

**Non Refundable
Tender Charge**
Error! Reference
source not found.

Doc No. _____



**Real Estate Unit
Procurement Document: Property**

**EXPRESSION OF INTERESTS FROM PROPERTY OWNERS/ DULY
AUTHORISED AGENTS/REPRESENTATIVES TO OFFER SUITABLE
BUILDINGS FOR SALE TO PROVIDE OFFICE ACCOMODATION
TOGETHER WITH PARKING WITHIN A 2KM RADIUS FROM THE
DURBAN CITY HALL**

TENDER No : 7E-4887

TITLE: Expression of Interest from Property Owners/ duly authorised Agents/Representatives to offer suitable buildings for sale to provide office accommodation within a 2km radius from the Durban City Hall with a minimum gross lettable area (GLA) of five thousand square metres (5000m²) together with onsite undercover parking bays with a minimum of two parking bays per one hundred (100m²) of GLA offered.

Issued by :

**THAPELO MMUSINYANE
HEAD: REAL ESTATE UNIT
199 ANTON LEMBEDE STREET
DURBAN
4001**

Contract Details

Tender Number	7E-4887
Contract Title	Expression of Interest from Property Owners/ duly authorised Agents/Representatives to offer suitable buildings for sale to provide office accommodation within a 2km radius from the Durban City Hall with a minimum gross lettable area (GLA) of five thousand square metres (5000m ²) together with onsite undercover parking bays with a minimum four parking bays per one hundred (100m ²) of GLA offered.
Date of Issue	29 th March 2023

Unit & Department Details

Unit Name	REAL ESTATE
Unit Head's Name	THAPELO MMUSINYANE
Unit Address	199 ANTON LEMBEDE STREET DURBAN 4001
Department Name	LEASEHOLD

Tender Details

Employer (1.1.1.15)	eThekweni Metropolitan Municipality
Collection Address	The Cashier Basement, Engineering Unit, Municipal Centre 166 K.E. Masinga Road (formerly Old Fort Road) DURBAN
Office Hours	08:00 to 12:30 and 13:15 to 15:15
Tender Charge	NIL
Manager Name	A.Moodley
Managers Tel	031 311 4328 (t)
Managers Fax	031 311 4893 (f)
Managers Email	anushai.moodley@durban.gov.za
Clarification Meeting	There will be a compulsory clarification meeting. Bidders will be required to email queries relating to the bid. Emailed questions and answers will be consolidated and posted on e-Tenders/Municipal website for the benefit of all tenderers by 18 th of May 2023
Clarification Meeting Venue	199 Anton Lembede Street, 4 th Floor Embassy Building, Boardroom, Durban, 4000
Clarification Meeting Date	26 April 2023
Clarification Meeting Time	10:00am
Delivery Place	Municipal Centre, 166 K.E. Masinga Road (formerly Old Fort Road)
Delivery Time	at or before 11:00
Box	and placed in the tender box located in the ground floor foyer
Validity Period	90 days from date of closure
Tender Closing Date	26 May 2023

INDEX

SECTION	CONTENTS OF BID DOCUMENT	PAGE
1.	GENERAL INFORMATION <u>E1 PART E1 : SUBMISSION PROCEDURES</u> E1.1 : NOTICE AND INVITATION TO SUBMIT AN EXPRESSION OF INTEREST E1.2: SUBMISSION DATA	4-9
2.	RETURNABLE TENDER DOCUMENTS <u>PART E2 : RETURNABLE DOCUMENTS</u> E2.1 : LIST OF RETURNABLE DOCUMENTS	10-30
3.	INDICATIVE SCOPE FOR EXPRESSION OF INTEREST <u>PART E3 : EXPRESSION OF INTEREST</u> E3.1: SCOPE FOR EXPRESSION OF INTEREST	31-32
4.	EVALUATION CRITERIA AND METHODOLOGY <u>PART E4 : EVALUATION CRITERIA PROCEDURE</u> STAGE 1 STAGE 2	34-38
5.	EXPRESSION OF INTEREST OFFER <u>PART E5 : BUILDING AND PRICING</u>	39-40
6.	OFFICIAL TENDER FORM	41

SECTION 1: GENERAL INFORMATION

PART E1 : SUBMISSION PROCEDURES**E1.1 : NOTICE AND INVITATION TO SUBMIT AN EXPRESSION OF INTEREST**

YOU ARE HEREBY INVITED TO SUBMIT AN EXPRESSION OF INTEREST FOR REQUIREMENTS OF THE (ETHEKWINI METROPOLITAN MUNICIPALITY)					
BID NUMBER	7E-4887	CLOSING DATE	26 May 2023	CLOSING TIME:	11:00am
DESCRIPTION	Expression of Interest from Property Owners/ duly authorised Agents/Representatives to offer suitable buildings for sale to provide office accommodation within a 2km radius from the Durban City Hall with a minimum gross lettable area (GLA) of five thousand square metres (5000m ²) together with onsite undercover parking bays with a minimum of two parking bays per one hundred (100m ²) of GLA offered.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH ETHEKWINI METROPOLITAN MUNICIPALITY.					

EXPRESSION OF INTEREST 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.

SEPARATE EXPRESSION OF INTEREST SUBMISSION DOCUMENTS MUST TO BE COMPLETED IN RESPECT OF EACH OF THE BUILDING ON OFFER. ANY EXPRESSION OF INTEREST SUBMISSION CONTAINING MULTIPLE BUILDING DETAILS WILL BE REJECTED

SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSMILE NUMBER	CODE		NUMBER		
EMAIL ADDRESS					
VAT REGISTRATION					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
SIGNATURE OF PROPERTY OWNER/ DULY AUTHORISED AGENT/REPRESENTATIVE			DATE		
CAPACITY UNDER WHICH THIS EXPRESSION OF INTEREST SIGNED					
EXPRESSION OF INTEREST PROCEDURE ENQUIRIES MAY BE DIRECTED TO:					
A. Moodley Tel: 031 311 4328 (t) , Email: Anushai.moodley@durban.gov.za					

All tenders must be submitted on official tender documentation issued (in electronic format) by the eThekwin Municipality from:

- the National Treasury's eTenders website (<https://www.etenders.gov.za/>), or
- the eThekweni Municipality's website (<https://www.durban.gov.za/pages/business/procurement>).

