



TENDER NO. SC1073/2011:

**SALE OF A PORTION OF ERF 210 GANSBAAI IN THE
OVERSTRAND MUNICIPAL AREA**

***FOR THE PURPOSE OF ESTABLISHING A MIXED USE DEVELOPMENT
CONSISTING OF A COMMERCIAL COMPONENT AND A RETIREMENT VILLAGE
WITH ASSOCIATED FACILITIES***

PROCUREMENT DOCUMENT

PREPARED AND ISSUED BY:

DIRECTORATE: FINANCE
OVERSTRAND MUNICIPALITY
PO BOX 20
HERMANUS
7200

CONTACT:

NAME: **MS. A. MARIAS**
TELEPHONE: **028 313 8102**

Name of Tenderer:	
Contact Person:	
Contact Number:	
Tender Amount Offered:	R (including VAT)
Tender Amount in Words:	
Signature:	
Date:	
Form of offer	Page 19

APRIL 2011



KLEINMOND Private Bag X3 Kleinmond; 7195 Tel: 028 271 8100 Fax: 028 271 4678	HERMANUS PO Box 20 Hermanus; 7200 Tel: 028 313 8000 Fax: 028 313 8048	STANFORD PO Box 84 Stanford; 7210 Tel: 028 341 0640 Fax: 028 341 0445	GANSBAAI PO Box 26 Gansbaai; 7220 Tel: 028 384 0111 Fax: 028 384 0241
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TENDER DETAILS			
TENDER NUMBER:	SC 1073/2011		
TENDER TITLE:	SALE OF A PORTION OF ERF 210 GANSBAAI IN THE OVERSTRAND MUNICIPAL AREA		
CLOSING DATE:	27/05/2011	CLOSING TIME:	12H00
BID BOX NO:	6	Situated at Overstrand Municipal Building, Magnolia Avenue, Hermanus. The bid box is generally open 24 hours a day, 7 days a week.	
TENDERER DETAILS			
NAME OF TENDERER:			
ADDRESS:			
TELEPHONE #:		FAX NO.	
E-MAIL ADDRESS:			
TENDER AMOUNT (INCLUDING VAT) :			
DATE:			
SIGNATURE OF TENDERER:			
CAPACITY UNDER WHICH THIS BID IS SIGNED:			
PLEASE NOTE:			
a) Tenders that are deposited in the incorrect box will not be considered. b) Tender box deposit slot is 28cm x 2.5cm. c) Mailed, telegraphic or faxed tenders will not be accepted. d) If the bid is late, it will not be accepted for consideration. e) Bids may only be submitted on the Bid Documentation provided by the Municipality.			
ENQUIRIES MAY BE DIRECTED TO:			
	ENQUIRIES REGARDING BID PROCEDURES	TECHNICAL ENQUIRIES	
CONTACT PERSON:	PEDRO PETERS	ALTA MARIAS	
TEL. #	028 313 8956	028 313 8102	

DIRECTORATE: INFRASTRUCTURE & PLANNING
SECTION: PLANNING AND PROPERTY ADMINISTRATION
TENDER NO: SC 1073/2011

TITLE: SALE OF A PORTION OF ERF 210 GANSBAAI IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A MIXED USE DEVELOPMENT CONSISTING OF A COMMERCIAL COMPONENT AND A RETIREMENT VILLAGE WITH ASSOCIATED FACILITIES

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Part T1: Tendering Procedures

DIRECTORATE: INFRASTRUCTURE & PLANNING
SECTION: PLANNING AND PROPERTY ADMINISTRATION
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T1.1 TENDER NOTICE AND INVITATION



PO BOX 20, HERMANUS, 7200

TENDER NO. SC 1073/ 2011

Tenders are hereby invited for: Sale of a portion of Erf 210 Gansbaai for establishing a mixed use development consisting of a commercial component and a retirement village with associated facilities.

Tender documents, in English, are obtainable from Thursday, 21 May 2011, at the offices of the Supply Chain Management Unit, Overstrand Municipality, Magnolia Avenue, Hermanus, Tel. 028 313 8064 from Mr. Ayanda Mili between 08h30 and 15h30, upon payment of a non-refundable tender participation fee of R440.00 per set. Bank guaranteed cheques are to be made payable to "Overstrand Municipality". Alternatively the documents can be downloaded free of charge from the website: www.overstrand.gov.za

Sealed tenders, with "**Tender No. SC 1073/2011: Sale of a portion of Erf 210 Gansbaai for establishing a mixed use development consisting of a commercial component and a retirement village with associated facilities**" clearly endorsed on the envelope, must be deposited in **Tender Box No. 6** at the offices of the Overstrand Municipality, Magnolia Avenue, Hermanus. Bids may only be submitted on the bid documentation provided by the Municipality.

The closing date and time of the tender is **on 27 May 2011 at 12h00** and will be opened in public immediately thereafter in the Committee Room, Hermanus Administration.

Tenders must be valid for 90 days after the closing date.

The Overstrand Municipality does not bind itself to accept the highest or any Tender and reserves the right to accept any tender, as it may deem expedient. Tenders are subject to the Standard Conditions of Tender, the Preferential Procurement Regulations of 2001, and the Supply Chain Management Policy and the Administration of Immovable Property Policy of the Overstrand Municipality.

Please refer technical enquiries to Alta Marais at telephone number: 028 313 8109.

