate the Bidder(s) unconditional acceptance of all the terms and conditions contained in the Request for Proposal.
- The Bidder(s) shall be deemed to have satisfied itself as to all of the conditions, procedures and performance and discharge of the obligations required in terms of the Request for Proposal.
- The non-acceptance or variation of any of the conditions, or the inclusion of any other conditions in the Proposal Call document by the Bidder(s) will be treated as a qualified bid.
- The Proposal(s) will be evaluated by the Municipality. The Municipality may accept any Proposal in whole or in part and is not bound to accept any Proposal

- Proposals will be evaluated using the evaluation criteria stated in MBD 11.
- The Proposal(s) will be adjudicated by the Municipality's Bid Adjudication Committee and awarded in terms of the City's Supply Chain Management Policy and the Land Disposal Policy.
- The Municipality will not be held responsible or liable for any costs whatsoever and /or losses incurred or suffered by the Bidder(s) or any other party or parties for whatsoever reason as a result of the Proposal.
- Any Proposal in the name of a partnership or joint venture or consortium will, on acceptance, be deemed as joint and several agreements with all parties.
- All proposals shall remain valid for a period of 120 days after the closing date, provided that bidders may extend the validity of the proposal on request of the Municipality.

RESOLUTIONS OF DISPUTES

- Persons or bidders who are aggrieved by decisions or actions taken in the implementation In terms of Regulation 49 of the Municipal Supply Chain Management Regulations persons aggrieved by decisions or actions taken by the Municipality, may lodge an appeal within 14 days of the decision or action, in writing to the Municipality. The appeal (clearly setting out the reasons for the appeal) and queries with regard to decision of award are to be directed to the office of the City Manager, attention: Ms. S. Pillay, P.O. Box 1394, Durban, 4000; eMail: Simone.Pillay@durban.gov.za.
- The written complaint must contain the following information:
 - The bid reference number;
 - The section of the Policy, Regulations or Act that has been violated;
 - The details of the violation;
 - The City Department or Municipal Owned Entity involved;
 - Relief sought.

PROHIBITIONS

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

- The Municipality will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving in National Assembly, Provincial Legislatures and National Council of Provinces.
- Failure by the above-mentioned persons to comply with the above shall lead to cancellation of the contract.

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

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

GENERAL ENQUIRIES

Only email enquiries will be accepted, such enquiries must be directed to Letty.Zondi@durban.gov.za

STAGE 1: EVALUATION FINANCIAL OFFER & PREFERENCE GOAL

- The following formula that will be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value below R50 million, inclusive of all applicable taxes.
- A maximum of 80 points is allocated for financial offer on the following basis:

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

Where

Ps = Points scored for price of tender bid under consideration

Pt = Rand value of bid under consideration

Pmax = Financial Offer of highest acceptable bid

√ Only those bids that meet all the requirements the eligibility criteria will be evaluated in this stage. Bids will be evaluated as follows:

EVALUATION CRITERIA	POINTS WEIGHT 80/20
PURCHASE OFFER	80
PREFERENCE GOALS	20
Total	100

Goal Weighting 50%			
Ownership Categories	Criteria	80/20	90/10
Race: Black (w1)	0%	0	0
	>0% and <51%	8	4
	≥51% and <100%	15	7.5
	100%	20	10
Proof of claim as declared on MBD 6.1 (1 or more of the following will be used in verifying the tenderer's status) - Companies and Intellectual Property Commission registration document (CIPC) - CSD report. - B-BBEE Certificate of the tendering entity. - Consolidated B-BBEE Certificate if the tendering entity is a Consortium, Joint Venture, or Trust (Issued by verification agency accredited by the South African Accreditation System). - Agreement for a Consortium, Joint Venture, or Trust.			
The Category Weightings of the Ownership Categories will be: w1 = 50%			

RDP Goal: The promotion of South African owned enterprises

The tendering entity's **Address** (as stated on the National Treasury Central Supplier Database (CSD) or on the eThekweni Municipality Vendor Portal) is to be used in the determination of the tenderer's claim for **Preference Points** for this Specific Goal.

Table 2

Goal Weighting 50%		
Location	80/20	90/10
KZN	0	0
ETM	5	2.5
Magabheni	10	5
Magabheni-A	20	10
Proof of claim as declared on MBD 6.1 (1 or more of the following will be used in verifying the tenderer's status) • CSD report		

The following Specifications apply to this bid:

1. Property Information

PROPERTY DESCRIPTION	Erf 1055 Magabheni-A
Ownership	EThekweni Metropolitan Municipality
Locality	51 Hhemuhhemu Complex
Land Size	2 965m ²
Zoning	Community Facility
Current Use	Vacant land

2. Overview

Erf 1055 Magabheni-A is situated on 51 Hhemuhhemu Complex. The property is vacant land and zoned Community Facility. The subject property is a vacant triangular shaped site and 2965m² in extent.

3. Vision for the property

Any development to be pursued must align with the Municipality's Town Planning Scheme.

CONDITIONS OF SALE AGREEMENT.

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

3.1 SUSPENSIVE CONDITIONS

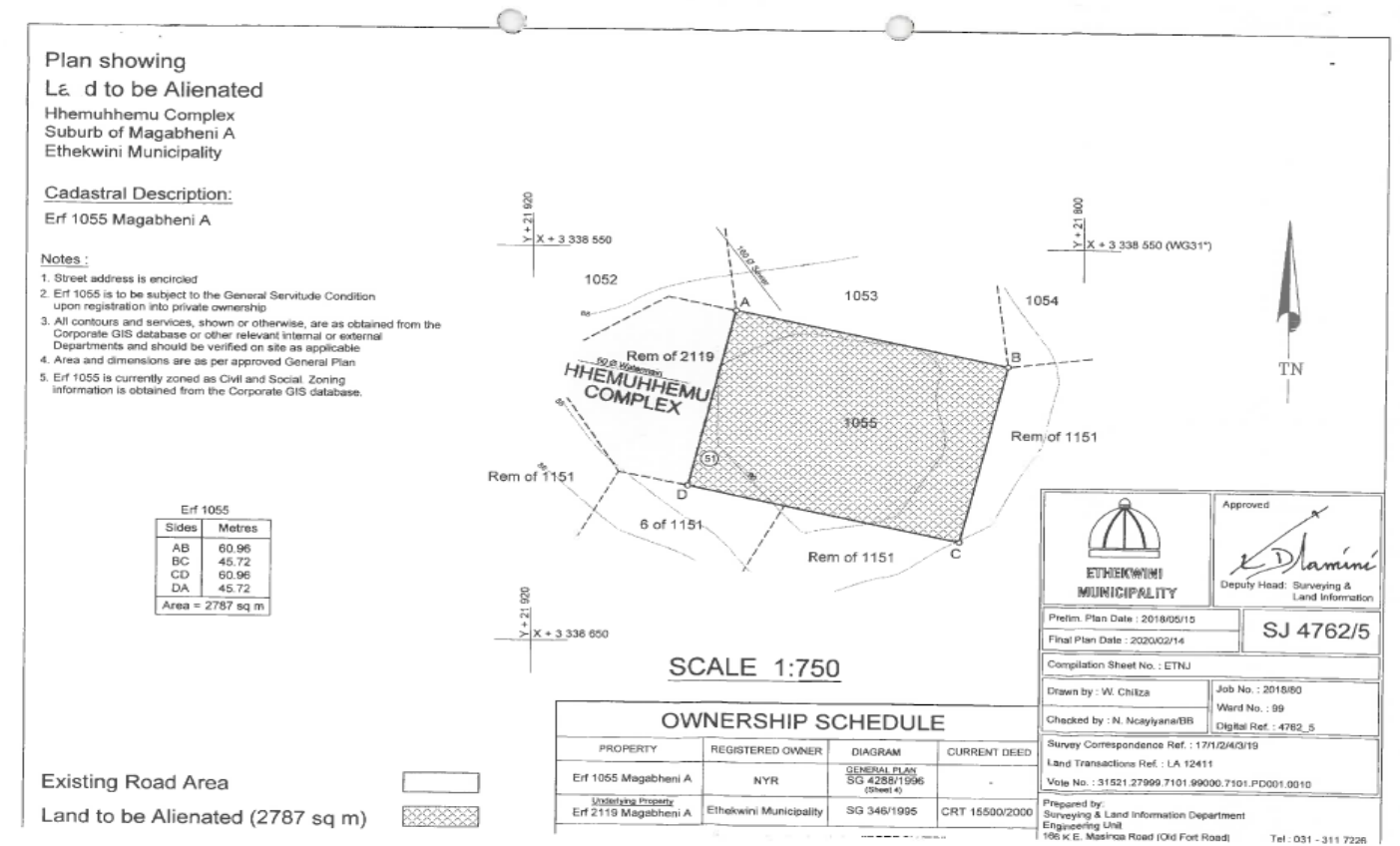
This transaction is subject to the following suspensive conditions:

- 3.1.1 The successful bidder will be responsible for all costs for the above and other incidental costs relating to this transaction.
- 3.1.2 The successful bidder will be responsible to obtain all statutory approvals which are required for any development.
- 3.1.3 All developmental plans and applications must be submitted and approved by the local authorities prior to any commencement of construction within 12 (twelve) months.

- 3.2** The subject property can only be used for community/ religious purposes and no other purposes whatsoever.

REU MBD 13: PROPERTY INFORMATION

1. Ariel Photo



2. SITE INFORMATION

Property Description	Erf 1055 Magabheni-A
Size (Lease area)	2 965m ²
Zoning	Community Facility
Current Use	Vacant land.
Minimum Acceptable Purchase Offer	R56 000,00
Highest and Best Use	The highest and best use of the property is considered to be for a community facility.

MBD 14: REGISTRATION DOCUMENTS

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

- Schools – copy of Provincial School registration certificate
- NGO – copy of Provincial registration certificate
- Trust – letter of appointment from the Master of the High Court of SA and deed of trust
- Joint Venture / Consortiums– JV agreement plus ID documents/ company Registration document of all members of JV/ Consortiums.

MBD 15: AUTHORITY TO SUBMIT BID

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

Is a company resolution attached?	Yes		No	
-----------------------------------	-----	--	----	--

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

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

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

MBD 16: PAYMENT OF MUNICIPAL ACCOUNT



DECLARATION OF MUNICIPAL CHARGES FROM TENDERER

EtheKwini Revenue
Florence Mkhize Building
251 Anton Lembede Street
Durban
4001

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

I, _____
(Full Name and Surname)

ID Number in my capacity as the duly authorised member / director /

owner or partner of

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

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

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

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

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

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

Full Name and Surname

Signature

Date

Designation

Company Stamp

Contact No

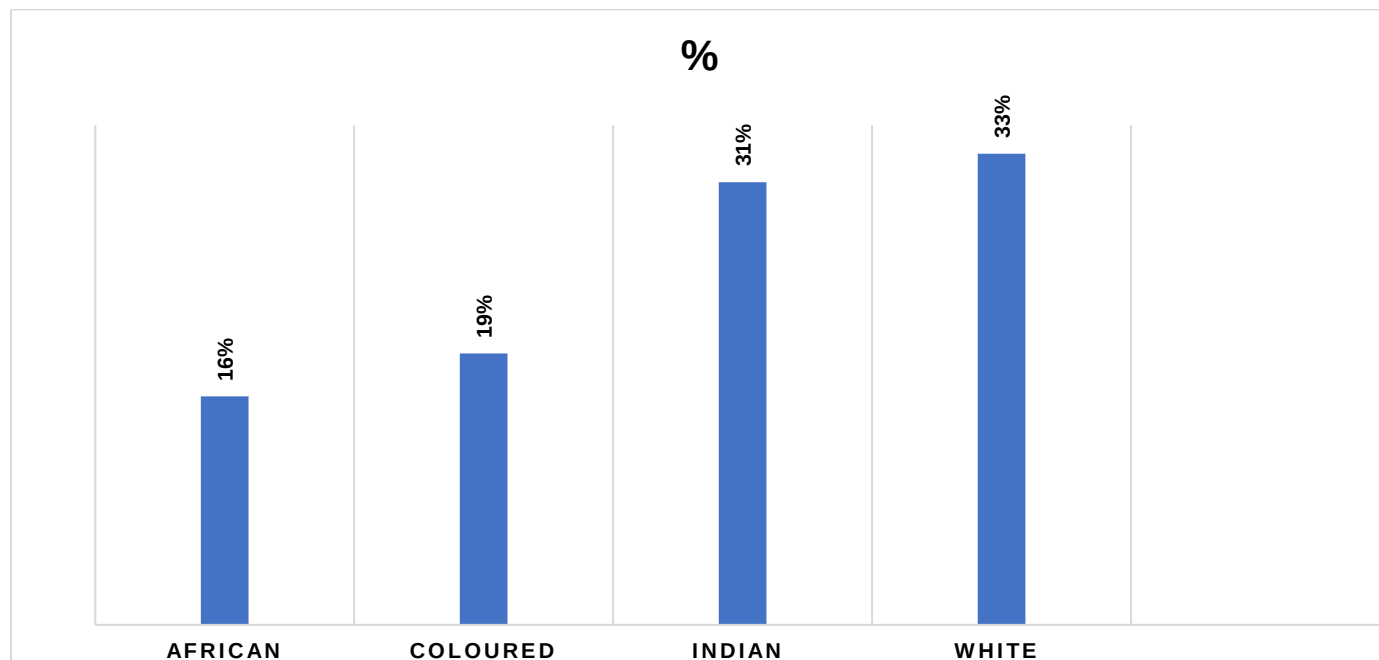
REU MBD 17: ACCESS TO FUNDING

The bidder to demonstrate proof of available of 100% of the purchase price. The following documents are required: • Copy of bank / financial statement showing availability of funds; Or • Letter from a registered funding institution confirming funding for the purchase of the property.	
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ANNEXURE A: DEMOGRAPHIC PROFILE

DEMOGRAPHIC PROFILE APPLICABLE TO OBJECTIVE CRITERIA

Current demographic profile of 148 Miscellaneous leases - Metro Wide



SCZ/MKN(2023-08-24)(SAM)[CHALL-]

2023-08-28



COUNCIL DECISION CIRCULAR : MEETING HELD ON 2023-08-24.

TO ALL DEPUTY CITY MANAGERS AND HEADS:

Attached please find decisions adopted by the Council at its meeting held on 2023-08-24.

Deputy City Managers and Heads are kindly requested to facilitate implementation of the decisions impacting their Clusters and Units within the applicable timeframes.

Kindly note that the word "**ADOPTED**" marked in bold at the end of the recommendation confirms that the item has been approved by Council and is ready for implementation. Other relevant status will be reflected at the end of the recommendation to indicate the position taken by Council on a particular item.

Should further information be required on any item on the Council agenda, kindly contact:

Theresa Ndlovu

theresa.ndlovu@durban.gov.za

031 311 2101

083 652 3882

- 3.3.3 That the Capital Asset be alienated at less than the fair market value and the Municipality has taken into account the factors in Regulation 20(1)(f) of the Municipal Asset Transfer Regulations.
- 3.3.4 That the Municipal Council grants beneficial occupation to the KwaZulu-Natal Department of Public Works in order for them to conduct the required feasibility study and to commence with the construction of the Community Health Care Centre.
- 3.3.5 That the transfer be approved subject to revisionary clause stating that in the event that the property is not utilized by the Department of Health for the purpose of a Community Health Care Centre, ownership of the property will revert to the Municipality. In such event the property will be transferred by the KwaZulu Natal Department of Public Works on behalf of the Department of Health, at no cost to the Municipality, free of any liens, hypothec and mortgage bonds. The Department of Public Works shall sign all documents necessary to give effect to such transfer of the property back to the Municipality. This provision shall be included in the agreement between the Department of Public Works and the Municipality.
- 3.3.6 That subject to the development application and Land Use Management By-law, and in terms of Section 211 of Ordinance 25 of 1974, the closure of the street area over proposed Portion (A) of Erf 47 Tongaat, as per Plan No.SJ4565/7, be approved.
- 3.3.7 That a public Right of Way servitude as depicted on Plan SJ 4565/7 be registered over the sewer pipeline.
- 3.3.8 That subject to the approval of 1 - 7 above, authority be granted for the Head: Real Estate to sign all documents necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the City and other applicable legislation, and it shall be subject to such conditions as the Head: Real Estate considers necessary to protect Council interests.

ADOPTED.

- 3.4 Proposed Alienation for Community Facility Purposes Erf 1055 Magabheni – A, 51 Hhemuhemu Complex, as Depicted on Plan No.: SJ 4762/5, by Public Tender (17/2/1/2/3):
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Authority is sought for approval to alienate Municipal-owned property described as Portion Erf 1055 Magabheni-A, Registration Division FT, Province of KwaZulu-Natal in extent 2965m² as depicted on Plan No.: SJ 4762/5 in terms of Regulations 5(1)(b), 7 and 12 of the Municipal Asset Transfer Regulations, 2008 ("MATR") read with Section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 and to transfer the non-exempted capital asset for less than its fair market value in terms of Regulation 13(2) of the Municipal Asset Transfer Regulation. With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 3.4.1 That the Municipal Council declares in terms of Regulation 5(1)(b), Regulation 7 and Regulation 12 of the Municipal Asset Transfer Regulations, 2008, read together with Section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act No. 56 of 2003 that:

- 3.4.1.1 The proposed property described as Portion Erf 1055 Magabheni – A in extent as depicted on Plan No.: SJ 4762/5 (“The Property”) as contained in Annexure C of the report by the Head: Real Estate dated 2023-07-23 is not needed to provide the minimum level of basic Municipal Services and to be surplus to the requirement of the Municipality.
- 3.4.1.2 The market value of the property is currently assessed at a value of R560 000.00 (Five Hundred and Sixty Thousand Rand) Exclusive of VAT.
- 3.4.1.3 The proposed alienation of community facility purposes will be discounted by 90% of the fair market value having duly considered the principles as set out in Regulation 13(2) of the Municipal Asset Transfer Regulations, 2008, the discounted value is determined to be R56 000.00 (Fifty-Six Thousand Rand) exclusive of VAT.
- 3.4.2 That the proposed property described as Portion Erf 1055 Magabheni-A, be sold by Public Tender at a reserve price of R56 000.00 (Fifty-Six Thousand Rand) exclusive of VAT. This transaction will attract the payment of VAT.
- 3.4.3 That alienation be approved subject to a reversionary clause stating that in the event that the property is not utilized for community facility purposes, ownership of the property will revert to the Municipality. In such event, the property will be transferred at no cost to the Municipality free of any encumbrances, liens, hypothec and mortgage bonds. The successful tender shall sign all documents necessary to give effect to such transfer of the property back to the Municipality. The provision shall be endorsed in the title deed.
- 3.4.4 That subject to the adoption of .1 - .3 above, authority be granted for the Head: Real Estate to sign all the documentation necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the Municipality and any other applicable legislation and that it shall be further subject to such further conditions as the Head: Real Estate considers necessary to protect the Municipality’s interest.

ADOPTED.

- 3.5 Authority to Enter Into a Memorandum of Understanding with the Water Research Commission of South Africa for the Purpose of Strategic Collaboration to Strengthen Water and Sanitation Research and Innovation (23/1/R):
Page (118: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

Authority is sought to enter into a Memorandum of Understanding (MOU) with the Water Research Commission of South Africa for the purposes of strategic collaboration research and to strengthen water and sanitation research and innovation.

During discussion on this matter, Members were of a view that a workshop be convened in due course and thereafter requested the Head: Water and Sanitation to provide an update report as and when required to the Committee.

With Committee being in agreement,

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into a 3-year Memorandum of Understanding with the Water Research Commission of South Africa for the purpose of strategic collaboration to strengthen water and sanitation research and innovation.

ADOPTED.

ANNEXURE C: ZONING CLAUSE

ZONE: COMMUNITY FACILITY						
SCHEME INTENTION: To provide, preserve, use land or buildings for civic and social requirements of the community in such a way that contributes to the creation of a harmonious and well balanced environment.						
MAP REFERENCE: NS / 05 / 2012						
COLOUR NOTATION: Orange cross hatch						
PRIMARY	SPECIAL CONSENT	PRECLUDED				
• Convention Centre • Crèche • Dwelling House • Educational Establishment • Funeral Parlour • Garden Nursery • Government / Municipal Institution • Museum • Place of Public of Worship • Private Open Space • Retirement Centre • Veterinary Clinic	• Cemetery / Crematorium • Mortuary • Special Building • Telecommunications Infrastructure	• Arts and Crafts Workshop • Action Sports Bar • Adult Premises • Agricultural Activity • Agricultural Land • Boarding House • Chalet Development • Hotel • Airport • Betting Depot • Builder's Yard • Car Wash • Container Depot • Correctional Facility • Direct Access Service Centre • Display Area • Escort Agency • Flat • Flea Market • Fuelling and Service Station • Health & Beauty Clinic • Health Studio • Industry - Extractive • Industry – General • Industry – Light • Industry – Noxious • Landfill	• Laundry • Motor Garage • Motor Display Area • Motor Vehicle Test Centre • Motor Workshop • Night Club • Office • Office – Medical • Parkade • Place of Public Entertainment • Recycling Centre • Reform School • Refuse Disposal • Restaurant / Fast Food Outlet • Riding Stables • Mobile Home Park & Camping Ground • Multiple Unit Development • Nature Reserve • Pet Grooming Parlour • Scrap Yard • Shop • Student Residence • Transport Depot • Transport Use • Truck Stop • Warehouse • Zoological Garden			
ADDITIONAL CONTROLS						
1. All landscaping shall to the discretion of the Municipality. 2. A Dwelling House may be permitted to accommodate a caretaker, manager or security personnel.						
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		UNITS PER HECTARE	MINIMUM SUBDIVISION	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
BUILDING LINE	SIDE & REAR SPACE					
7.5 m	2.0 m	Not Applicable	2000 m²	3	75 %	2.0