Electronically downloaded documentation should be printed by the tenderer.

Tenderers are required to be registered on the **National Treasury Central Supplier Database** (CSD) as a service provider. In the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture.

Registration on the **eThekweni Municipality's Database** can be done via website: <https://ethekwinivendor.durban.gov.za/>

Tenderers should ensure that tenders are delivered timeously to the correct address as stated in the Conditions of Tender. If a tender is late, it will not be accepted for consideration.

The Municipality will consider a tender submitted in response to this request for tender to be an offer from your company to perform the supply on the basis of that tender. Accordingly, please review the attached General and Special Terms and Conditions which will form the basis for any supply arrangement entered into between the Municipality and your company.

The Municipality is seeking tenders from potential suppliers only and makes no representation or promise in relation to procuring work from a supplier or suppliers. The Municipality will not be responsible for any costs associated with preparing and submitting a tender.

The Municipality does not bind itself to accept the lowest or any tender. It reserves the right to accept the whole or any part of a tender to place orders. Bidders shall not bind the Municipality to any minimum quantity per order. The successful Tenderer (s) shall be bound to provide any quantities stipulated in the specification.

The successful tenderer will be required to fill in and sign a written Contract Form (MBD 7).

NB: NO TENDER WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE
(as defined in Regulation 44 of the Local Government: Municipal Supply Chain Management Regulations).

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(Failure to do so may result in your tender being disqualified)**

Name of Tenderer:

Postal Address:

Street Address:

E-Mail Address:

Telephone Number:

-

-

Cell phone Number:

Facsimile Number:

Circle Applicable

Is your entity registered on the **eThekwini Municipality's supplier database?**

YES / NO

- **If YES insert** your PR Number:

PR

Is your entity registered on the **National Treasury Central Supplier Database (CSD)?**

YES / NO

- **If YES, insert** your MAAA Number:

MAAA

Insert a SARS Tax Compliance Status PIN

.....

Is your entity VAT registered?

YES / NO

- **If YES insert** Vat Registration Number:

.....

Has a **Declaration of Municipal Fees** been submitted?

YES / NO

Has a **Declaration of Interest** (MBD 4) been submitted?

YES / NO

Has a **Declaration for Procurement Above R10 Million** (MBD 5) been submitted?

YES / NO

Has a **Preference Points Claim** (MBD 6.1) been submitted?

YES / NO

Has a **Declaration of Bidder's Past SCM Practices** (MBD 8) been submitted?

YES / NO

Has a **Certificate of Independent Bid Determination** (MBD 9) been submitted?

YES / NO

Are you the accredited representative in South Africa for the goods / services / works offered? **If YES, enclose proof** at the back of the tender submission.

YES / NO

Signature of Tenderer:

Date:

Name / Surname: (in block capitals)

Capacity under which this
tender is signed:

.....

E1.2: SUBMISSION DATA**E1.2.1 STANDARD CONDITIONS FOR THE REQUEST FOR EXPRESSION OF INTEREST**

The conditions applicable to this call for request for expression of interest tender are the Standard Conditions for the calling for an Expression of Interest.

The Standard Conditions for the calling for the request for an expression of interest tender makes several references to the Submission Data for details that apply specifically to this submission. The Submission Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions for the calling for the request for an Expression of Interest.

E1.2.2 SUBMISSION DATA

Each item of data given below is cross-referenced to the clause in the Standard Conditions for the calling for the Request for an Expression of Interest.

H.1.1 The employer : The Employer is the eThekweni Municipality as represented by Head: Real Estate Unit

H.1.2 Tender documents

- 1) The documents associated with the calling for request for an Expression of Interest issued by the employer comprise:

E1 SUBMISSION PROCEDURES

E1.1 Notice and invitation to submit a request for an Expression of Interest.

E1.2 Submission Data

E2 RETURNABLE DOCUMENTS

E2.1 List of Returnable Documents

E2.2 Submission Schedules

E3 INDICATIVE SCOPE OF AN EXPRESSION OF INTEREST

E3.1 Bid specifications

- 2) In addition Tenderers are advised, in their own interest, to obtain their own copies of the following acts, regulations, and standards referred to in this document as they are essential for the Tenderer to get acquainted with, the implementation of preferential procurement policies and participation of targeted enterprises and labour.

- The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, including the Covid -19 regulations
- The Preferential Procurement Policy Framework Act No 5 of 2000, and the Preferential Procurement Policy Framework Act Regulations (2022).

H.1.4 The Employer Representative is: A. Moodley Tel: 031 311 4328 (t) , Email: Anushai.moodley@durban.gov.za

H.2.1 Eligibility : A Tenderer will not be eligible to submit a tender if:

- (a) The Tenderer does not comply with the legal requirements stated in the Employer's current SCM Policy;
- (b) The Tenderer cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract.

H.2.2 Making a submission : The Employer's address for delivery of tender offers is contained in the request for bids. Identification details to be shown on each tender offer package are: Contract No. : 7E-4887

Contract Title:

Expression of Interest from Property Owners/ duly authorised Agents/Representatives to offer suitable buildings to provide office accommodation within a 2km radius from the Durban City Hall with a minimum gross lettable area (GLA) of five thousand square metres (5000m²) together with onsite undercover parking bays with a minimum of two parking bays per one hundred (100m²) of GLA offered.

H.2.3 Closing time : The closing date and time for submissions is: 26 May 2023 **Error! Reference source not found.** at or before 11:00

Telephonic, telegraphic, telex, facsimile or e-mailed submissions offers will not be accepted.