DIRECTORATE: INFRASTRUCTURE & PLANNING
SECTION: PLANNING AND PROPERTY ADMINISTRATION
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ND OPERATING A RETIREMENT VILLAGE

T1.2 TENDER DATA & SPECIFICATIONS

Clause number	
	The conditions of tender are the standard conditions of tender as published in Government Gazette No 31823. The Standard Conditions of Tender for Procurements make several references to the Tender Data for details that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the standard conditions of tender. Each item of data given below is cross-referenced to the clause in the Standard Conditions of Tender to which it mainly applies.
F.1.1	The OWNER is Overstrand Municipality
F.1.2	The tender documents issued by the owner comprise: Part T1: Tendering Procedures T1.1 Tender notice and invitation to tender T1.2 Tender data and specifications Part T2: Returnable Schedules T2.1 List of returnable documents T2.2 Returnable schedules T2.3 Other documents for tender evaluation purposes Part C1: Agreements and Contract Data C1.1 Form of offer and acceptance C1.2 Form of guarantee Part C2: Pricing Data C2.1 Pricing instructions Part C3: Scope of Tender C3.1 Scope of tender
F.1.4	The owner's agent is: Name: Mrs A Marais Address: Directorate: Infrastructure & Planning Po Box 20 Magnolia Avenue Hermanus 7200 Tel: 028 313 8900 Fax: 028 313 2093 E-mail: amarais@overstrand.gov.za
F1.5.1	Overstrand Municipality reserves the right to accept any or none of the tenders submitted – either wholly or in part – and it is not obligated to accept the highest tender / bid. Furthermore the Municipality reserves the right to award to any bidder of the Municipality's choice to ensure a fair and equitable distribution of the Municipality's property to all people of the Western Cape Province in particular, and RSA in general.
F.2.1	Only those tenderers satisfying the following eligibility criteria are eligible to submit tenders: 1. Tender Entities that have proven financial backing and financial resources. 2. Tax Clearance Certificate.

F.2.7	There are no compulsory clarification or site meetings.			
F.2.12	No alternative offers will be considered.			
F.2.13.3	Parts of each tender offer communicated on paper shall be submitted as one original.			
F.2.13.5	The employer's address for delivery of tender offers and identification details to be shown on each tender offer package are: LOCATION OF TENDER BOX: Overstrand Municipality, Administration Building, Magnolia Avenue, Hermanus PHYSICAL ADDRESS: Overstrand Municipality, Magnolia Avenue, Hermanus IDENTIFICATION DETAILS: TENDER NO. SC 1073/2011: SALE OF A PORTION OF ERF 210 GANSBAAI FOR THE PURPOSE OF ESTABLISHING A MIXED USE DEVELOPMENT CONSISTING OF A COMMERCIAL COMPONENT AND A RETIREMENT VILLAGE WITH ASSOCIATED FACILITIES			
F.2.13	A two-envelope procedure will not be followed.			
F.2.15	The closing time for submission of tender offers is 12h00 on Friday, 27 May 2011.			
F.2.15	Mailed, Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.			
F.2.16	The tender offer validity period is 90 days.			
F.2.23	The tenderer is required to submit with his tender an original valid Tax Clearance Certificate issued by the South African Revenue Services.			
F.3.4	The time and location for opening of the tender offer is: TIME: As soon as possible after 12h00 on Friday, 27 May 2011. VENUE: Overstrand Municipality, Administration Building, Magnolia Avenue, Hermanus. Tenders will be opened as soon as possible after the closing time for tenders at 12h00.			
F.3.11	<p>THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS</p> <p>A maximum of 80 or 90 points is allocated for price on the following basis:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">80/20</td> <td style="text-align: center;">OR</td> <td style="text-align: center;">90/10</td> </tr> </table> $P_s = 80 \left(1 + \frac{P_t - P_h}{P_h} \right) \quad \text{OR} \quad P_s = 90 \left(1 + \frac{P_t - P_h}{P_h} \right)$ <p>Where</p> <p>Ps = Points scored for price of bid under consideration Pt = Rand value of bid under consideration Ph = Rand value of highest acceptable bid</p> <p>Scoring Preferences</p> <p>In terms of Regulation 13(2) preference points for HDI's are calculated on their percentage shareholding in a business, provided that they are actively involved in and exercise control over the enterprise. The following formula is prescribed in Regulation 13(5)(c):</p> $NEP = NOP \times \frac{EP}{100}$ <p>Where</p> <p>NEP = Points awarded for equity ownership by an HDI NOP = The maximum number of points awarded for equity ownership by an HDI in that specific category EP = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with the definition of HDI's.</p> <p>OR as indicated in the MBD forms</p>	80/20	OR	90/10
80/20	OR	90/10		

