



1st Floor • Tramways Building • Cnr Lower Valley Road
& South Union Street
PO Box 74 • Port Elizabeth • South Africa • 6000
T: +27 41 811 8200 • F: +27 41 582 5235 E: info@mbda.co.za
• W: www.mbda.co.za

Mandela Bay Development Agency NPC (Reg No. 2003/017900/08)
The MBDA is an entity of the Nelson Mandela Bay Municipality

REQUEST FOR PROPOSALS

CALL FOR EXPRESSION OF INTEREST: FOR THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE WITHIN NELSON MANDELA BAY METROPOLITAN MUNICIPALITY (MBDA BW 27/23)

NAME OF BIDDER :

CSD SUPPLIER NO. : MAAA.....

COMPANY REGISTRATION NO.:

CONTACT PERSON :

TELEPHONE NO. :

EMAIL ADDRESS :

PHYSICAL ADDRESS :

.....

.....

.....

.....

Bid Advertisement

REQUEST FOR PROPOSALS (RFP)

CALL FOR EXPRESSION OF INTEREST: FOR THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE WITHIN NELSON MANDELA BAY METROPOLITAN MUNICIPALITY (MBDA BW 27/23)

The Mandela Bay Development Agency (MBDA), a Municipal Entity of the Nelson Mandela Bay Municipality (NMBM), hereby calls for interested and suitable parties to submit proposals for the call for expression of interest: for the acquisition and development of land, and an international convention centre within Nelson Mandela Bay Metropolitan Municipality.

The electronic RFP document, outlining the requirements is available for download by prospective bidders from the MBDA website (www.mbda.co.za). Alternatively, the electronic RFP document, outlining the requirements will be provided to interested bidders upon an emailed request to publictenders@mbda.co.za quoting the bid reference number in the subject line as well as company contact details, from Friday 03 May 2024. Closing of queries is Wednesday 05 June 2024.

A compulsory clarity session will be held via Microsoft Teams on **Friday 17 May 2024 at 14:00**. The onus is on bidders to ensure that they arrive on time. **No attendee(s) joining after 14:15 will be allowed to tender.**

The teams meeting link is below:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_Nzk5YTA4OTUtNTMxOC00NTM2LWlwYTQtYjUzOWYzOTM2MmQz%40thread.v2/0?context=%7b%22Tid%22%3a%22be1bb8e0-a929-4c56-90a3-85b00d9f6c79%22%2c%22Oid%22%3a%221ba18007-1895-4286-a211-61c8cf203243%22%7d

The closing date and time is **Friday 14 June 2024 at 12h00**; where after tenders will be publicly opened via Microsoft Teams. Proposals **MUST** be submitted on one (1) original hard copy placed in a sealed envelope and clearly marked with “CALL FOR EXPRESSION OF INTEREST: FOR THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE WITHIN NELSON MANDELA BAY METROPOLITAN MUNICIPALITY (MBDA BW 27/23)”. One (1) electronic copy must uploaded onto the MBDA Vendor Portal by Friday 14 June 2024 by 12h00, if the electronic upload is not possible the bidder must submit a copy on USB. **FAILURE TO SUBMIT THE ORIGINAL HARD COPY AS WELL AS AN ELECTRONIC COPY VIA THE VENDOR PORTAL OR USB WILL DEEM THE BID NON-RESPONSIVE.**

All responses must be placed in the MBDA tender box marked MBDA BW 27/23 on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Port Elizabeth. Bids may only be submitted on bid documentation provided by the MBDA. MBDA

Office hours are Monday to Friday 08h00 to 16h30.

No late, incomplete, email or facsimile bids will be accepted for consideration. The only or lowest bid received shall not necessarily be accepted. MBDA reserves the right to accept part or the full bid. For further information contact Pamela Govender during office hours at tel. 041 811 8200 or email publictenders@mbda.co.za (please quote reference number MBDA BW 27/23 on subject line).

TABLE OF CONTENTS

	Page No.
ANNEXURE A Advertisement	2
MBD 1 Form Invitation to Bid (MBD1)	5
PART 1 Interpretation and Definitions	6
PART 2 Conditions of Bid	12
PART 3 Terms of Reference (Specifications)	14
Annexure B – Functionality Criteria	27
Annexure B1 Functionality Evaluation Table	28
PART 4 Annexure C Pricing Schedule (MBD 3.3)	26
Annexure D Proof of BBBEE status	36
Annexure E Affidavit – Natural Person	41
Annexure F Affidavit – Juristic Person	43
Annexure G Declaration of Interest (MBD 4)	45
Annexure H Preference points claim form in terms of the preferential procurement regulations 2022 (MBD 6.1)	49
Annexure I Declaration of Bidders Past SCM Practices (MBD 8)	54
Annexure J Certificate of independent Bid determination (MBD 9)	56
PART 5 General Requirements	58
PART 6 Bid form and important conditions	61
Annexure K Bid Checklist	65

INVITATION TO BID (MBD 1)

YOU ARE HEREBY INVITED TO SUBMIT A PROPOSAL FOR RENDERING CALL FOR EXPRESSION OF INTEREST: FOR THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE WITHIN NELSON MANDELA BAY METROPOLITAN MUNICIPALITY (MBDA BW 27/23).

BID NUMBER: MBDA BW 27/23

CLOSING DATE: 14 June 2024

CLOSING TIME: 12h00

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM

BID DOCUMENTS TOGETHER WITH THE ELECTRONIC COPY MUST BE DEPOSITED IN THE CORRECT BID BOX SITUATED AT:

MBDA tender box on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Gqeberha.

THE ELECTRONIC BID DOCUMENT MUST BE UPLOADED ON THE MBDA VENDOR PORTAL VIA <https://remote.mbda.co.za/> OR A COPY SUBMITTED ON USB WITH THE ORIGINAL TENDER DOCUMENT. It must be noted that the hard copy document must be submitted.

Bidders should ensure that bids are delivered timeously to the correct address and placed in the **CLEARLY MARKED MBDA BW 27/23** bid box. If the bid is late, or if it is deposited in the incorrect bid box it will not be accepted for consideration.

The physical bids may be submitted during office hours, namely 08H00 to 16H30 Monday to Friday.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL TENDER DOCUMENTATION PROVIDED BY THE MBDA.

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (*as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations*)

PART 1

INTERPRETATION AND DEFINITIONS:

- 2.1 In this Request for Proposals–
 - 2.1.1 Clause headings are for convenience and are not to be used in its interpretation;
 - 2.1.2 unless the context indicates a contrary intention and expression which denotes –
 - 2.1.2.1 Any gender includes the other genders;
 - 2.1.2.2 a natural person includes a juristic person and visa versa;
 - 2.1.2.3 the singular includes the plural and visa versa.
- 2.2 Unless the context clearly indicates otherwise, the following words shall have the following meanings in this Agreement –
 - 2.2.1 **“Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000)
 - 2.2.2 **“Applicable Legislation”** means any other legislation applicable to municipal supply chain management, including –
 - 2.2.2.1 the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and the Preferential Procurement Regulations, 2017 promulgated thereunder;
 - 2.2.2.2 the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
 - 2.2.2.3 the Construction Industry Development Board Act, 2000 (Act No.38 of 2000);
 - 2.2.2.4 the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
 - 2.2.2.5 the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and the Municipal Supply Chain Management Regulations promulgated thereunder;
 - 2.2.3 **“Applicant”** means any person or entity, who receives and/or responds to this Request for Proposals;
 - 2.2.4 **“B-BBEE”** means broad-based black economic empowerment as defined in Section 1 of the Broad-Based Black Economic Empowerment Act;