H.3.1 Evaluation of responsive submissions : All respondents who submit responsive submissions and:

- 1)
 - a) submit an original valid Tax Clearance Certificate / SARS PIN number issued by the South African Revenue Services or have made arrangements to meet outstanding tax obligations;
 - b) do not have any of their directors/shareholders listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
 - c) have not abused the Employer's Supply Chain Management System or have failed to perform on any previous contract and have been given a written notice to this effect;
 - d) have completed the Compulsory Enterprise Questionnaire and who are considered by the Employer not to have any conflicts of interest which may impact on their ability to perform the proposed contract in the best interests of the Employer or potentially compromise the tender process and are free of persons in the state who are not permitted to submit tenders or to participate in the contract; and
- 2) Meets all necessary requirements as indicated under the scope of works will be invited to submit an Expression of Interest.
- 3) It is also to be noted that the municipality has also identified possible buildings and that these property owners will also be invited to submit Expression of Interest.

The additional conditions of submission are:

H.3.2 Prohibition on awards to persons in the service of the state : Clause 44 of the Supply Chain Management Regulations states that the Municipality or Municipal Entity may not make any award to a person:

- (a) Who is in the service of the State;
- (b) If that person is not a natural person, of which a director, manager, principal shareholder or stakeholder is a person in the service of the state; or
- (c) Who is an advisor or consultant contracted with the municipality or a municipal entity.

Should a contract be awarded, and it is subsequently established that Clause 44 has been breached, the Employer shall have the right to terminate the contract with immediate effect.

H3.3 ADDITIONAL SUBMISSION REQUIREMENTS

THE TENDER DOCUMENT TOGETHER WITH 1 SOFT COPY (EITHER DISK OR MEMORY STICK) TO BE SUBMITTED ON OR BEFORE 11 ON THE TENDER CLOSING DATE 26 MAY 2023 AT THE FOYER CITY ENGINEERS BUILDING.

SECTION 2: RETURNABLE DOCUMENTS

PART E2 : RETURNABLE DOCUMENTS

E2.1 : LIST OF RETURNABLE DOCUMENTS

E2.1.1 General

The submission document must be submitted as a whole. All forms must be properly completed as required, and the document shall not be taken apart or altered in any way whatsoever.

The respondent is required to complete each and every Schedule and Form listed below to the best of his / her ability as the evaluation of submissions will be based on the information provided by the respondent. Failure to complete the Schedules and Forms to the satisfaction of the Employer will inevitably prejudice the tender and may lead to rejection on the grounds that the submission is not responsive

E2.1.2 Returnable Schedules, Forms and Certificates

Table B

Certificate of Authority

Declaration of Municipal Fees

Record of Addenda to Tender Documents

CONSOLIDATED MUNICIPAL BIDDING DOCUMENTS

MBD 2 : Tax Clearance Certificate Requirements

MBD 4 : Declaration of Interest

MBD 5 : Declaration For Procurement Above R10 Million

MBD 6.1 : Preference Points

MBD 8 : Declaration of Bidder's Past SCM Practices

MBD 9 : Certificate of Independent Bid Determination

3 Years audited Financial Statement

Joint Venture Agreements (if applicable)

E2.1.3 ADDITIONAL SUBMISSION REQUIREMENTS

THE TENDER DOCUMENT TOGETHER WITH 1 SOFT COPY (EITHER DISK OR MEMORY STICK) TO BE SUBMITTED ON OR BEFORE 11 ON THE TENDER CLOSING DATE 26 MAY 2023 AT THE FOYER CITY ENGINEERS BUILDING.

E2.1.4 Evaluation Process

2.1.4.1 Price and Preference

The procedure for the evaluation of responsive tenders is **PRICE AND PREFERENCE** in accordance with the Employer's current SCM Policy, the Preferential Procurement Policy Framework Act (5 of 2000), and the Preferential Procurement Policy Framework Act Regulations (2022).

The **80/20** preference points system will be applied. The Formula used to calculate the **Price Points (max. 80)** will be according to that specified Regulation 4.1.

The **90/10** preference points system will be applied. The Formula used to calculate the **Price Points (max. 90)** will be according to that specified Regulation 5.1.

It is unclear (at the time of advertising) which of the two preference point systems applies. Either the **80/20 or 90/10** preference point system will apply, determined by the price offered by the lowest acceptable tender.

E2.1.5 Preference Point System and Specific Goals

The definitions as per the SCM Policy are applicable.

Preference Points (either 20 or 10) will be derived from points claimed on Returnable Document **MBD 6.1: "Preference Points Claim Form"** (in Section 4 of this procurement document) for the **Specific Goal(s)** as indicated on the table(s) below, and according to the specified **Goal Weightings**.

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**.

Goal Weighting xxx%			
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 = xxx%, w2=yyy%, w3=zzz% (where x + y + z = 100%)			

3.1 **ADDITIONAL CONDITIONS OF TENDER (ACT)**

ACT 1 **ELIGIBILITY – CSD REGISTRATION**

Tenderers are required to be registered on the National Treasury Central Supplier Database (CSD) as a service provider. In the case of a Joint Venture, this requirement will apply individually to each party in the Joint Venture. Tenderers not so registered, at time of closing of tenders, will not be eligible to submit tenders.

The Tenderer's CSD Supplier Number (starting with "MAAA") is to be provided on the information table in Section 1.

Tenderers who wish to register on the CSD may do so via web address <https://secure.csd.gov.za>.

SECTION 4: RETURNABLE TENDER DOCUMENTS

The required returnable documents are as detailed in [Section 2 \(Clause 4\)](#): “Returnable Schedules, Forms, Certificates” of the Conditions of Tender / Special Conditions of Tender.

- 1) Authority of Signatory
- 2) Tax Compliance Status PIN / Tax Clearance Certificate
- 3) Declaration of Municipal Fees
- 4) Declaration with respect to The Occupational Health and Safety Act
- 5(a) MBD 4: Declaration of Interest
- 5(b) MBD 5: Declaration for Procurement Above R10 Million
- 5(c) MBD 6.1: Preference Points Claim
- 5(d) MBD 8: Declaration of Bidder’s Past Supply Chain Management Practices
- 5(e) MBD 9: Certificate of Independent Bid Determination

The Tender Form can be found in [Section 9](#): “Official Tender Form”, and any additional schedules, forms, certificates can be found in [Section 10](#): “Annexures”.