F.3.11.3	A. DESCRIPTION OF PRE-EVALUATION CRITERIA:		
	• Track Record		16
	- Track record on similar projects (2 points per project to a maximum of 6 points)	6	
	- Years in operation in SA (2 points for each year to a maximum of 10 points)	10	
	• Financial Ability		8
	- Proof of financial backing/financial resources	3	
	- Projected timeframe for completion of the proposed development (to be calculated in comparison with other tenders with the shortest timeframe receiving 5 points and the longest timeframe receiving 1 point)	5	
	• Proposed Development		6
	- Submission of a Site Development Plan indicating envisaged capacity for a mixed use development consisting of a commercial component and retirement village with associated facilities. (3 points for each component)	6	
	TOTAL		30
	<i>A MINIMUM OF 28 POINTS MUST BE OBTAINED IN THE PRE-EVALUATION ROUND IN ORDER TO QUALIFY FOR FINAL EVALUATION</i>		
	B. DESCRIPTION OF FINAL EVALUATION CRITERIA:		Elevation points for tenders > R500 000.00
	• Price		90
	- Based on the monetary offer (highest price)		
	• Empowerment		10
- HDI – MBD 6.2 (ANNEXURE D)	2		
- Women MBD 6.2 (ANNEXURE D)	1		
- Disabled MBD 6.2 (ANNEXURE D)	1		
- Locality of Tenderer MBD 6.9 (ANNEXURE E)	6		
TOTAL		100	
F3.13.1	Tender offers will only be accepted if: <ul style="list-style-type: none"> a) the tenderer has in his or her possession an original valid Tax Clearance Certificate issued by the South African Revenue Services b) the tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges; c) the tenderer or any of its directors is not 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; and d) the tenderer has not abused the owner's Supply Chain Management System. 		
F.3.18	The number of paper copies of the signed contract to be provided by the owner is 1.		

Part T2: Returnable Schedules

DIRECTORATE: INFRASTRUCTURE & PLANNING
SECTION: PLANNING AND PROPERTY ADMINISTRATION
TENDER NO: SC 1073/2011

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T2.1 LIST OF RETURNABLE DOCUMENTS

The tenderer must complete the following returnable documents:

1. RETURNABLE SCHEDULES REQUIRED FOR TENDER EVALUATION PURPOSES
 - 1.1 Proof of financial backing and financial resources – Compulsory.
 - 1.2 Authority for Signatory
2. OTHER DOCUMENTS REQUIRED FOR TENDER EVALUATION PURPOSES
 - 2.1 Certificate of Authority for Joint Ventures (If Applicable)
 - 2.2 Documents supporting points claimed with regard to the Tender Evaluation Criteria (Refer to **page 7**) – Compulsory.
 - 2.3 ANNEXURE B - MBD 2 Tax Clearance certificate requirements – Compulsory.
 - 2.4 ANNEXURE C - MBD 4 Declaration of interest – Compulsory.
 - 2.5 ANNEXURE D - MBD 6.2 Preference Points Claim Form
 - 2.6 ANNEXURE E - MBD 6.9
 - 2.7 ANNEXURE F - MBD 8 Declaration of Bidder's past supply chain management practices – Compulsory.
 - 2.8 ANNEXURE G - MBD 15 Certificate of Payment of Municipal Services – Compulsory.
3. RETURNABLE SCHEDULES THAT WILL BE INCORPORATED INTO THE CONTRACT
 - 3.1 Record of Addenda
 - 3.2 Compulsory Enterprise Questionnaire
4. FORM OF OFFER AND ACCEPTANCE (C1.1) – Compulsory.

DIRECTORATE: INFRASTRUCTURE & PLANNING
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T2.2 PROOF OF FINANCIAL BACKING AND FINANCIAL RESOURCES

Name of Tendering Entity : _____

Signature : _____ Date : _____

T2.3 AUTHORITY SIGNATORY

In the case of a tender being submitted on behalf of a Company, Close Corporation or Partnership, assurance shall be given at the time of submission of the tender that the tender has been signed by someone properly authorized thereto by virtue of the Articles of Association, or resolution of the Directors, Members or Partners, or other authority as applicable. Signatories shall confirm their authority by completing the form below and attaching a copy of the relevant authority duly signed and dated.

I, the undersigned, declare that I am duly authorized to sign the offer on the form of offer and acceptance on behalf of

by virtue of the Articles of Association/Resolution of the Board of Directors* or

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

* Delete whichever is not applicable, or if neither is applicable, indicate alternate authority.

NAME:

CAPACITY:

SIGNATURE:

DATE:

WITNESSES: 1.

2.

T2.4 CERTIFICATE OF AUTHORITY FOR JOINT VENTURES (if applicable)

This Returnable Schedule is to be completed by joint ventures.

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorize Mr./Ms.

....., authorized signatory of the company

....., acting in the capacity of lead partner, to sign

all documents in connection with the tender offer and any contract resulting from it on our behalf.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature Name Designation
		Signature Name Designation
		Signature Name Designation
		Signature Name Designation

T2.5 COMPULSORY ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of enterprise:

--

Section 2: VAT registration number, if any:

--

Section 3: CIDB registration number, if any:

--

Section 4: Particulars of sole proprietors and partners in partnerships

Name*	Identity number*	Personal income tax number*

* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 5: Particulars of companies and close corporations

Company registration number

Close corporation number

Tax reference number

Section 6: Record in the service of the state

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

<input type="checkbox"/> a member of any municipal council. <input type="checkbox"/> a member of any provincial legislature. <input type="checkbox"/> a member of the National Assembly or the National Council of Province. <input type="checkbox"/> a member of the board of directors of any municipal entity. <input type="checkbox"/> an official of any municipality or municipal entity.	<input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999). <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity. <input type="checkbox"/> an employee of Parliament or a provincial legislature.
---	--

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

* Insert separate page if necessary

Section 7: Record of spouses, children and parents in the service of the state

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

<input type="checkbox"/> a member of any municipal council. <input type="checkbox"/> a member of any provincial legislature. <input type="checkbox"/> a member of the National Assembly or the National Council of Province. <input type="checkbox"/> a member of the board of directors of any municipal entity. <input type="checkbox"/> an official of any municipality or municipal entity.	<input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999). <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity. <input type="checkbox"/> an employee of Parliament or a provincial legislature.
---	--