- 2.2.5 **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.2.6 **“black people”** has the meaning assigned to it in Section 1 of the Broad-Based Black Economic Empowerment Act namely Africans, Coloureds and Indians:
- 2.2.6.1 who are citizens of the Republic of South Africa by birth or decent; or
 - 2.2.6.2 who became citizens of the Republic of South Africa by naturalization before 27 April 1994, or on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalization prior to that date;
- 2.2.7 **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.2.8 **“consortium or joint venture”** 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;
- 2.2.9 **“EME”** means an exempted micro-enterprise in terms of a code of good practice on black economic empowerment issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act and, for the purposes hereof, an enterprise with an annual Total Revenue of R10 million or less;
- 2.2.10 **“in the service of the state”** means to be –
- 2.2.10.1 a member of –
 - 2.2.10.1.1 any municipal council;
 - 2.2.10.1.2 any provincial legislature; or
 - 2.2.10.1.3 the National Assembly or the National Council of Provinces.
 - 2.2.10.2 a member of the board of directors of any municipal entity;
 - 2.2.10.3 an official of any municipality or municipal entity;

- 2.2.10.4 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);
- 2.2.10.5 an executive member of the accounting authority of any national or provincial public entity; or
- 2.2.10.6 an employee of Parliament or a provincial legislature;
- 2.2.11 **“Request for Proposals”** means this Request for Proposals;
- 2.2.12 **“MBDA”** means the Mandela Bay Development Agency and all its managed sites as a municipal entity established by the NMBMM;
- 2.2.13 **“NMBMM”** means the Nelson Mandela Bay Metropolitan Municipality;
- 2.2.14 **“proof of B-BBEE status level of contributor”** means:
 - 2.2.14.1 The B-BBEE status level certificate issued by an authorised body or person; or
 - 2.2.14.2 A sworn Affidavit as prescribed in the B-BBEE Codes of Good Practice in respect of an EME or QSE.
- 2.2.15 **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act and, for the purposes hereof, a Measured Entity with an annual Total Revenue of between R10 million and R50 million;
- 2.2.16 **“SCMP”** means the Supply Chain Management Policy of the MBDA;
- 2.2.17 **“Services”** means the services reflected on Annexure “A” hereto.
- 2.2.18 **“accredited authority”** means the South African National Accreditation System established by section 3 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006);

THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)

NAME OF
 BIDDER.....

POSTAL ADDRESS

.....

STREET ADDRESS

.....

CONTACT NAME:

.....

TELEPHONE NUMBER:

.....

CELL PHONE NUMBER:

.....

FACSIMILE:

.....

E-MAIL ADDRESS:

.....

VAT REGISTRATION NUMBER

.....

CENTRAL SUPPLIER DATABASE (CSD) NUMBER: MAAA

.....

NELSON MANDELA BAY SUPPLIER DATABASE REFERENCE NUMBER:

.....

**BIDDERS MUST BE SUCCESSFULLY REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD)
 PRIOR TO SUBMITTING THE BID.**

**FOR REGISTRATION ON THE CSD BIDDERS CAN GO TO THE FOLLOWING WEBSITE:
www.csd.gov.za.**

1. HAS A VALID MUNICIPAL BILLING CLEARANCE BEEN ATTACHED **YES / NO**
2. HAS PROOF OF REGISTRATION WITH THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD BEEN ATTACHED? **YES / NA**
3. HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR SWORN AFFIDAVIT BEEN ATTACHED? **YES / NO**

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

- ☐ ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
- ☐ A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM (SANAS)
- ☐ A REGISTERED AUDITOR
- ☐ COMMISSIONER OF OATH

(Tick applicable box)

A CERTIFIED VALID COPY OF A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE OR SWORN AFFIDAVIT MUST BE SUBMITTED. FAILURE TO SUBMIT WILL RESULT IN ZERO (0) POINTS SCORED.

5. BIDS WITH A VALUE OF MORE THAN R10 MILLION (VAT INCLUDED) ARE REQUIRED TO SUBMIT FINANCIAL STATEMENTS FOR THE PAST THREE YEARS OR SINCE ESTABLISHMENT, IF ESTABLISHED DURING THE PAST THREE YEARS.
6. BIDS MAY BE CONSIDERED NON-RESPONSIVE IF THE BID HAS NOT BEEN COMPLETED IN FULL. BIDS SHALL BE CONSIDERED NON-RESPONSIVE IF ALL THE COMPULSORY DOCUMENTS HAVE NOT BEEN INCLUDED IN THE BID SUBMITTED.
7. ALL PAGES OF THE BID DOCUMENT MUST BE INITIALED BY THE BIDDER.
8. ALL PRICES WILL BE EVALUATED EXCLUSIVE OF VAT.

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

.....

TOTAL BID PRICE – PLEASE REFER TO THE PRICING SCHEDULE (SCHEDULE C)

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Department: Supply Chain Management

Contact Person: Mrs Pamela Govender

Tel: 041 811 8200

Email: publictenders@mbda.co.za

PROJECT MANAGER:

Ms. Dorelle Sapere

PART 2 - CONDITIONS OF BID

1. GENERAL REQUIREMENTS

- 1.1 The MBDA wishes to invite service providers to submit proposals for the **CALL FOR EXPRESSION OF INTEREST: FOR THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE WITHIN NELSON MANDELA BAY METROPOLITAN MUNICIPALITY (MBDA BW 27/23)**.
- 1.2 The bidder is required to furnish full details requested on the bid forms. All prices shall be exclusive of Value Added Tax.
- 1.3 The bidder is requested to furnish all relevant information not entertained on the form of bids under separate cover which shall form part of the bid.

2. CONTACT PERSON FOR QUERIES

Name : Mrs. Pamela Govender
Telephone: 041 811 8200
Email : publictenders@mbda.co.za

3. TERMS AND CONDITIONS

3.1 Confidentiality

All materials, specifications, service level requirements detailed information and everything else supplied with this request for the bid remains the property of the MBDA and may be recalled if deemed necessary.

With reference to the POPI Act that came into effect, please note MBDA is in the process of ensuring compliance to the POPI Act. At this point, any and all personal information will be treated with the strictest confidentiality and will not be used for any unnecessary processing not related to the tender in question. All information is stored in a locked and access-controlled room with access to a few staff. The premises are monitored by cameras.

3.2 Contractual obligations

The request for bid does not constitute a contract nor does it create an obligation on the part of the MBDA to purchase services, products or equipment from any vendor submitting a bid.

3.4 Response to Questions

Where appropriate, questions should be answered explicitly by providing specific details requested.

Bidders selecting to omit any of the required information or who do not follow the specified format will be disqualified from the bid process.

Should additional information be required by MBDA, bidders may be approached to provide more details, including aspects not specifically covered in this request for bids.

Please ensure that the documentation required is completed in full and signed, **failure to complete the RFP document in full, placement of signature where required, and commissioning may render the bid non-responsive.**

3.5 Ambiguities

It must be noted that if there are any ambiguities found in this bid document, it is the responsibility of the Main Applicant to clarify any such ambiguities before the closing of queries.

PART 3
THE REQUIRED SERVICES AND SCOPE OF WORK

1. BACKGROUND

The Mandela Bay Development Agency (MBDA), an entity of the Nelson Mandela Bay Metropolitan Municipality (NMBMM) is an agile, special purpose, transdisciplinary implementing agent for programmes, projects and events within the Nelson Mandela Bay Municipality.

The Mandela Bay Development Agency (MBDA) hereby calls for interested and suitable parties to submit a proposal for call for expression of interest: for the acquisition and development of land, and an international convention centre within Nelson Mandela Bay Metropolitan Municipality.