PART E2.1.2 : RETURNABLE DOCUMENTS**Table B : Mandatory Minimum Requirements for Expression of Interest**

MANDATORY REQUIREMENT (1)	COMPLIANCE REQUIREMENT (1)	COMPLY (Yes/No)
Property Size; Parking Bays and Compliance		
- Gross Lettable Area (GLA) of a minimum 5000 m² - Onsite undercover parking bays with a minimum of 2 parking bays for every 100m² of GLA offered. - Adquate and suitable access for people with disabilities in compliance with NBR (National Building Regulations) - If multi storey building, dedicated paraplegic toilets must be on each floor. - Dedicated disabled parking is either already included in the minimum parking bays or sufficient space is available for conversion for disabled parking.	Proof of compliance on Property Size and Parking Bays are required. Bidder to attach at a minimum but not limited to the Property prospectus , As Built Drawings, schematic drawing, Local Authority approved plans and photographs for the above requirements.	
Certificates for compliance and clearance	Lift Certificate (Annexure B: Certificate issued by the lifts Engineer in line with the requirements of the Department of Labour SANS-1545-01 2015)	
	Occupation Certificate from Local Authority	
	Electrical COC	
	Fire Clearance Certificate From Local Authority	
Service Level Agreements	Air Conditioning	
	Plumbing	
MANDATORY REQUIREMENT (2)	COMPLIANCE REQUIREMENT (2)	COMPLY (Yes/No)
Property Grade		
A Grade Office Accommodation (as per SAPOA specifications) with air conditioning and standby generator Definition Grade A: Generally not older than 10 years , unless renovated ; prime location; high-quality finishes ; adequate on site parking ; air conditioning.	Attach tabulated current property specification of the proposed building together with a certificate from a registered professional confirming compliance to A Grade requirements (As per SAPOA specifications)	

MANDATORY REQUIREMENT (3)	COMPLIANCE REQUIREMENT (3)	COMPLY (Yes/No)
Property Location		
• Property must be located within a maximum driving distance of 2km radius of City Hall.	• GPS Co-ordinate or Location Map indicating the location	
• Property must be conducive to a Professional Working Environment • If proposed premises has multi tenants , such tenants must be compatible with the municipality's mission, vision .	• Names and detail of tenants and their businesses.	
MANDATORY REQUIREMENT (4)	COMPLIANCE REQUIREMENT (4)	COMPLY (Yes/No)
Confirmation of Property Ownership and documentary confirmation that representative is duly authorised (if applicable)		
• Bidder to provide proof of ownership for the premises or written confirmation that you are able to negotiate the sale of the building on behalf of the registered owner.	• Copy of deed document.	
	• Copy of the signed mandate agreement/ company resolution/power of attorney (if applicable)	
MANDATORY REQUIREMENT (5)	COMPLIANCE REQUIREMENT (5)	COMPLY (Yes/No)
Conditional assessment		
• Conditional assessment report for the building	• Structural integrity Engineers Report • Any other report by a registered professional dealing with the current condition of the building	

Note:

- **Failure to comply in any of the above minimum requirements and submit the required supporting documentation will result in your expression of interest being disqualified without further consideration.**
- **A compulsory site inspection will be conducted to corroborate the information submitted .Should it be found that participants to the expression of interest submission is false, they will be automatically disqualified from evaluation .**

MANDATORY CRITERIA

The tenderers will be checked if they meet the mandatory requirements. Any tenderer that does not meet any of the mandatory requirement will be deemed non-responsive.

All responsive tender offers will then be evaluated in accordance with eThekweni Municipality's current SCM Policy, the Preferential Procurement Policy Framework Act (5 of 2000), and the Preferential Procurement Policy Framework Act Regulations (January 2022) using an 80/20 preference point system.

CONSOLIDATED MUNICIPAL BIDDING DOCUMENTS

The following SECTIONS are required to be completed as part of this procurement document

SECTION 4: RETURNABLE TENDER DOCUMENTS

The required returnable documents are as detailed in [Section 2 \(Clause 4\)](#): “Returnable Schedules, Forms, Certificates” of the Conditions of Tender / Special Conditions of Tender.

<u>Section</u>	<u>Description</u>	<u>Required?</u>
1	Authority of Signatory	Yes
2	Tax Compliance Status PIN/ Tax Clearance Certificate	Yes
3	Declaration of Municipal Fees.....	Yes
4	Declaration with respect to The Occupational Health and Safety Act	Yes
5(a)	MBD 4 : Declaration Of Interest	Yes
5(b)	MBD 5 : Declaration for Procurement Above R 10 Million	No
5(c)	MBD 6.1 : Preference Points Claim	Yes
5(d)	MBD 8 : Declaration of Bidder’s Past Supply Chain Management Practices.....	Yes
5(e)	MBD 9: Certificate of Independent Bid Determination	Yes

NOTES

MBD4. 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 enterprise.
- (c) an official of any municipality or municipal enterprise.
- (d) an employee of any national or provincial department, national or provincial public enterprise 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 enterprise; or
- (f) an employee of Parliament or a provincial legislature.

“**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.

MBD9. 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.

The Tender Form can be found in Section 9: “Official Tender Form”, and any additional schedules, forms, certificates can be found in Section 10: “Annexures”.

AUTHORITY OF SIGNATORY

Indicate the status of the tenderer by ticking the appropriate box hereunder.

COMPANY		CLOSE CORPORATION		PARTNERSHIP		JOINT VENTURE		SOLE PROPRIETOR	
Refer to Notes at the bottom of the page									

I / We, the undersigned, being the Chairperson (Company), Member(s) (Close Corporation), Partners (Partnership), Sole Owner (Sole Proprietor), Lead Partner (JV), in the company / business trading as:

.....

hereby authorise Mr/Mrs/Ms

acting in the capacity of

to sign all documents in connection with the tender for **Contract No. 7E-4887** and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Notes

The following documents must be attached to the back inside cover to this procurement document:

If a Company : a "Resolution of the Board" in this regard.