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

* Insert separate page if necessary

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise:

- (i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- (ii) confirms that neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- (iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- (iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- (iv) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed: _____ Date: _____
Name: _____ Position: _____
Enterprise name: _____

Part C1: Agreement and Contract Data

DIRECTORATE: INFRASTRUCTURE & PLANNING
SECTION: PLANNING AND PROPERTY ADMINISTRATION
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C1.1 FORM OF OFFER AND ACCEPTANCE

1.1.1. OFFER

The Municipality, identified in the Acceptance signature block, has solicited offers to enter into a contract in respect of the following sales:

TENDER NO: SC 1073/2011

TITLE: SALE OF A PORTION OF ERF 210 GANSBAAI IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A MIXED USE DEVELOPMENT CONSISTING OF A COMMERCIAL COMPONENT AND A RETIREMENT VILLAGE WITH ASSOCIATED FACILITIES

The tenderer, identified in the offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the returnable schedules, and by submitting this offer has accepted the conditions of tender.

By the representative of the tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the tenderer offers to perform all of the obligations and liabilities as described in the tender document including compliance with all its terms and conditions according to their true intent and meaning.

THE OFFERED PRICE INCLUSIVE OF VALUE ADDED TAX IS:

Rand.....

..... (in words);

R..... (in figures)

This offer may be accepted by the Municipality by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the tenderer before the end of the period of validity stated in the tender data.

Signature(s)

Name(s)

Capacity

For the tenderer

(Name and address of organization/ tenderer)

Name and signature of witness Date

1.1.2. ACCEPTANCE

By signing this part of this Form of Offer and Acceptance, the Municipality identified below, accepts the tenderer’s offer. Acceptance of the tenderer’s offer shall form an agreement between the Municipality and the tenderer upon the terms and conditions contained in this agreement and in the Deed of Sale to be concluded that is the subject of this agreement.

The tenderer shall within two weeks after receiving a completed copy of this agreement, including the schedule of deviations (if any), arrange for the delivery of any bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the agreement. Failure to fulfill any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this Agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document. Unless the tenderer (now Developer) within five working days of the date of such receipt notifies the Municipality in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the parties.

Signature(s)

Name(s)

Capacity

For the Municipality **OVERSTRAND MUNICIPALITY
Magnolia Avenue
Hermanus**

Name and Signature Of witness

..... Date

DIRECTORATE: INFRASTRUCTURE & PLANNING
SECTION: PLANNING AND PROPERTY ADMINISTRATION
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C1.2 FORM OF GUARANTEE

WHEREAS the **OVERSTRAND MUNICIPALITY** (*hereinafter referred to as the "Employer"*) entered into a Contract with:

(*hereinafter referred to as "the Contractor"*)

on the _____ day of _____ 20____, for the **sale of a portion of Erf 210, Gansbaai in the Overstrand Municipal Area for he purpose of establishing a mixed use development consisting of a commercial component and retirement village with associated facilities;**

AND WHEREAS it is provided by such Contract that the Contractor shall provide the Employer with security by way of a guarantee for the due and faithful fulfilment of such Contract by the Contractor;

AND WHEREAS _____ has/ have at the request of the Contractor, agreed to give such guarantee;

NOW THEREFORE WE _____, do hereby guarantee and bind ourselves jointly and severally as Guarantor and Co-principal Debtors to the Employer under renunciation of the benefits of division and excussion for the due and faithful performance by the Contractor of all the terms and conditions of the said Contract, subject to the following conditions:

1. The Employer shall, without reference and/or notice to us, have complete liberty of action to act in any manner authorized and/or contemplated by the terms of the said contract, and/or to agree to any modifications, variations, alterations, directions or extensions of the completion date of the works under the said Contract, and that its rights under this guarantee shall in no way be prejudiced nor our liability hereunder be affected by reason of any steps which the Employer may take under such Contract, or of any modification, variation or alteration of the completion date which the Employer may make, give, concede or agree to under the said Contract.
2. This guarantee shall be limited to the payment of a sum of money.
3. The Employer shall be entitled, without reference to us, to release any guarantee held by it, and to give time to or compound or make any other arrangement with the Contractor.
4. This guarantee shall remain in full force and effect until the issue of the Certificate of Completion in terms of the Contract, unless we are advised in writing by the Employer before the issue of the said Certificate of his intention to

institute claims, and the particulars thereof, in which event this guarantee shall remain in full force and effect until all such claims have been paid or liquidated.

5. Our total liability hereunder shall not exceed the Guaranteed Sum of _____
_____ Rand (in words); R_____ (in figures).

6. The Guarantor reserves the right to withdraw from this guarantee by depositing the Guaranteed Sum with the beneficiary, whereupon our liability hereunder shall cease.

7. We hereby choose our address for the serving of all notices for all purposes arising here from as

IN WITNESS WHEREOF this guarantee has been executed by us at _____ on this ____
_____ day of _____ 20_____.