2. CALL FOR EXPRESSION OF INTEREST

CLAUSE HEADINGS

2.1 DISCLAIMER

2.2 NO RIGHTS CONFERRED

2.3 DEFINITIONS

2.4 INTRODUCTION AND PURPOSE

2.5 BACKGROUND AND GENERAL INFORMATION

2.6 PURPOSE AND LIMITS OF THE EOI PROCESS

2.7 THE PROPOSED METHODS OF FUNDING

2.8 THE INTENDED ICC OPERATOR

2.9 THE INTENDED ICC DEVELOPER

2.10 THE LAND PARCELS AVAILABLE FOR ALIENATION

2.11 NARRATIVE OF THE PROPOSED DEVELOPMENT

2.12 PROPOSAL FORMAT AND REQUIREMENT

2.13 CLARIFICATION SESSION

2.14 NEXT STEPS OF THE PROCESS

2.15 COMPLIANCE WITH THE PFMA AND MFMA

2.16 CONTACT DETAILS AND CHANNELS OF COMMUNICATION

2.17 ANNEXURES

CALL FOR EXPRESSION OF INTEREST

2.1 DISCLAIMER

- a) This call for Expressions of Interest (EOI) has been prepared for the purpose of both providing information to interested parties and allowing them to respond and interact with the Mandela Bay Development Agency (MBDA) relating to the proposal. The request for an EOI is not intended to serve as the basis for an investment decision, or appointment of a specific bidder or interested party. Each interested party is expected to make an independent investigation and to obtain the necessary independent advice for submitting an EOI of this nature;
- b) The MBDA accepts no responsibility for the fairness, accuracy or completeness of any information or opinions, for any errors, omissions or misstatements, negligent or otherwise, made by any person in this EOI document or any written or oral communication transmitted or made available at any time to an interested party or its advisors with respect to this EOI;
- c) The MBDA accepts no liability for any loss incurred by any person(s) due to events or actions taken as a consequence of the preparation and dissemination of this EOI document.

2.2 NO RIGHTS CONFERRED

- a) Receipt of this document does not confer any right on any party or create any expectation in respect of the envisaged RFP tender process to follow for the disposal of private, state or municipal land;
- b) The MBDA reserves the right at its discretion to proceed with a Request for Proposal following the EOI process.
- c) It must be noted that the MBDA reserves the right not to proceed with a Request for Proposal process following this EOI process on the parcels of land and scope of work as defined in this EOI.
- d) This EOI does not commit the recipient to enter into any negotiation or enter into any other agreement in relation to the proposed land disposal. Neither should the issue of this EOI, nor any information in it be regarded as a commitment on the part of the MBDA or the Nelson Mandela Bay Metropolitan Municipality (NMBMM) to any rights over the land;

- e) Following from the Request for Proposal phase of this process, the only or lowest tender will not necessarily be accepted and the MBDA reserves the right to accept none, the whole or any portion of the ultimate tenders;
- f) Submission of any proposal does not confer any right or expectation on any party that the MBDA will accept any specific proposal;
- g) Any person submitting any proposal agrees that the MBDA and/or the NMBMM shall be entitled to utilise any intellectual property contained in such proposal in any further call for proposals and/or tender relative to the project and such party waives and abandons any claim of copyright and/or any other rights in respect of any such intellectual property.

2.3 DEFINITIONS

In this Agreement, unless inconsistent with or otherwise indicated by the context:–

- a) An expression, which denotes:
 - i. any gender includes the other genders;
 - ii. a natural person includes an artificial person and vice versa;
 - iii. the singular includes the plural and vice versa.

- b) The following expressions shall bear the following meanings and related expressions bear corresponding meanings:
 - i. **“Document”** means this document and its annexure;
 - ii. **“EOI”** means Expression of Interest;
 - iii. **“RFP”** means Request For Proposal;
 - iv. **“Interested Party”** means any person or entity, who receives and / or corresponds with this EOI document;
 - v. **“ICC”** means the proposed Nelson Mandela Bay International Convention Centre;
 - vi. **“Information Memorandum”** means a document which has been prepared in support of this EOI document and provides more detailed information on the MBDA, the ICC and the parcels of land under consideration;
 - vii. **“Framework Plan”** means the Strategic Spatial Framework document produced by the MBDA for the Bayworld Programme on behalf of the NMBMM;

- viii. **“NMBMM”** means the Nelson Mandela Bay Metropolitan Municipality, a juristic person duly established in terms of the Municipal Structures Act, Act No. 117 of 1998, as amended;
- ix. **“MBDA”** means the Mandela Bay Development Agency;
- x. **“MFMA”** means the Local Government: Municipal Finance Management Act 56 of 2003 and the Regulations thereto;
- xi. **“PFMA”** means the Public Finance Management Act 1 of 1999 and the Regulations thereto;
- xii. **“Policy for the Disposal of Immovable Capital Assets”** means the Policy and Procedures for the Disposal of Immovable Capital Assets by the Nelson Mandela Bay Metropolitan Municipality and its municipal entities, incorporating the Immovable Property Disposal Directives forming part of such policy;
- xiii. **“Property”** means the properties referred to in this EOI proposal together with other properties which could form a part of this EOI by means of their appropriateness for serving the objectives of this proposal;

2.4 INTRODUCTION AND PURPOSE

- a) The MBDA is a municipal entity that has been established by the NMBMM to re-engineer and revitalise the Inner City metropolitan area. The NMBMM has identified a geographical area, for which the MBDA has been made responsible for redevelopment. This area is known as the Bayworld Precinct and covers approximately 57 hectares. The land is wholly owned by the NMBM;
- b) The MBDA has identified 13 potential catalytic projects, which will contribute to the social, spatial and economic transformation of the NMBMM within this precinct; ***Please refer to Annexure 1- Bayworld Programme Framework Plan.*** This will be circulated after the compulsory briefing session
- c) The International Convention Centre (ICC) is one of the 13 Bayworld catalytic projects which it intends to implement as a priority;
- d) The development of the ICC requires funding from non-municipal sources. A partnership with the private sector is envisaged;

- e) The MBDA is desirous of linking the potential lease of such municipal and/or state land with the development and operation of the ICC, and possible development of any of the other related facilities or similar on the land parcels indicated herewith;
- f) The purpose of this EOI is to consider the alienation of land and development of the ICC and to gain an indication of who the potential interested parties and participants are and more specifically their willingness to participate and on what terms and conditions.

2.5 BACKGROUND AND GENERAL INFORMATION

- a) The MBDA has commissioned a conceptual framework for the precinct and has undertaken economic, spatial, environmental and social feasibility studies which have culminated in a framework plan that identifies specific land parcels and their intended usage. The intention is to provide an action orientated 'Masterplan' for a suite of socially and economically motivated projects that can become the basis for private sector investment within the Bayworld Precinct. Projects identified within the precinct must be integrated and coordinated with a long-term vision and take cognisance of the Framework Plan of the Bayworld Precinct.
- b) The International Convention Centre(ICC) is one of the projects referred to in the Framework Plan above and it is deemed to be a catalytic project which will unlock other development opportunities in the Bayworld Precinct. A comprehensive feasibility study has been undertaken for an ICC and the specifications thereof are the basis for the ICC desired. The feasibility study is attached. *Please see Annexure 2- ICC Feasibility Study. This will be circulated after the compulsory briefing session***
- c) The funding requirement has been determined within the feasibility study.

2.6 PURPOSE AND LIMITS OF THE EOI PROCESS

- a) The MBDA is investigating the possibility and feasibility of offering various the parcels of land identified in the framework plan, for lease to the private sector, in order to realise some of the required funds for the development of the ICC.