If a Joint Venture : a "Power of Attorney" signed by the legally authorised signatories of all the partners to the Joint venture.

Tenderers are to include, at the back of their tender submission document, a printout of the following documents:

If a Company : a "Resolution of the Board" in this regard.

If a Joint Venture : a "Power of Attorney" signed by the legally authorised signatories of all the partners to the Joint venture.

2) **TAX COMPLIANCE STATUS PIN / TAX CLEARANCE CERTIFICATE**

SARS has introduced a new Tax Compliance Status System. Tenderers can submit a Tax Compliance Status PIN (TCS PIN) instead of an original Tax Clearance Certificate. This TCS PIN can be used by third parties to certify the taxpayer's real-time compliance status.

Separate Tax Clearance Certificates / TCS PINs are required for each entity in a Joint Venture.

The TCS PIN(s) are to be entered on the information table in **SECTION 1: GENERAL INFORMATION**.

Tenderers are to include, at the back of their tender submission document, a printout of their Tax Compliance Status PIN (TCS PIN) OR an original Tax Clearance Certificate.

Failure to include the required document will make the tender submission non-responsive.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME (Block Capitals): _____

Date

SIGNATURE: _____

.....

.....

3) DECLARATION OF MUNICIPAL FEES

I, the undersigned, do hereby declare that the Municipal fees of

.....
(full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture)

(hereinafter referred to as the 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 instalments.

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

Account

Account Number: to be completed by tenderer.

Consolidated Account No.

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

Electricity

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

Water

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

Rates

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

Other

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

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.

- 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 (to the back inside cover of this document).
- 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 (to the back inside cover of this document).

Tenderers are to include, at the back of their tender submission document, a printout of the above account's and or agreements signed with the municipality.

Failure to include the required document will make the tender submission non-responsive.

NAME (Block Capitals):

Date

SIGNATURE:

.....

.....

4) DECLARATION WITH RESPECT TO THE OCCUPATIONAL HEALTH AND SAFETY ACT**Definitions**

The Act: The Occupational Health and Safety Act No 85 of 1993 (as amended by the Occupational Health and Safety Amendment Act No 181 of 1993), and any associated / applicable Regulations.

Declaration by Tenderer

1. I, the undersigned, hereby declare and confirm that I am fully conversant with the Act.
2. I hereby declare that my company has the competence and the necessary resources to safely carry out the work / supply / services under this contract in compliance with the Act, and the Employer's / Purchaser's / Client's Health and Safety Specifications.
3. I hereby undertake, if my tender is accepted, to provide on request a suitable and sufficiently documented Health and Safety Plan which plan shall be subject to approval by the Employer / Purchaser / Client.
4. I hereby confirm that adequate provision has been made in my tendered rates to cover the cost of all resources, actions, training and all health and safety measures envisaged in the Act, and that I will be liable for any penalties that may be applied by the Employer / Purchaser / Client for failure to comply with the provisions of the Act.
5. I agree that my failure to complete and execute this declaration to the satisfaction of the Employer / Purchaser / Client will mean that I am unable to comply with the requirements of the Act and accept that my tender will be prejudiced and may be rejected at the discretion of the Employer / Purchaser / Client.

NAME (Block Capitals):**Date****SIGNATURE:**

5(a) MBD 4: DECLARATION OF INTEREST**NOTES**MSCM Regulations: “**in the service of the state**” means to be:

- (a) a member of:
 - (i) any municipal council.
 - (ii) any provincial legislature.
 - (iii) the national Assembly or the national Council of provinces.
- (b) a member of the board of directors of any municipal enterprise.
- (c) an official of any municipality or municipal enterprise.
- (d) an employee of any national or provincial department, national or provincial public enterprise 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 enterprise.
- (f) an employee of Parliament or a provincial legislature.

“**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.

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

3.1 Name of enterprise

Name of enterprise’s representative

3.2 ID Number of enterprise’s representative

3.3 Position enterprise’s representative occupies in the enterprise

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 / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted.

Circle Applicable

3.8 Are you presently in the service of the state?

YES NO

If yes, furnish particulars:

.....

.....

.....

.....

3.9 Have you been in the service of the state for the past twelve months?

YES NO

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

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

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

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

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

If yes, furnish particulars:

.....

.....

- 4 The names of all directors / trustees / shareholders / members / sole proprietors / partners in partnerships, their individual identity numbers and state employee numbers must be indicated below. In the case of a joint venture, information in respect of each partnering enterprise must be completed and submitted

Full Name	Identity No.	State Employee No.	Personal income tax No.
Use additional pages if necessary			

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct.

NAME (Block Capitals):

Date

.....

SIGNATURE:

.....

.....

5(b) **MBD 5: DECLARATION FOR PROCUREMENT ABOVE R10 MILLION**
(ALL APPLICABLE TAXES INCLUDED)

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

		Circle Applicable	
		YES	NO
1.0	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.		
2.0	Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?	YES	NO
2.1	If NO, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.		
2.2	If YES, provide particulars.		
			
			
			
			
3.0	Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	YES	NO
3.1	If YES, provide particulars.		
			
			
			
			
4.0	Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	YES	NO
4.1	If YES, provide particulars.		
			
			
			
			

If required by 1.1 above, tenderers are to include, at the back of their tender submission document, a printout of their audited annual financial statements.

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, and, if required, that the requested documentation has been included in the tender submission.

NAME (Block Capitals):

Date

SIGNATURE:

5(c) **MBD 6.1: PREFERENCE POINTS CLAIM**
In terms of THE PREFERENTIAL PROCUREMENT REGULATIONS (2022)

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

1.0 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).
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The applicable preference point system for this tender is the **80/20 preference point system**.

1.2 The applicable preference point system for this tender is the **90/10 preference point system**.

1.2 **Either the 80/20 or 90/10 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the applicable system once tenders are received.

1.3 Preference Points for this tender shall be awarded for:

- **Price and Specific Goals:** Either 80 or 90 (price) and 20 or 10 (specific goals), in terms of 1.2 above.
- The total Preference Points, for Price and Specific Goals, is 100.