SIGNATURE

Duly authorised to sign on behalf of: _____

Witness 1: _____

Witness 2: _____

Guarantor's seal or stamp:



Part C2: Pricing Data

DIRECTORATE: INFRASTRUCTURE & PLANNING
SECTION: PLANNING AND PROPERTY ADMINISTRATION
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C2.1 PRICING INSTRUCTION

The Tender price will be payable as follows:

- 10% of the sale price on acceptance of the offer.
- Remainder of sale price is payable on the date of transfer.
- The tenderer must provide the total amount offered for the property (inclusive of Value Added Tax (Use C1.1 Form of Offer and Acceptance)

Tender Number	Property Description	Tender Price (VAT included)
SC 1073/2011	A portion of Erf 210 Gansbaai, ±6ha in extent.	

Signed at _____ on this _____ day of _____ 2010
 in the presence of the undersigned witnesses.

As Witnesses:

 TENDERER:
 ID / FIRM NUMBER:

1. _____

2. _____

Part C3: Scope of Tender

DIRECTORATE: INFRASTRUCTURE & PLANNING
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C3.1 SCOPE OF TENDER

1. INTRODUCTION

- 1.1. The Overstrand Municipality has decided in principle to dispose of the property known as a portion of Erf 210 Gansbaai. This site has been identified as an ideal location for a mixed use development consisting of a commercial component and retirement village with associated facilities. The Municipality owns the land which is currently vacant. The proposal for its development is in line with government policy to maximise under utilised public property and to provide in the needs of the community.
- 1.2. The objective of this exercise is to enable the Bid Adjudication Committee to select the best submission in terms of both financial, track record and concept appropriateness for the site.
- 1.3. The document is self-explanatory and interested parties are encouraged to read through it carefully, so as to familiarise themselves with both the overall intent of Council, as well as with the procedures for the award.

2. THE TENDER PROCESS

The process to be followed in this proposal call shall be as follow:

- 2.1. The submission of a tender proposal must be in accordance with **Paragraph 9** of this document.
- 2.2. The submission of a tender price, plans and sketches as well as a written description of the envisaged development, the details of the operator as well as information regarding the source of development funds and the financial offer made must be clearly set out in the applicant's submission as per the requirements set out in **Paragraph 8** of this document.
- 2.3. The submissions will be evaluated and adjudicated by a duly constituted evaluation and adjudication committee. It should be noted that the Municipality is not obliged to accept any of the tenders submitted.
- 2.4. A Deed of Sale will be entered into with the successful tenderer after the tender has been awarded.
- 2.5. On awarding the tender, a payment of the required 10% (ten percent) of the agreed sale price, is immediately at acceptance of the offer. The remainder of the sale price is payable on the date of transfer.
- 2.6. On awarding of the tender, the transfer of the ownership of the land portions to the tenderer will proceed forthwith.

3. THE ROLE OF THE PROPERTY WITHIN THE NATURE OF ITS LOCALITY

- 3.1. The site is located west of the Spar Centre in the Kapokblom Road, Gansbaai. (See Annexure A)
- 3.2. The site may only be used for establishing and operating a retirement village with associated facilities and a commercial component (the latter to be located adjoining Kapokblom Street).

4. PROPERTY DESCRIPTION AND DETAILS

- 4.1. Erf no. and size: Portion of erf 210 Gansbaai, ±6ha in extent.
- 4.2. Zoning status: Undetermined Zone (Commonage)

The surrounding land uses vary and include Residential, Authority, Institutional and Business uses.

The land is offered for sale “voetstoots” and the onus will be on the developer to submit relevant applications in terms of Land Use and Planning Ordinance, No. 15 of 1985 for a structure plan amendment, rezoning, subdivision and removal of restrictions in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1067) to obtain the necessary development rights.

5. DEVELOPMENT PARAMETERS**5.1. Development Directives**

- 5.1.1. Appropriate development proposals are sought that will contribute to the general quality and nature of the existing built environment and which will fit into and complement the existing developments in the surrounding area.
- 5.1.2. Development proposals should provide for mixed use development with a commercial component and a Retirement Village with associated infrastructure (refer to the concept site plan attached per Annexure A).

5.2. Non-Developable area.

N/A

5.3. Accesses and Road provision

Access to the property will be obtained from Kapokblom Road as proposed on the preliminary lay-out map attached per Annexure F.

5.4. Height Restrictions

Grouphousing Zone: 8,5m

Refer to the Gansbaai Zoning Scheme Regulations for the applicable development parameters.

5.5. Not allowed

Any use other than mixed use development consisting of a commercial component and Retirement Village with associated facilities are considered to be inappropriate.

6. INFRASTRUCTURE

- 6.1. A water connection suitable for the construction phase will be provided for by the Municipality at the cost of the developer. Temporary sewer and electrical services to be provided by the saler. Any infrastructure, new or upgrading of existing services will be for the cost of the developer.
- 6.2. Bulk Service levies will be payable by the developer. This will be determined according to the requirements of the proposed development at the rate as determined in Council's applicable approved budget.

7. ZONING RIGHTS

- 7.1. The property is zoned for undetermined purposes and is offered for sale "voetstoets".

8. SUBMISSION REQUIREMENTS AND EVALUATION

- 8.1. Submissions are invited from all parties with the financial means and experience to submit a proposal for the sale and development of the site.
- 8.2. The tenderers will be required to submit a tender deposit of ten thousand rand (R10 000) on submission of the tender. This amount must be in the form of a bank guaranteed payment (only guarantee by an accredited financial institution) in favor of the Overstrand Municipality and valid for 90 days from the date of the closure of the tender. Failure to comply with this requirement will lead to the disqualification of the tenderer. These guarantees will be returned to the tenderers after the awarding process has been completed. The tender deposit will be forfeited by a tenderer should he cancel/withdraw his tender at any time after the closing date of the tender.
- 8.3. The tenders will be Pre- Evaluated according to the following criteria: Track Record, Financial Ability and Proposed Development. Please refer to **page 7** of this tender document descriptions of the criteria and the points which will be awarded for each criterion. A minimum of at least **28 points** are required to qualify for Final Evaluation with reference to price and Empowerment.
- 8.4. The submission of supporting documentation as proof is required to qualify for points to be awarded.