- b) As a part of this feasibility process and in order to establish the extent of market interest, the MBDA is inviting prospective private sector investors and / or developers to submit an EOI in the format detailed hereafter.
- c) The MBDA will assess the response to the EOI and will use this information to complete its feasibility study, including entering into discussions with the EOI respondents. If the ICC land alienation opportunity is deemed to be feasible, the MBDA will compile a Request For Proposal (RFP), and a competitive bid process will follow. This process will require and follow any relevant legislative procedures and approvals required prior to the advertisement of the RFP and/or any subsequent award.
- d) If the ICC land alienation opportunity is deemed not to be feasible, the MBDA reserves the right not to proceed with this process and may embark on a different process.
- e) The MBDA reserves the right to ask any interested party that submits an EOI questions for clarity or further information.
- f) Submitting an EOI does not constitute a bid. Interested parties will not be bound by anything contained in their EOI submission. The information in the EOI will be used solely to enable the MBDA to complete its feasibility study and to prepare bid documentation if it decides to proceed with the proposed lease or sale of land.
- g) The MBDA will acknowledge receipt of all EOI's received, but reserves the right not to proceed any further with the RFP.

2.7 THE PROPOSED METHODS OF FUNDING

- a) The ICC is referred to in the Integrated Development Plan and recognised as a priority project which has the potential to be a symbol of community pride for the citizens of the municipality and be of benefit to the wider community of citizens of South Africa.
- b) The proposed sources of funding are detailed in the ICC feasibility study. ***Please see Annexure 3 - ICC Feasibility Study. This will be circulated after the compulsory briefing session***

2.8 THE INTENDED ICC OPERATOR

The operation of a convention centre is deemed to be a specialised activity which would typically be undertaken by a company specialising in this kind of business or by an entity established for this purpose, which would be headed by a person with relevant experience in the field. Such individuals or business entities need not have property development experience or expertise.

Bidders need not have previous convention centre operational expertise but should indicate in the development proposal on what basis the proposed ICC and its supporting facilities could be operated.

2.9 THE INTENDED ICC DEVELOPER

The development and / or ownership of a convention centre does not necessarily require an intimate knowledge of the operation and management of a convention centre. However the developer of the ICC must indicate the availability of requisite knowledge and expertise to develop a convention centre and its related facilities and infrastructure. It is envisaged that a range of development options may arise from this EOI process. The scenarios could be *inter alia*, as follows:

- a) The developer could develop a whole precinct, including the ICC and related facilities such as hotel, retail, commercial, residential and recreational with the cost of the ICC being the effective cost of the land parcels and/or infrastructure or Build Own Operate and Transfer back as a going concern to the NMBM.
- b) The developer could develop a whole precinct, including the ICC and donate the ICC to the NMBMM in lieu of a purchase price for the land and infrastructure;
- c) The developer could pay for the land or make a rental offer, with the funds or rental therefrom to be used to fund the ICC by the NMBMM;
- d) The developer could develop the ICC in isolation from any other developments and hand this over at a price or for a negotiated rental to the NMBMM;

- e) The developer could develop the ICC in isolation from any other developments and operate the facility in partnership with the NMBMM, at an agreed upon fee or rental.

2.10 THE LAND PARCELS AVAILABLE FOR ALIENATION

- a) The land parcels which are being considered for alienation by this process are all situated within 2,5 km from the proposed new Aerotropolis, Waterfront and Inner City.
- b) The respondents to this EOI are specifically requested to consider these land parcels, and to also make recommendations and engage with the MBDA regarding any other municipal and/or state land in which they may have an interest.
- c) The MBDA through this EOI process may include these additional parcels of land in the current process after due consideration in the MBDA evaluation process.
- d) The land parcels in this proposal are owned by the NMBMM.
- e) The land parcels which could be proposed for inclusion are detailed in the attached document, ***Annexure 1 Bayworld Programme Framework Plan.***
- f) The proposed land uses for each parcel is detailed in the attached document, ***Annexure 1 Bayworld Programme Framework Plan.***

2.11 PROPOSAL NARRATIVE OF THE PROPOSED DEVELOPMENT

- a) Please provide a high level minimum three page narrative of the proposed development.
- b) The following points are to be included in the proposal or narrative:-
 - i. How would the proposed development align to social, spatial and economic transformation of the precinct;
 - ii. What would the development proposal for the ICC entail;
 - iii. What would the development proposal for the remainder of the land parcels be;
 - iv. What would the timeframe for development be;
 - v. What would the approach be to job creation and its inclusion in the development of the ICC;
 - vi. The commitments to the conceptual framework of the Bayworld Programme;

- vii. Bidders are welcome to provide any additional information which is relevant.

2.12 THE PROPOSAL FORMAT AND REQUIREMENTS

One neatly bound hard copy and one electronic copy of the EOI must be submitted. The EOI must be submitted to:

- a) Mandela Bay Development Agency (MBDA) by **Friday 14 June 2024 at 12h00**; where after tenders will be publicly opened via Microsoft Teams. Proposals MUST be submitted on **one (1) original hard copy** placed in a sealed envelope and clearly marked with “CALL FOR EXPRESSION OF INTEREST: FOR THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE WITHIN NELSON MANDELA BAY METROPOLITAN MUNICIPALITY (MBDA BW 27/23)”. **One (1) electronic copy must uploaded onto the MBDA Vendor Portal by Friday 14 June 2024 by 12h00, if the electronic upload is not possible the bidder must submit a copy on USB. FAILURE TO SUBMIT THE ORIGINAL HARD COPY AS WELL AS AN ELECTRONIC COPY VIA THE VENDOR PORTAL OR USB WILL DEEM THE BID NON-RESPONSIVE.**
- b) All responses must be placed in the MBDA tender box marked MBDA BW 27/23 on the 1st Floor, Tramways Building, Corner Lower Valley Road & South Union Street, Central, Port Elizabeth. Bids may only be submitted on bid documentation provided by the MBDA. MBDA Office hours are Monday to Friday 08h00 to 16h30.
- c) Contact information:
 - i. Name of Company or entity submitting an Expression of Interest;
 - ii. Person responsible for the submission;
 - iii. Position within the company.
- d) Contact details:
 - i. Postal address,
 - ii. Telephone number,
 - iii. Mobile phone number,
 - iv. Email address.
- e) Interested parties’ profile and experience in the property development industry including the following:

- i. A company overview.
 - ii. Names and locations of current operations.
 - iii. Names and locations of completed developments. Please completed **Annexure B1** and attached a detailed description of similar projects completed over R2 billion.
 - iv. Target sectors or market segments concentrated on.
 - v. Annual verifiable turnover for the past three years.
 - vi. Black Economic Empowerment profile and achievements, and Memberships and affiliations, including international partners (**where applicable and indicate reasons why not**).
- f) Proof of the financial capacity of not less than R2 Billion (Two Billion Rands) to undertake the development the respondent, which may take the form of a letter of comfort from the respondent's bankers or registered financial institution. The MBDA reserves the right to request further financial information if this is deemed necessary;
- g) The respondent's commitment and contribution to the economic empowerment of historically disadvantaged individuals and communities. The following information needs to be provided, accompanied by certified copies of the relevant information:
- i. Equity holding in the applicant entity;
 - ii. Details of directors and shareholders (and members in the case of close corporations). In the case of wholly owned subsidiaries or consortium structures, details of the holding company must also be provided;
 - iii. Managerial and staffing composition;
 - iv. Please provide a high level minimum three page narrative of the proposed development per clause 2.11. Fully describe the type, scale and market segment for each development that the respondent would be interested in for each particular parcel of land;
 - v. Fully describe the type, scale and market segment of development that you would be interested in as well as the development of a convention centre on a particular parcel of land;

- vi. If you do not envisage an ICC please specify and fully describe the type, scale and market segment of development that you would be interested in , on the various parcels of land as indicated on the Framework Plan;
 - vii. Clearly reflect the envisaged time frames within which the planning and developments shall be affected and completed.
 - viii. Indicate what specific conditions would discourage you from bidding;
 - ix. Respondents must indicate what their preferred legal model will be for the development. For example public/private sector partnership or special purpose vehicle etc.
 - x. Indicate whether you are expressing an interest as an investor or as a developer or both.
- h) This EOI intends for the entire parcel of Land to be considered and not in several small parcels of Land.
- i) **Those who had not submitted their bids or failed to meet the minimum requirements listed from clause 2.12 (e) to (g) x will not form part of the second and final bid and will be deemed non-responsive.**
- j) This is the first process of the bid and will be followed by a final process which will be the actual bid process.