1.4 Failure on the part of the tenderer to submit the required proof or documentation, in terms of the requirements in the (Special) Conditions of Tender for claiming **Specific Goal** preference points, will be interpreted that preference points for **Specific Goals** are not claimed.

1.5 The Municipality 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 of preferences, in any manner required by the Municipality.

2.0 DEFINITIONS

2.1 “**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.

2.2 “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts.

2.3 “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.

2.4 “**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.

2.5 “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3.0 FORMULA FOR CALCULATION OF PREFERENCE PRICE POINTS

3.1 PROCUREMENT OF GOODS AND SERVICES

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>
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$		$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$

4.0 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 **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, or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the municipality must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Preference Points (either 20 or 10) will be derived from points claimed on Returnable Document **MBD 6.1: “Preference Points Claim Form”** (in Section 4 of this procurement document) for the **Specific Goal(s)** as indicated on the table(s) below, and according to the specified **Goal Weightings**.

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**.

Goal Weighting xxx%			
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 = xxx%, w2=yyy%, w3=zzz% (where x + y + z = 100%)			

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

I acknowledge that:

- 1) The information furnished is true and correct.
- 2) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- 3) 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.
- 4) 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.

NAME (Block Capitals):

Date

SIGNATURE:

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

- 1.0 This Municipal Bidding Document must form part of all bids invited.
- 2.0 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.
- 3.0 The bid of any bidder may be rejected if that bidder, or any of its directors have:
- a) abused the municipal entity's supply chain management system or committed any improper conduct in relation to such system.
 - b) been convicted for fraud or corruption during the past five years.
 - c) wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years.
 - 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).
- 4.0 In order to give effect to the above, the following questions must be completed and submitted with the bid.

- 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 audi alteram partem 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.

- 4.1.1 If YES, provide 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.

- 4.2.1 If YES, provide particulars.

.....

.....

.....

.....

Circle Applicable	
YES	NO

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 YES, provide particulars.

.....

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 YES, provide 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

4.5.1 If YES, provide particulars.

.....

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both 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.

NAME (Block Capitals):

Date

SIGNATURE:

5(e) MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION**NOTES**

- 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.
- 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.

- 1.0 This Municipal Bidding Document (MBD) must form part of all **bids**¹ invited.
- 2.0 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.
- 3.0 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.
- 4.0 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**.
- 5.0 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid.

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:

(Name of Bidder)

that:

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.
 - (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.
 - (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.

NAME (Block Capitals):

Date

SIGNATURE:

SECTION 3: SCOPE FOR EXPRESSION OF INTERESTS FROM PROPERTY OWNERS/ DULY AUTHORISED AGENTS/REPRESENTATIVES TO OFFER SUITABLE BUILDINGS FOR SALE TO PROVIDE OFFICE ACCOMODATION TOGETHER WITH PARKING WITHIN A 2KM RADIUS FROM THE DURBAN CITY HALL

PART E3 : INDICATIVE SCOPE FOR EXPRESSION OF INTEREST

E3.1 SCOPE FOR EXPRESSION OF INTEREST

Back Ground

The Ethekwini Municipality has expanded its staff structure and require additional office accommodation together with parking in the Durban CBD.

Property Owners/ duly authorised Agents/Representatives are invited to offer suitable buildings for sale to provide office accommodation within a 2km radius from the Durban the City Hall with a minimum gross lettable area (GLA) of five thousand square metres (5000m²) together with onsite undercover parking bays with a minimum of two parking bays per one hundred (100m²)of GLA offered.

The City has undertaken an intial investigation on possibille buildings located within the area but in order to ensure transparency, the City is hereby inviting all property owners to submit offers for the sale of their buildings in the City Centre should they wish to sell and meet all requirements as indicated below. All persons with suitable buildings will be considered for further evaluation and engagement.

Building Requirements		
Item No	Description	Specification
1.	Property Size	Minimum Gross Lettable Area (GLA) of approximately 5000m ²
2.	Property Grade	A Grade (per SAPOA specification)
3.	Location	Within a 2km driving radius from the Durban the City Hall
4.	Zoning	All buildings included in the offer must be situated on land which has been appropriately zoned for the envisaged use.
5.	Parking facilities	Expression of interest submission should have a detailed layout of the parking areas as detailed in fuctionalilty. Onsite undercover parking bays with a minimum of two parking bays per one hundred (100m ²) of GLA offered. Dedicated disabled parking is either already included in the minimum parking bays or suffient space is available for conversion to Disabled parking.
6.	Lifts	Adequate passenger and service Lifts which are fully operational and regularly maintained to provide access to the areas offered.

7.	Electrical	Power Points: Offices and other rooms where electrical equipment and appliances can be used shall be provided with adequate outlets. One dedicated/clear computer power point and one normal power point shall be provided per 8m² or part thereof of office accommodation. Lighting: Adequate lighting to be provided for the building including all toilets, kitchens, around the exterior of building and to all parking areas, pathways, staircases etc. Back up generator: Fully functioning backup generator to power up the building including passages, stairs, lifts.
8.	Building Compliance	The following certification of compliance must be in place: Annexure B for lifts, Electrical COC , Plumbing, Approved building plans by the Local Authority, Occupation certificate, Fire Fighting equipment, Fire Clearance certificate from the Local Authority, Airconditioning Certificate.
9.	Kitchens	With built in cupboards and sink and hot water / geyser/ hydroboil
10.	Ablution for Males and Females	The building must include fully functional new or fully refurbished ablution facilities on each floor if multi storey building including facilities for physical challenged persons that meet the OHS Act requirements.
11.	Technology and Communication	Power supply to be connected and distributed through the building. Provision to be made for telecommunication lines within the building.
12.	Health and Safety	Building must comply with the required standards , OHS etc , and should have Firefighting equipment in terms of the Fire Requirements (fire extinguishers, fire hoses, fire escape doors and smoke detectors etc.)
13.	Building Support Services	Services must be available; Water ; Electricity ; Sanitation and refuse removal
14.	Valuations	Participants hereby agree to grant Ethekeini permission to conduct a market valuation by a professional registered valuer to validate the prices on offer as Ethekeini is obliged, in terms of legislation, to prove that the price agreed upon will be market related and cost effective. For this purpose, the services of a professional valuer will be utilised to determine the market value of the building. Participants would be required to furnish all relevant information required for this exercise
15.	Lease Register	Participants are requested to provide a lease register where a property is occupied with the following information: • Name of tenant • Area/ size occupied • Lease start date • Lease expiry date • Full details of rentals, expenses, recoveries and escalations

The expression of interest participants must outline the methodology it intends adopting to meet the deliverables specified above and demonstrate in their submission;

- To clearly demonstrate how they can provide the Scope of Services required by the Municipality tabled along with any supporting information.