9. METHOD OF SUBMISSION

- 9.1. The submission, sale price offered and signed Agreement of Sale must be submitted in a sealed envelope and endorsed '**TENDER SC 1073/2011: SALE OF A PORTION OF ERF 210 GANSBAAI, FOR THE PURPOSE OF ESTABLISHING A MIXED USE DEVELOPMENT CONSISTING OF A COMMERCIAL COMPONENT AND A RETIREMENT VILLAGE WITH ASSOCIATED FACILITIES.**' It must be deposited in the **Tender Box No. 6** in the foyer of the Municipal Offices, Hermanus, before **12 noon on Friday, 27 May 2010**. Proposals which are not submitted in a sealed envelope or proposals received after closing time and date will not be considered.
- 9.2. The Municipality is not obliged to accept the highest bid or any of the proposals submitted.
- 9.3. The Municipality may wish to interview prospective organisations or individuals prior to awarding the tender to any bidder.
- 9.4. The decision of the Municipality will be final.

10. ACCEPTANCE

The tender shall remain irrevocably open for acceptance by the Municipality for a period of 90 days calculated from the date of the closing of tenders.

Annexures

1. MBD 2 – TAX CLEARANCE CERTIFICATE REQUIREMENTS AND APPLICATION FORM

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

1. In order to meet this requirement, bidders are required to complete in full the TCC 0001 form, "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
3. The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be accepted.
4. In bids where Consortia / Joint Ventures / Sub-Contractors are involved, each party must submit a separate Tax Clearance Certificate.
5. Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za
6. Applications for the Tax Clearance Certificates may also be made via e-Filing. In order to use this provision, taxpayers will need to register with SARS as e-Filers through the website www.sars.gov.za

2. MBD 4 – DECLARATION OF INTEREST

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 and/or take an oath declaring his/her interest.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid:

3.1.	FULL NAME OF BIDDER OR HIS OR HER REPRESENTATIVE																			
3.2.	IDENTITY NUMBER	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td><td style="width: 5%;"></td> </tr> </table>																		
3.3.	POSITION OCCUPIED IN THE COMPANY (DIRECTOR, SHAREHOLDER ETC.)																			
3.4.	COMPANY REGISTRATION NUMBER																			
3.5.	TAX REFERENCE NUMBER																			
3.6.	VAT REGISTRATION NUMBER																			

3.7.	ARE YOU PRESENTLY IN THE SERVICE OF THE STATE?	YES	NO
3.7.1.	IF SO, FURNISH PARTICULARS:		
3.8.	HAVE YOU BEEN IN THE SERVICE OF THE STATE FOR THE PAST TWELVE MONTHS?	YES	NO
3.8.1.	IF SO, FURNISH PARTICULARS:		

¹ MSCM Regulations: "in the service of the state" means to be –

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

3.9.	DO YOU HAVE ANY RELATIONSHIP (FAMILY, FRIEND, OTHER) WITH PERSONS IN THE SERVICE OF THE STATE AND WHO MAY BE INVOLVED WITH THE EVALUATION AND OR ADJUDICATION OF THIS BID?	YES	NO
3.9.1.	IF SO, FURNISH PARTICULARS:		
3.10.	ARE YOU AWARE OF ANY RELATIONSHIP (FAMILY, FRIEND, OTHER) BETWEEN A BIDDER AND ANY PERSONS IN THE SERVICE OF THE STATE WHO MAY BE INVOLVED WITH THE EVALUATION AND OR ADJUDICATION OF THIS BID?	YES	NO
3.10.1.	IF SO, FURNISH PARTICULARS:		
3.11.	ARE ANY OF THE COMPANY'S DIRECTORS, MANAGERS, PRINCIPLE SHAREHOLDERS OR STAKEHOLDERS IN THE SERVICE OF THE STATE?	YES	NO
3.11.1.	IF SO, FURNISH PARTICULARS:		
3.12.	IS ANY SPOUSE, CHILD OR PARENT OF THE COMPANY'S DIRECTORS, MANAGERS, PRINCIPLE SHAREHOLDERS OR STAKEHOLDERS IN THE SERVICE OF THE STATE?	YES	NO
3.12.1.	IF SO, FURNISH PARTICULARS:		

DECLARATION			
I, THE UNDERSIGNED (NAME) _____,			
CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 3 ABOVE IS CORRECT.			
I ACCEPT THAT THE STATE MAY ACT AGAINST SHOULD THIS DECLARATION PROVE TO BE FALSE.			
SIGNATURE		DATE	
NAME OF SIGNATORY			
POSITION			
NAME OF COMPANY			

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT
REGULATIONS 2001**

SALES

This preference form must form part of all bids invited for the sale and letting of assets. It contains general information and serves as a claim form for Historically Disadvantaged Individual (HDI) preference points as well as a summary for preference points claimed for attainment of other specified goals.

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF EQUITY OWNERSHIP BY HISTORICALLY DISADVANTAGED INDIVIDUALS (HDIs), AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001.