2.13 CLARIFICATION SESSION

- a) A clarification session will be held via Microsoft Teams on Friday 17 May 2024 at 14:00.

2.14 NEXT STEPS OF THE PROCESS

- a) The advertisement of the EOI has been placed with national and local media;
- b) The interested parties are granted a period of six weeks to respond to this EOI. During the six week period a clarification session will be held, including visits to the potential sites;
- c) The MBDA and the relevant stakeholders will engage in finalizing the possible RFP and provide feedback to the EOI applicants;
- d) The MBDA may wish to enter into discussions or negotiations with EOI respondents in order to gain clarity or certainty on a range of possible issues;

- e) Upon receipt of the EOI and subsequent finalisation of the RFP, the MBDA in consultation with the relevant stakeholders will seek legislative approvals.
- f) The MBDA may advertise the Request For Proposals, and;
- g) The Request For Proposals will be subjected to an adjudication process in line with the relevant procurement and/or supply chain management policies applicable.

2.15 COMPLIANCE WITH THE PFMA AND MFMA

- a) Any disposal of land of the NMBMM or the MBDA shall be subject to compliance with the MFMA and relevant applicable legislation.

2. 16 CONTACT DETAILS AND CHANNELS OF COMMUNICATION

All enquiries should be addressed to: publictenders@mbda.co.za quoting the tender reference number: MBDA BW 27/23.

2. 17 ANNEXURES

Annexure 1: Bayworld Precinct Framework Plan

Annexure 2: Bayworld Precinct Economic Viability Study

Annexure 3: ICC Feasibility Study

THERE IS NO FUNCTIONALITY CRITERIA FOR THIS TENDER

INFORMATION REQUIRED FOR FUNCTIONALITY EVALUATION

The information required must be submitted in the following format:

COMPANY EXPERIENCE:

1. Number of years' service provider has been operating and providing similar services in respect of THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE as requested by the MBDA

No of years

List of relevant or similar of a similar nature in respect of THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE rendered by the service provider.

	Project Name and Description of services provided	Project Value in R	Contract period (Start – end date)	Institution	Contact person and number for reference purposes
RELATED SERVICES RENDERED: THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE					
1.					  
2.					  
3.					  
4.					  
5.					  

6						
						
						
7.						
						
						
8.						
						
						
9.						
						
						
10.						
						
						

- 1. Where more space is required, the Applicant to provide additional information on a separate page, using the above format, with their proposal and reference it accordingly.**

AUTHORITY FOR SIGNATORY

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for the relevant category.

A Company	B Partnership	C Joint Venture	D Sole Proprietor	E Close Corporation	F Other (Specify)

A. CERTIFICATE FOR COMPANY

I,, Chairperson of the board of directors of hereby confirm that by resolution of the board (copy attached) taken on, Mr/Ms

acting in the capacity of (Position in the Enterprise), and who will sign as follows: be, and is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in connection with this tender and any contract resulting from it on behalf of the company.

Witness 1 Signature: _____

Witness 2 Signature: _____

Chairperson's Signature: _____

Date: _____

Name	Capacity	Signature	Date

Note:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

B. CERTIFICATE FOR PARTNERSHIP

We, the undersigned, being the key partners in the business trading as:
 hereby authorize
 Mr/Ms, acting in the capacity of
 (Position in the Enterprise), and who will sign as follows: be, and
 is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in
 connection with this tender and any contract resulting from it on behalf of the partnership.

Name	Capacity	Signature	Date

Note:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

C. CERTIFICATE FOR JOINT VENTURE OR CONSORTIA

We, the undersigned, are submitting this tender offer in Joint Venture/Consortium and hereby authorize Mr/Ms, acting in the capacity of (Position in the Enterprise), and who will sign as follows: be, and is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in connection with this tender and any contract resulting from it on behalf of the Joint Venture/Consortium.

This authorisation is evidenced by the **attached power of attorney** signed by legally authorized signatories of all the partners to the Joint Venture/Consortium.

Name of firm	Address	Percentage of contract value	Authorising signature, name and capacity

D. CERTIFICATE FOR SOLE PROPRIETOR

I,, hereby confirm that I am the sole owner of the business trading as:

Witness 1 signature: _____

Witness 2 signature: _____

Sole proprietor's signature: _____

Date: _____

E. CERTIFICATE FOR CLOSE CORPORATION

We, the undersigned, being the key members in the business trading as: hereby authorize Mr/Ms acting in the capacity of (Position in the Enterprise), and who will sign as follows: be, and is hereby, authorized to sign the Bid/Tender, and any and all documents and/or correspondence in connection with this tender and any contract resulting from it on behalf of the Close Corporation.

Name:	Address:	Signature:	Date:

NOTE:

This resolution must be signed by all the Directors/Members/Partners of the Bidding Enterprise.

Should the number of Directors/Members/Partners exceed the space available above, additional names and signatures must be supplied on a separate page.

F. OTHER (SPECIFY)

We, the undersigned, being the key members in the business trading as:

..... hereby authorize

Mr/Ms acting in the capacity of

..... (Position in the Enterprise), and who will sign as follows:

..... be, and is hereby, authorized to sign the Bid/Tender, and

any and all documents and/or correspondence in connection with this tender and any contract

resulting from it on behalf of the _____.

Name:	Address:	Signature:	Date:

NOTE:

This resolution must be signed by all the Directors/Members/Partners/Other of the Bidding Enterprise.

Should the number of Directors/Members/Partners/Other exceed the space available above, additional names and signatures must be supplied on a separate page.

**PART 4 –PRICING SCHEDULE
FIRM PRICES (PURCHASES) (MBD 3.1)**

Name of Bidder:
Bid Number: MBDA BW 27/23
Closing Time: 12h00
Closing Date: 14 June 2024

TENDER WILL BE VALID FOR 120 CALENDAR DAYS

BID PRICE IN RSA CURRENCY

** (ALL APPLICABLE TAXES EXCLUDING)

Please include the detailed cost breakdown as part of your proposal.

PLEASE NOTE: THERE IS NO PRICING PROPOSAL REQUIRED FOR THIS TENDER

PROOF OF B-BBEE STATUS LEVEL OF CONTRIBUTOR
NOT APPLICABLE TO INTERNATIONAL RESPONDENTS IF NOT IN POSSESSION OF A BBBEE
CERTIFICATE

APPLICANTS WILL BE REQUIRED TO SUBMIT THE FOLLOWING DOCUMENTATION IF APPLICABLE

1. Municipal Billing Clearance Certificate OR Lease agreement OR Statement of account - **IF APPLICABLE**
2. Valid Tax Clearance Compliance Status - **IF APPLICABLE**
3. CSD Report – **PLEASE REGISTER**
4. MBDA e-tender supplier registration – www.mbda.co.za. Click on “Tenders”, Formal and scroll down to register on portal – **PLEASE REGISTER**
5. Relevant Declarations and affidavits – **PLEASE COMPLETE**

CENTRAL SUPPLIER DATABASE & MBDA VENDOR PORTAL**REGISTRATION INSTRUCTIONS**

In accordance with MBDA Supply Chain Management policy a Business, that wishes to do business with MBDA, must register on the National Treasury Central Supplier Database (CSD) and the MBDA E-tender system.