KINDLY NOTE THAT FAILURE TO EXPRESSLY COVER THIS IN YOUR SUBMISSION WILL RESULT IN YOUR BIDS BEING REJECTED WITHOUT FURTHER CONSIDERATION.

SECTION 4: EVALUATION CRITERIA AND METHODOLOGY

PART E4 : EVALUATION CRITERIA PROCEDURE

Expression of Interest submissions which satisfy the mandatory minimum requirements will be evaluated using a two-stage evaluation process as follows:

Stage 1	Evaluated in order to establish whether they meet a minimum threshold score of 55 points out of 100 for functionality, based on the overall criteria.
Stage 2	Preferential Procurements Points and Price

The procedure for evaluation of responsive Tender Offers will be in accordance with the eThekweni Municipality's current SCM Policy, the Preferential Procurement Policy Framework Act No 5 of 2000, and the Preferential Procurement Policy Framework Act Regulations (January 2022).

The procedure for the evaluation of responsive tenders is Price and Preference, with Functionality.

Price and Preference

- The **80/20** preference points system will be used where the financial value (incl. VAT) of one or more responsive tender offers have a value that equals or is less than R 50,000,000. The **Price Points** formula and allocated **Preference Points** will be according to the above specified PPPFA Regulations.
- The **90/10** preference points system will be used where the financial value (incl. VAT) of all responsive tenders received have a value in excess of R 50,000,000. The **Price Points** formula and allocated **Preference Points** will be according to the above specified PPPFA Regulations.

Functionality

- The minimum number of evaluation points for Functionality is **55**.
- The Functionality Criteria / Sub-Criteria and maximum score in respect of each of the Criteria are as follows:

STAGE 1:

FUNCTIONALITY	MAX POINTS
PROPERTY INFORMATION AND BUILDING GRADING	
Expression of Interest submission should clearly outline the following : • Physical address, Erf numbers, GPS Location = 1 Point • Information confirming ownership and functions of all role players to the offer (i.e Copy of Deed, Service Level Agreement with Property Manager, Mandate with Leasing Agent etc)= 1 Point • If multi tenants, provide names and details of such tenants and their businesses. = 1 Point • Complete tenancy schedules including income and all related expenses= 2 Points	5
LOCATION	

Accessibility from Durban City Hall as at point of reference Points: 0 km to 500 m = 15 Points 500 m to 1 km = 10 Points 1 km to 1.5 km = 7 Points 1.5 km to 2 km = 5 Points	15
SECURITY	
Expression of Interest submission should clearly outline the provision of security features of the building , including : • CCTV monitoring systems. 2 points • Building access controlled by adequate mechanisms eg. Turnstalls; Gate or Bio metrics etc. 3 points	5
PARAPLEGIC ACCESSIBILITY FOR OFFICES AND BUILDING	
Adequate provision for people with disabilities in compliance to the relevant Acts to access offices and the building is required. Paraplegic toilets are to be provided in terms of NBR (National Building Regulations) Points : Provide existing provisions made for people with disabilities in the building (i.e ramps, wheelchair friendly toilets on each floor , lifts if not single storey) Accessibility for Public Use = 3 Points The Municipality's Internal Office Space = 2 Points No = 0 points	5
ELECTRICAL, TECHNOLOGY & COMMUNICATION	
Power supply is to be connected to the building and distributed to all parts of the building. Provision is made for the connection of telecommunication so that this can easily be distributed through the office areas. Provision of standby power is mandatory from a back up generator. Points: Power connected and facilities provided : Standby Power Supply = 3 Points Power Supply connected to the building and distributed to all parts of the premises to be expression of interestd = 2 Points Provision for Telecommunication connection = 2 Points If there is no Power Supply connected to the building and distributed to all parts of the building Participants will be scored zero for this section regardless of whether telecommunication and standby power requirement is met . Expression of Interest submission is to indicate the three items . No indication , no scoring.	10
SPACE FOR REQUIRED OFFICE	
The space needs to be suitable for the for intended use. The usable office area needs to be appropriate shape that can accommodate the required offices. All spaces will need sufficient natural light and ventilation. Points: Suitability of required Office Space: • The space is of an appropriate shape that can accommodation required offices = 5 Points. • The space has natural light all around = 2 Points • Adequate ventilation either by natural/mechanical means = 5 Points • Kitchen with Built in Cupboards and Sink = 3 Points • Dedicated Male and Female Ablutions in provisison for people with disabilities = 5	20