1. GENERAL CONDITIONS

1.1. The following preference point systems are applicable to all bids:

- 1.1.1. the 80/20 system for the sale and letting of assets with a Rand value of up to R500 000; and
- 1.1.2. the 90/10 system for the sale and letting of assets with a Rand value above R500 000.

The value of this bid is estimated to exceed R500 000 and therefore the 90/10 system shall be applicable.

1.2. Preference points for this bid shall be awarded for:

- 1.2.1. Price; and
- 1.2.2. Specific contract participation goals, as specified in the attached forms.

1.3.1. The points for this bid are allocated as follows:

	POINTS
1.3.1.1. PRICE	90
1.3.1.2. SPECIFIC CONTRACT PARTICIPATION GOALS	
(a) Historically Disadvantaged Individual:	
(i) who had no franchise in national elections before the 1983 and 1993 Constitutions	2
(ii) who is a female	1
(iii) who has a disability	1
(b) Other specific goals	
(i) Local tenderers MBD 6.9 (Western Cape Province)	6
Total points for Price, HDIs and other RDP goals must not exceed	100

Separate Preference Points Claim Forms will be used for the promotion of the specific goals for which points have been allocated in paragraph 1.3.1.2 (b) above.

1.4. Failure on the part of a bidder to fill in and/or to sign this form may be interpreted to mean that preference points are not claimed.

1.5. The seller reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the seller.

2. GENERAL DEFINITIONS

- 2.1. **“Acceptable bid”** means any bid which, in all respects, complies with the conditions of bid as set out in the bid document.
- 2.2. **“Bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of Municipality for the sale and letting of assets.
- 2.3. **“Consortium or joint venture”** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract.
- 2.4. **“Contract”** means the agreement that results from the acceptance of a bid by an organ of Municipality.
- 2.5. **“Specific contract participation goals”** means the goals as stipulated in the Preferential Procurement Regulations 2001.
- 2.6. **“Control”** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business.
- 2.7. **“Disability”** means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.
- 2.8. **“Equity Ownership”** means the percentage ownership and control, exercised by individuals within an enterprise.
- 2.9. **“Historically Disadvantaged Individual (HDI)”** means a South African citizen
- 1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act No 110 of 1983) or the Constitution of the Republic of South Africa, 1993, (Act No 200 of 1993) (“the interim Constitution”); and/or
 - 2) who is a female; and/or
 - 3) who has a disability:

provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be a HDI;
- 2.10. **“Management”** means an activity inclusive of control and performed on a daily basis, by any person who is a principal executive officer of the company, by whatever name that person may be designated, and whether or not that person is a director.
- 2.11. **“Owned”** means having all the customary elements of ownership, including the right of decision-making and sharing all the risks and profits commensurate with the degree of ownership interests as demonstrated by an examination of the substance, rather than the form of ownership arrangements.
- 2.12. **“Person”** includes reference to a juristic person.
- 2.13. **“Rand value”** means the total estimated value of a contract in Rand denomination that is calculated at the time of bid invitations and includes all applicable taxes and excise duties.
- 2.14. **“Small, Medium and Micro Enterprises (SMMEs)”** bears the same meaning assigned to this expression in the National Small Business Act, (1996 No 102 of 1996).
- 2.15. **“Trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

- 2.16. "Trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ESTABLISHMENT OF HDI EQUITY OWNERSHIP IN AN ENTERPRISE

- 3.1. Equity ownership shall be equated to the percentage of an enterprise which is owned by individuals classified as HDIs, or in the case of a company, the percentage shares that are owned by individuals classified as HDIs, who are actively involved in the management and daily business operations of the enterprise and exercise control over the enterprise, commensurate with their degree of ownership.
- 3.2. Where individuals are not actively involved in the management and daily business operations and do not exercise control over the enterprise commensurate with their degree of ownership, equity ownership may not be claimed.

4. ADJUDICATION USING A POINT SYSTEM

- 4.1. The bidder obtaining the highest number of points will be awarded the contract.
- 4.2. Points scored will be rounded off to 2 decimal places.
- 4.3. In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.

5. POINTS AWARDED FOR PRICE

- 5.1. THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left(1 + \frac{P_t - P_h}{P_h} \right) & \text{or} & P_s = 90 \left(1 + \frac{P_t - P_h}{P_h} \right)
 \end{array}$$

Where

- Ps = Points scored for price of bid under consideration
- Pt = Rand value of bid under consideration
- Ph = Rand value of highest acceptable bid

6. POINTS AWARDED FOR HISTORICALLY DISADVANTAGED INDIVIDUALS

- 6.1. In terms of Regulation 13 (2) preference points for HDIs are calculated on their percentage shareholding in a business, provided that they are actively involved in and exercise control over the enterprise. The following formula is prescribed in Regulation 13 (5) (c):

$$NEP = NOP \times \frac{EP}{100}$$

Where

- NEP = Points awarded for equity ownership by an HDI
- NOP = The maximum number of points awarded for equity ownership by an HDI in that specific category
- EP = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with the definition of HDIs.

- 6.2. Equity claims for a trust will only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the trust.
- 6.3. Documentation to substantiate the validity of the credentials of the trustees contemplated above must be submitted.
- 6.4. A consortium or joint venture may, based on the percentage of the contract value managed or executed by their HDI-members, be entitled to preference points in respect of an HDI.

7. BID DECLARATION

- 7.1. Bidders who claim points in respect of equity ownership must complete the Bid Declaration at the end of this form.

8. EQUITY OWNERSHIP CLAIMED IN TERMS OF PARAGRAPH 2.9 ABOVE. POINTS TO BE CALCULATED FROM INFORMATION FURNISHED IN PARAGRAPH 9.6.

Ownership	Percentage owned	Points claimed
8.1. Equity ownership by persons who had no franchise in the national elections%
8.2. Equity ownership by women%
8.3. Equity ownership by disabled persons*%

*If points are claimed for disabled persons, indicate the nature of impairment (see paragraph 2.7 above)

.....

9. DECLARATION WITH REGARD TO EQUITY

- 9.1. Name of firm:
- 9.2. VAT registration number:
- 9.3. Company registration number:

9.4. TYPE OF FIRM

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

[TICK APPLICABLE BOX]

9.5. MUNICIPAL INFORMATION

- State where business is situated:
- Registered Account No:
- Stand No:

9.6. TOTAL NUMBER OF YEARS THE FIRM HAS BEEN IN BUSINESS?

.....

9.7. List all Shareholders by Name, Position, Identity Number, Citizenship, HDI status and ownership, as relevant. Information to be used to calculate the points claimed in paragraph 8.

Name	Date/Position occupied in Enterprise	ID Number	Date RSA Citizenship obtained	* HDI Status			% of business / enterprise owned
				No franchise prior to elections	Women	Disabled	

*Indicate YES or NO

9.8. CONSORTIUM / JOINT VENTURE

In the event that preference points are claimed for HDI members by consortia / joint ventures, the following information must be furnished in order to be entitled to the points claimed in respect of the HDI member:

Name of HDI member (to be consistent with paragraph 9.6)	Percentage (%) of the contract value managed or executed by the HDI member

9.9. I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the firm certify that points claimed, based on the equity ownership, indicated in paragraph 8 of the foregoing certificate, qualifies the firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) The Equity ownership claimed is 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 paragraph 8, the contractor may be required to furnish documentary proof to the satisfaction of the seller that the claims are correct.
- (iv) If the claims are found to be incorrect, the seller may, in addition to any other remedy it may have -
 - (a) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (b) 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.

WITNESSES:

- 1. SIGNATURE (S) OF BIDDER (S)
- 2. DATE:.....

ADDRESS:

.....

.....

.....

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001

PROMOTION OF ENTERPRISES LOCATED IN A SPECIFIC PROVINCE

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES SPECIFIED IN CLAIM FORM MBD 6.1 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2001.

- 1. Regulation 17(3) (e) of the Preferential Procurement Regulations makes provision for the promotion of enterprises located in a specific province for work to be done or services to be rendered in that province.
2. The promotion of this goal can be achieved by acquiring goods and services from enterprises located within the Western Cape Province. This includes an enterprise whose head office may be situated in another province, but has established a fully-fledged branch within the Province. Enterprises located outside the borders of the Province and who only appoint agents and/or commission warehouses in the Province are expressly excluded from claiming points for this goal.

Table with 2 columns: SPECIFIC GOAL and POINTS ALLOCATED. Row 1: The stimulation of the Provincial economy by procuring locally ...6... Preference points may only be claimed by enterprises located within the borders of the Western Cape Province. (See paragraph 2 above).

4. BID DECLARATION

Bidders who wish to claim points in respect of this specific goal must complete the declaration part of this form.

5. DECLARATION WITH REGARD TO LOCALITY

State full particulars of locality of enterprise as well as that of Head Office:

Address of local enterprise:

Physical:.....

Postal:.....

Telephone: Fax:

Address of Head Office:

Physical:

Postal:

Telephone: Fax:

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise certify that the enterprise is entitled to the points allocated in paragraph 2 of this form and I / we acknowledge that:

- (i) The information furnished is true and correct.
(ii) In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claim is correct.
(iii) If the claim is found to be incorrect, the purchaser may, in addition to any other remedy it may have-

- (a) recover all costs, losses or damages it has incurred or suffered as a result of wrong information furnished; and
- (b) 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;

WITNESSES:

- 1.
- 2.

<p>..... SIGNATURE (S) OF BIDDER (S)</p> <p>DATE:</p>

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the audi alteram partem rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury’s website, www.treasury.gov.za, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.5.1	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:		NAME (PRINT):	
CAPACITY:		DATE:	
NAME OF FIRM:			

MBD 15 – CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES

NAME OF THE BIDDER: _____

FURTHER DETAILS OF THE BIDDER’S; Director / Shareholder / Partners, etc:

Director / Shareholder / partner	Physical address of the Business	Municipal Account number(s)	Physical residential address of the Director / shareholder / partner	Municipal Account number(s)

NB: Please attach certified copy(ies) of ID document(s)

I, _____,

(full name in block letters) the undersigned, certify that the information furnished on this declaration form is correct and that I / we have no undisputed commitments for municipal services towards a municipality in respect of which payment is overdue for more than 90 days.

If the value of the transaction is expected to exceed R10 million (VAT included) I certify that the bidder has no undisputed commitments for municipal services towards **a Municipality** in respect of which payment is overdue for more than 30 days;

THUS DONE AND SIGNED for and on behalf of the Bidder, at _____, on the _____ day of _____ 20_____.

Number of sheets appended by the tenderer to this schedule (If nil, enter NIL)	
--	--

SIGNATURE:		NAME (PRINT):	
CAPACITY:		NAME OF FIRM:	

For office use (comments):