Below is the link to register on CSD:

<https://secure.csd.gov.za/Account/Register>

Click on “REGISTER” and follow the prompts.

REGISTER FOR E-TENDERS AND GET DOWN TO BUSINESS

Introducing the MBDA E-Tender system. A safe, convenient, and easily accessible opportunity to do business. The tender process is now pandemic proof!

Follow these steps to get started:



Go to **www.mbda.co.za** to register and view available tenders.



Once you have completed and submitted your tender you will receive a tracking number and confirmation. It's that simple.

For more info email publictenders@mbda.co.za or call 041 811 8200.

Take advantage of online E-Tenders for safe and secure access to the latest business opportunities in Nelson Mandela Bay.



AFFIDAVIT – NATURAL PERSON

I, the undersigned,

Identity Number:

do hereby make oath and state that:

1. I am the Applicant in respect of the attached Application and all information/documentation submitted on behalf of the Applicant in connection with the Application is true and correct.
2. I am not aware of any actual or likely conflict of interest which I may have in respect of the transaction to which the response pertains nor am I in the Service of the State as referred to in the MBDA's Supply Chain Management Policy. (delete if not applicable and furnish details of such conflict of interest)
3. My SARS Income Tax Reference Number is

4. My SARS VAT Registration Number is

5. I have no outstanding tax obligations, or I have made arrangements to meet my outstanding tax obligations to the South African Revenue Services and a certificate of the South African Revenue Services is attached hereto in this regard.
6. I have not been convicted for fraud or corruption within a 5 (five) year period prior to date hereof.
7. I am / am not **(delete whichever is not applicable)** engaged in any Government or Local Government contract awarded within 5 (five) years prior to date hereof.
8. I am / am not **(delete whichever is not applicable)** in arrears in respect of any charges payable in terms of Section 118 of the Municipal Systems Act. (If in arrears, a copy of a document evidencing satisfactory arrangements made with the NMBMM is to be annexed).
9. ***I acknowledge that should any information attested to herein be false, such false statement shall entitle the MBDA to terminate any agreement to which this submission relates.***

- 10. *The Applicant acknowledges that should any information attested to herein be false, such false statement shall entitle the MBDA to terminate any agreement to which this submission relates.***

APPLICANTS SIGNATURE

DATE

I CERTIFY that the Deponent has acknowledged that he/she knows and understands the contents of this Affidavit which was signed and sworn to before me at _____ this _____ day of _____ 20____.

COMMISSIONER OF OATHS

NOTE: ANY STATEMENT WHICH IS NOT APPLICABLE IS TO BE DELETED.

AFFIDAVIT – JURISTIC PERSON

I, the undersigned,

Identity Number:

do hereby make oath and state that:

I am a duly authorized representative of:

Entity Name: _____

Entity Registration No.: _____

the Applicant in respect of the attached Application.

1. All information/documentation submitted on behalf of the Applicant in connection with the Application is true and correct.
2. The Applicant's registered office is

3. The Applicant's principal place of business is

4. The Applicant has no actual or likely conflict of interest in respect of the transaction for which the response pertains nor is the Applicant in the Service of the State as referred to in the MBDA's Supply Chain Management Policy. (delete if not applicable and furnish details of such conflict of interest)
5. The Applicant's SARS Income Tax Reference Number is

6. The Applicant's SARS VAT Registration Number is

7. The Applicant has no outstanding tax obligations, or the Applicant has made arrangements to meet its outstanding tax obligations to the South African Revenue Services and a certificate of the South African Revenue Services is attached hereto in this regard.
8. The Applicant and/or its officials have not been convicted for fraud or corruption within a 5 (five) year period prior hereto.
9. The Applicant is / is not **(delete whichever is not applicable)** engaged in any Government or Local Government contract awarded within 5 (five) years prior to date hereof.
10. The Applicant is / is not **(delete whichever is not applicable)** in arrears in respect of any charges payable in terms of Section 118 of the Municipal Systems Act. (If in arrears, a copy

of a document evidencing satisfactory arrangements made with the NMBMM is to be annexed)

- 11. *The Applicant acknowledges that should any information attested to herein be false, such false statement shall entitle the MBDA to terminate any agreement to which this submission relates.***

APPLICANT SIGNATURE

DATE

I CERTIFY that the Deponent has acknowledged that he/she knows and understands the contents of this Affidavit which was signed and sworn to before me at _____ this _____ day of _____ 20____.

COMMISSIONER OF OATHS

NOTE: ANY STATEMENT WHICH IS NOT APPLICABLE IS TO BE DELETED.

Declaration of Interest (MBD4)

1. No Bid will be accepted from persons in the service of the state¹.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to Bid. In view of possible allegations of favouritism, should the resulting Bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the Bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the Bid.**

3.1. Full Name of Bidder or his or her representative:

3.2. Identity Number:

3.3. Position occupied in the Company (director, trustee, shareholder²):

3.4. Company Registration Number:

3.5. Tax Reference Number:

3.6. VAT Registration Number:

3.7. The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

3.8. Are you presently in the service of the state? **YES / NO**

3.8.1. If yes, furnish particulars.

.....

¹MSCM 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.

² Shareholder” means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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

3.9.1 If yes, furnish particulars.....

3.10 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**

3.10.1 If yes, furnish particulars.....

.....

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

3.11.1 If yes, furnish particulars

.....

3.12 Are any of the company’s directors, trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.12.1 If yes, furnish particulars.....

.....

3.13 Are any spouse, child or parent of the company’s directors trustees, managers, principle shareholders or stakeholders in service of the state? **YES / NO**

3.13.1 If yes, furnish particulars.....

.....

3.14 Do you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company have any interest in any other related companies or business whether or not they are Bidding for this contract. **YES / NO**

3.14.1 If yes, furnish particulars.....

- 3.15 Are you or any of the directors, trustees, managers, principle shareholders, or stakeholders of this company an advisor or consultant contracted with the NMBMM or the MBDA **YES / NO**

3.14.1 If yes, furnish particulars.....

.....

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

Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

In the presence of:

1.

2.

CERTIFICATION OF CORRECTNESS

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

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT
REGULATIONS 2022**

NOT APPLICABLE FOR THIS TENDER

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 invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

a) The applicable preference point system for this tender is the 80/20 preference point system.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“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;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“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) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

B-BBEE Status Level of Contributor	Number of Points
1	10
2	9
3	7
4	6

5	4
6	4
7	2
8	1
Non-compliant Contributor	0

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, 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 goals stated in table 1 below as may be supported by proof/ documentation stated **in table 1 below**:

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

Note to tenderers: The tenderer to indicate how they claim points for each preference point system. This verified

The specific goals allocated points in terms of this tender	Points allocation	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Required proof for specific goals claimed
B-BBEE status contributor	10			B-BBEE certificate confirming B-BBEE level status contribution
Enterprise located within the Nelson Mandela Bay municipal area	5			Detailed CSD registration report demonstrating supplier address information together with municipal statement of account or lease agreement or billing clearance certificate
Enterprise owned by women	3			Detailed CSD registration report / detailed B-BBEE certificate demonstrating women ownership

Enterprise owned by black youth	2			Detailed CSD registration report / detailed B-BBEE certificate demonstrating black youth ownership
TOTAL POINTS	20			

DECLARATION WITH REGARD TO COMPANY/FIRM

4.2. Name of company/firm.....

4.3. Company registration number:

4.4. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.5. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state 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 organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....

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

- 1 This Municipal Bid Document must form part of all Bid 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 Bid 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 Bid Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Bid 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

CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD9)

I, the undersigned, in submitting the accompanying Proposal in relation to **THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE** hereby make the following statements that I certify to be true and complete in every respect:

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

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying Proposal will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the Applicant to sign this Certificate, and to submit the accompanying proposal, on behalf of the Applicant;
4. Each person whose signature appears on the accompanying Proposal has been authorized by the Applicant to determine the terms of, and to sign, the Proposal, on behalf of the Applicant;
5. For the purposes of this Certificate and the accompanying Proposal, I understand that the word "competitor" shall include any individual or organization, other than the Applicant, whether or not affiliated with the Applicant, who:
 - (a) has been requested to submit a Proposal in response to this RFP;
 - (b) could potentially submit a proposal in response to this RFP, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the Applicant and/or is in the same line of business as the Applicant.
6. The Applicant has arrived at the accompanying Proposal independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium 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) methods, factors or formulas used to calculate prices;
 - (c) the intention or decision to submit or not to submit, a Proposal;
 - (d) the submission of a Proposal which does not meet the specifications and conditions of the Proposal; or

- (e) submitting a Proposal with the intention not to win the award.
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 improvements to which this Proposal relates.
 9. The terms of the accompanying Proposal have not been, and will not be, disclosed by the Applicant, directly or indirectly, to any competitor, prior to the date and time of the official opening of proposals or the awarding of the contract.
 10. The Applicant (including any individual Applicant), and no member of the Applicant (if the Applicant is a Close Corporation), and no director and/or shareholder of the Applicant (if the Applicant is a Company), and no Trustee and/or beneficiary of the Applicant (if the Applicant is a Trust), and no person, including juristic persons (and including such juristic person's members, directors and/or shareholders, trustees and/or beneficiaries) having an interest in any Joint Venture Vehicle or Consortium constituting the Applicant has any interest in any competitor.
 11. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids, proposals and contracts, proposals 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

Name of Applicant

PART 5

GENERAL REQUIREMENTS

1. The service provider is required to furnish full details requested on the tender forms. All rates tendered shall be inclusive of Value Added Tax at the prevalent rate but will be evaluated exclusive of VAT.

1.1. The company should employ suitably trained and qualified personnel, with proof of their qualifications.

1.2. The bidder is requested to furnish all the relevant information not entertained on the form of bid under separate cover which shall form part of the bid.

2. COMPETENCY REQUIREMENTS

The service provider should have expertise and experience in conducting studies of a similar nature to the services requested by the MBDA.

3. COMPLETENESS OF THE BID INFORMATION

The MBDA may request clarification or additional information regarding any aspect of the bid. The applicant must supply the requested information within 48 hours after the request has been made.

4. TERMINATION FOR DEFAULT

The client, without prejudice to any other remedy for breach of contract, by written notice of default sent to the service provider, may terminate this contract in whole or in part:

- a) if the service provider fails to deliver any or all of the goods within the period(s) specified in the contract, or within any extension thereof granted by the client;
- b) if the service provider fails to perform any other obligation(s) under the contract; or
- c) If the service provider, in the judgement of the client, has engaged in corrupt or fraudulent practices in competing for or in executing the contract.

In the event the client terminates the contract in whole or in part, the client may procure, upon such terms and in such manner as it deems appropriate, goods, works or services similar to those undelivered, and the service provider shall be liable to the client for any excess costs for such similar goods, works or services. However, the service provider shall continue performance of the contract to the extent not terminated.

5. EVALUATION CRITERIA

There will be no functionality and preference points evaluation for this tender.

6. SUBMISSION OF PROPOSALS

Proposals should be submitted in a sealed envelope, clearly marked **“CALL FOR EXPRESSION OF INTEREST: FOR THE ACQUISITION AND DEVELOPMENT OF LAND, AND AN INTERNATIONAL CONVENTION CENTRE WITHIN NELSON MANDELA BAY METROPOLITAN MUNICIPALITY (MBDA BW 27/23)”**. One (1) electronic copy must uploaded onto the MBDA Vendor Portal by Monday 24

June 2024 by 12h00, if the electronic upload is not possible the bidder must submit a copy on USB. FAILURE TO SUBMIT THE ORIGINAL HARD COPY AS WELL AS AN ELECTRONIC COPY VIA THE VENDOR PORTAL OR USB WILL DEEM THE BID NON-RESPONSIVE. Where after, Bids will be opened via Microsoft Teams. Late, telephonic, faxed and emailed electronic bids will not be accepted.

7. RETURNABLES:

The following documents must be submitted with the Applicant's Application:

7.1. Applications to be signed by an agent or consortium/joint venture member must be accompanied by a duly authorized power of attorney/resolution and those signed on behalf of a Company, Close Corporation or Trust, must be accompanied by a certified extract of the Company's, Close Corporation's or Trust's minutes in terms of which such signature is authorized.

7.2. Applications to be submitted by a Company require certified copies of:

7.2.1. The Company's Memorandum and Articles/MOI;

7.2.2. The Company's current CIPC Certificate reflecting the Company's current Directors;

7.3. Applications to be submitted by a Close Corporation require certified copies of:

7.3.1. The Close Corporation's Founding Statement and all amending Founding Statements; or

7.3.2. A currently dated CIPC Certificate reflecting the Members of the Close Corporation;

7.4. Applications to be submitted by a Trust require certified copies of:

7.4.1. The Trust Deed and any amendments thereto;

7.4.2. The Trust's Letters of Authority and endorsements thereto;

7.5. Applications to be submitted by a Partnership require certified copies of:

7.5.1. The applicable Partnership Agreement;

7.5.2. The Identity Document or Registration Document of each partner.

7.6. Applications to be submitted by a Natural Person require a certified copy of the persons ID.

7.6.1. Each Applicant will not be required to complete Annexures "C" hereto.

7.7. Each Applicant shall submit a certified copy of its proof of B-BBEE status level of contributor which shall be marked Annexure "D".

7.8. Each Applicant shall submit a sworn statement in accordance with either Annexure "E" (for natural persons) or "F" (for Juristic persons) hereto.

- 7.9.** Each Applicant must complete and submit either Annexure “G” hereto given Paragraph 44 of the Supply Chain Management Policy of the MBDA which provides that:
- 7.9.1. Irrespective of the procurement process followed, no award may be made to a person:
 - 7.9.2. who is in the service of the state;
 - 7.9.3. 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; or
 - 7.9.4. a person who is an advisor or consultant contracted with the MBDA.
- 7.10.** Each Applicant shall complete and submit the Certificate of Independent Bid Determination annexed hereto marked Annexure I.
- 7.11.** Each Applicant shall submit proof that it is registered on the National Treasury Central Supplier Database (CSD).
- 7.12.** Each Applicant shall submit a valid SARS Tax Clearance status issued in respect of Good Standing where applicable.
- 7.13.** Proof of its VAT registration number.
- 7.14.** All Applicants should furnish proof that all amounts due to the Nelson Mandela Bay Metropolitan Municipality by the Applicant, it’s Directors, Members, Trustees or Partners are up to date or that arrangements have been made in respect thereof. Applicants whose address or registered office is not within the jurisdiction of the Nelson Mandela Bay Metropolitan Municipality should furnish proof that all amounts due to the local authority in whose jurisdiction their address or registered office is situated are up to date or that arrangements have been made in respect.
- 7.15.** Have proof of registration of its SANAS/ The inspection body accreditation of South Africa, if applicable.
- 7.16.** Have a certificate of registration in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993, if applicable.
- 7.17.** Details of services provided by the Applicant to any organ of state in the last five (5) years.

Part 6
Bid Form and Important Conditions

- 1 I/We hereby Bid to supply all of the supplies and/or to render all or any of the services described in the attached documents to the MANDELA BAY DEVELOPMENT AGENCY on the terms and conditions and in accordance with the specifications stipulated in the Bid documents (and which shall be taken as part of, and incorporated into, this Bid) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
- 2 I/We agree that:
 - (a) the offer herein shall remain binding upon me/us and open for acceptance by the Bid Adjudication Committee during the validity period indicated and calculated from the closing time of the Bid;
 - (b) this Bid and its acceptance shall be subject to the terms and conditions contained in the General Conditions of contract and Preference Certificate with which I am/we are fully acquainted;
 - (c) if I/we withdraw my/our Bid within the period for which I/we have agreed that the Bid should remain open for acceptance, or fail to fulfill the contract when called upon to do so, the MBDA may without prejudice to its other rights, agree to the withdrawal of my/or Bid or cancel the contract that may have been entered into between me/us and the MBDA and I/we will then pay to the MBDA any additional expense incurred either to accept any less favorable Bid or fresh Bidders have to be invited, the additional expenditure incurred by the invitation of fresh Bid and by the subsequent acceptance of any less favorable Bid, the MBDA shall also have the right to recover such additional expenditure by set-off against moneys which may be due or become to me/us under this or any other Bid or contract or against any guarantee or deposit that have been furnished by me/us or on my/our behalf for the due fulfillment of this or any other Bid or contract and pending the ascertainment of the amount of such additional expenditure to retain such moneys, guarantee or deposit as security for any loss the MBDA may sustain by reason of my/our default;
 - (d) the law of the Republic of South Africa shall govern the contract created by the acceptance of my/our Bid and that I/we choose domicilium citandi et executandi in the Republic (full address).
- 3 I/We furthermore confirm that I/we have satisfied myself/ourselves as to the correctness and validity of my/our Bid, that the price(s) and rate(s) quoted cover all the work/items(s) in these documents; and that the price(s) and rate(s) cover all my/our obligations under a resulting contract. I/we accept that any mistakes regarding price(s) and calculations will be at my/our risk.
- 4 I/we hereby accept full responsibility for the proper execution and fulfillment of all obligations and conditions devolving on me/us under this agreement as the Principal(s) liable for the due fulfillment of this contract.

5 I/We agree that any action from this contract in all respects be instituted against me/us and I/we hereby undertake to satisfy fully any sentence or judgment which may be pronounced against me/us as a result of such action.

6 I/We declare that I/we have participation / no participation in the submission of any other offer for the supplies/service described in the attached documents. If in the affirmative, state name(s) or Bid (s) involved.

.....

7 Are you duly authorized to sign the Bid?

***YES / NO**

8 Has the Declaration of Interest been duly completed and included with the other Bid forms?

***YES / NO**

****Delete whichever is not applicable***

SIGNATURE (S) OF BIDDER OR ASSIGNEE(S)

DATE:.....

Please complete the following in block letters

Capacity and particulars of the authority
under which this Bid is signed

.....

Name of Bidder

.....

Postal Address

.....

Telephone number(s)

.....

Facsimile number(s)

.....

Bid Number

.....

Name of contact person

.....

IMPORTANT CONDITIONS

1. Failure on the part of the Bidder to sign this Bid form and thus to acknowledge and accept the conditions in writing or to complete the attached forms, questionnaires and specifications in all respects, may invalidate the Bid.
2. Bids should be submitted on the official forms and should not be qualified by the Bidder's own conditions of Bid. Failure to comply with these requirements or to renounce specifically the Bidder's own conditions of Bid, when called upon to do so may invalidate the Bid.
3. If any of the conditions on this Bid form are in conflict with any special conditions, stipulations or provisions incorporated in the Bid, such special conditions, stipulations or provisions shall apply.
4. This Bid is subject to the Supply Chain Management Regulations and the General Conditions and Procedures and subsequent amendments thereto and re-issues thereof.
5. This Request for Proposals forms part of the official Supply Chain Management Processes of the MBDA and in the event of any conflict between the SCMP and the Applicable Legislation, the provisions of the Applicable Legislation shall prevail.
6. Late and incomplete Proposals will not be accepted. The only or lowest Proposal will not necessarily be accepted and the MBDA reserves the right to accept the whole or any portion of a Proposal, or not to make an award.
7. **Posted, e-mailed, or faxed applications will not be accepted.**
8. Receipt by the MBDA of the Applicant's response shall not in any manner whatsoever oblige the MBDA to enter into any negotiations or to enter into any contract with the Applicant and any award made in terms of this RFP shall be subject to an agreement being concluded between the Applicant and the MBDA on terms and conditions acceptable to the Accounting Officer of the MBDA.
9. MBDA accepts no liability for any loss incurred by any person(s) due to events or actions taken as a consequence of the preparation and dissemination of this Request for Proposals.
10. Any costs and/or expenses incurred by any Applicant in submitting its response shall be for the exclusive account of the Applicant and the MBDA shall not be liable in this respect whatsoever.
11. The Applicant acknowledges and agrees that it shall have no claim or claims whatsoever against the MBDA and/or the NMBMM, including claims for damages whether direct, indirect or consequential, arising from and/or pursuant to and/or in relation to the submission by the Applicant of its response pursuant to the Applicant having been invited

to submit same in terms of this documentation.

12. Any Applicant:

having a conflict of interest in respect of the transaction for which the response is submitted or in the Service of the State; and/or

having been convicted for fraud or corruption within a five-year period prior to the submission of its response; and/or

who has willfully neglected, reneged on or has failed to comply with a government or local government contract within a five-year period of the submission of its response; and/or

has outstanding tax obligations to the South African Revenue Services in respect of which arrangements have not been made; and/or

is in arrear in respect of charges payable to the NMBMM in terms of Section 118 of the Municipal Systems Act and has failed to make suitable arrangements to settle such arrears;

shall be barred from applying.

13. Failure to provide all information required in this Request for Proposals will result in the application not being considered.

14. The Applicant acknowledges that this Request for Proposals for it to submit a response to the MBDA as constituted by this document, does not confer on the Applicant any legal right or entitlement or legitimate expectation in relation to the MBDA and the Applicant acknowledges that this Request for Proposals similarly does not impose or create any obligation on the MBDA to be discharged in favour of the Applicant.

15. **No verbal and / or telephonic queries and clarifications will be entertained by the MBDA and must be made in writing and will be responded to accordingly. The MBDA reserves the right to circulate the questions and answers to all registered Applicants in the form of a bulletin. All queries and clarifications are to be addressed to publictenders@mbda.co.za, the tender reference number MBDA BW 27/23 must clearly be stated subject line. The cut - off date for such queries and clarifications will be close of business on **Wednesday 05 June 2024**.**

Bid Check List

MBDA Individual bid documents will have the typical bid check list as an attachment. This list is to assist all bidders to submit complete bids.

Bidders are to check the following points before the submission of their bid:

Tick

- | | |
|---|--------------------------|
| 1. All pages of the bid document have been read and initialed by the bidder. | ☐ |
| 2. All pages requiring information have been completed in black ink. | ☐ |
| 3. The Pricing Schedule has been checked for arithmetic correctness. | ☐ |
| 4. All sections requiring information have been completed. | ☐ |
| 5. The bidder has submitted the following documentation, e.g. | |
| - BBBEE Certificate or Sworn Affidavit (original or certified copy) | ☐ |
| - Valid Tax clearance status | ☐ |
| - Full CSD supplier report | ☐ |
| - Valid Municipal Billing Clearance Certificate (original or certified copy) | ☐ |
| - CIDB Certificate (if applicable) | ☐ |
| - Bids with a value of more than R10 million (VAT Incl.) are required to submit the financial statements for the past three years or since establishment, if established during the past three years. | ☐ |
| - MBDA e-tender supplier registration | ☐ |