Points Note: Above points will be allocated for the proposed buildings that meet the above requirements at the time of the expression of interest submission .Submit proof thereof .	
HEALTH AND SAFETY	
Building must comply with the required standards. Occupational Health and Safety etc.; and should have firefighting equipment in terms of fire requirements (fire extinguishers, fire hoses, fire escape doors, smoke detectors) and there should be maintained and serviced regularly by the Landlord. Prior to occupation , the building is to be fumigated by a specialist against any kind of pests , insects , etc. and the landlord must provide proof that the building was fumigated . Proof of covid 19 protocols entrance screening and access control Points: Confirmation provided: Yes = 5 points No = 0 Points	5
MAINTENANCE	
Expression of Interest submission should include a clearly defined maintenance plan, setting out the building existing maintenance plan and records (air conditioning units , fire equipment, lifts , electricity , fumigation , plumbing work, day to day maintenance of the building , geyser , pest control , cleaning services etc) Points: Maintenance plan and records provided; Yes = 10 Points No = 0 Points	10
BUILDING SUPPORT SERVICES	
The following services must be available : • Water ; • Electricity • Sanitation Points Confirmation provided: Yes = 5 Points No = 0 Points Submit proof for allocation of points i.e Municipal Bills etc.	5
WALE	
Weighted Average Lease Expiry (WALE), 3 yrs. and below. (Consider an example of a building with 3 different tenants, each with differing lease terms: Tenant 1: Occupies 10% of rentable area (lease expires in 5 years) Tenant 2: Occupies 70% of rentable area (lease expires in 6 years) Tenant 3: Occupies 20% of rentable area (lease expires in 3 years) Therefore the Weighted Average Lease to Expiry for this property is: $(0.1 \times 5) + (0.7 \times 6) + (0.2 \times 3) = 5.3$ years Points WALE of (0 – 3 yrs) 20 Points WALE of 4 (4 – 5 yrs) 15 Points WALE of 5 (+ 5 yrs) 10 Points	20
Threshold (minimum score required 55 Points)	
TOTAL	100

NOTES TO PARTICIPANTS ON EVALUATION CRITERIA

In addition to all other requirements from the Municipality ,the following will also be considered for Ethekewini Municipality when evaluating all offers:

- All submissions will be evaluated on technical and performance specifications of the buildings to be sold.
- Due to the nature of buildings which are typically unique in its locations, design, construction, construction materials, floor layouts, age of the building, stage of the building within its life cycle, accessibility, proximity to amenities, etc. one cannot adopt a quantitative weighting/evaluation method to non-homogeneous buildings. A qualitative and experiential evaluation will hence be adopted of the overall offerings of a particular building.
- The municipality may at its discretion conduct its own conditional assessments of buildings which may be of interest to its acquisitions
- This Expression of Interest will be conditional on the Municipality's and the Participant agreeing on the terms and condition of the Sale Agreement .
- Ethekewini municipality is under no obligation to buy or negotiate any building.
- Ethekewini municipality has a discretion to terminate any negotiations without having to provide reasons.
- the basis of further price negotiations by ethekewini municipality is that of a property valuation done by a registered property valuer.
- Ethekewini municipality reserve the right to negotiate on price offered by sellers
- Acquisitions shall be done as and when required by ethekewini municipality.

STAGE 2:

2.0 FORMULA FOR CALCULATION OF PREFERENCE PRICE POINTS

2.1 PROCUREMENT OF GOODS AND SERVICES

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>
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$		$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$

3.0 POINTS AWARDED FOR SPECIFIC GOALS

3.1 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 **points claimed** for the goal(s) stated in **Table 1** below, as supported by proof/ documentation stated in the **Conditions of Tender**:

3.2 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:

- (c) 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, or
- (d) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the municipality must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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**.

Goal Weighting xxx%			
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 = xxx%, w2=yyy%, w3=zzz% (where x + y + z = 100%)			

SECTION 5: EXPRESSION OF INTEREST OFFER

PART E5 : BUILDING AND PRICING

A. DESCRIPTION OF THE BUILDING ON OFFER

PROPERTY PARTICULARS	(Please provide full details)		
Legal Property Description, Erf description			
Registered Owner			
Name of Building			
Street Address of Building			
Market Value of the Property			
Municipal Value of the property			
Total Size	Retail Space	Office space	Other
Number of Parking			
Age of Building			

B. DETAIL OF PRICE AND COST CONSIDERATIONS**B1. EXPENSES FOR THE BUILDING**

Expense items	Estimated cost per month
1. Water consumption	R
2. Electricity consumption	R
3. Sanitary service	R
4. Refuse removal	R
5. Domestic cleaning service	R
6. Consumable supplies	R
7. Municipal rates and taxes	R
8. Insurance	R
Total	R

B2. MAINTENANCE COSTS

Maintennace Items	Estimated cost per month
1. Internal maintenance	R

2. External (roof & structure)	R
3. Garden(if applicable)	R
4. Air Conditioning equipment	R
5. Plumbing	R
6. Lifts	R
7. Floor covering: normal wear	R
8. Fire Fighting equipment	R

C. CONTACT DETAILS

Person / Organisation to whom payment must be issued	
Name of Participant/Owner	
Name of Participants Dully authorised Representative /Managing Agent (if applicable)	
Name & Surname of contact person	
Postal address	
Telephone no	
Cell No	
E-mail address	

D. PRICING AND OFFER

Proposed Selling Price (excl Vat)	R
--	---

SECTION 7: OFFICIAL TENDER FORM

Part A: OFFER BY TENDERER - In response to **Tender Number** : [Click here to enter text](#). I / we hereby offer to supply office

accommodation detailed hereunder in accordance with the Technical Specification, and subject to the Standard and Special Conditions of Tender and General and Special Conditions of Contract, which accompanied your Tender (with which I / we acknowledge myself / ourselves to be fully acquainted) at the price stated below, or in the case of individual rates are indicated in Section 5.

BID OFFER EXCLUSIVE OF VAT	VAT AMOUNT	BID OFFER INCLUSIVE OF VAT
R	R	* R
* AMOUNT IN WORDS (incl. VAT):		

I / We hereby agree that this tender will hold good and remain open for acceptance as specified in the [Conditions of Tender](#) or during such other period as may be specified in the Special Conditions of Tender.

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			

Refer to the Consolidated MBD Documents in Section 4(d) for the definition of "in service of the State"

*** Signature** : _____

*** Name (capitals):** _____

Date: _____

Capacity: _____

*** Name of Business:** _____

Tel: _____

Address: _____

Fax: _____

*** Denotes Mandatory Information**

Failure to complete the Mandatory Information and sign this Tender Form will invalidate the tender

Part B: ACCEPTANCE BY PURCHASER - The Purchaser, as represented by the following Official, hereby accepts the Tenderer's offer in terms of the Conditions of Tender, Specifications, and Conditions of Contract.

Signature:

Name (capitals):

Date:

Capacity:

