



## OVERSTRAND MUNICIPALITY

**TENDER NO. SC1019/2011: SALE AND DEVELOPMENT OF  
ERVEN 824 & 825 ZWELIHLE IN THE OVERSTRAND  
MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A  
BUSINESS COMPLEX WITH RESIDENTIAL UNITS**

Name of Tenderer:	■
Contact Person:	
Contact Number:	
Tender Amount Offered:	R (including VAT)
Tender Amount in Words:	
Signature:	

**JANUARY 2011**

**DIRECTORATE : INFRASTRUCTURE & PLANNING**  
**SECTION : PLANNING AND PROPERTY ADMINISTRATION**  
**TENDER NO : SC1019/2011**

**TITLE: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A BUSINESS COMPLEX WITH RESIDENTIAL UNITS**

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**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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**Part T1: Tendering Procedures**

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Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

DIRECTORATE : INFRASTRUCTURE & PLANNING  
SECTION : PLANNING AND PROPERTY ADMINISTRATION  
TENDER NO : SC1019/2011

TITLE: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A BUSINESS COMPLEX WITH RESIDENTIAL UNITS

## T1.1 TENDER NOTICE AND INVITATION TO TENDER



PO BOX 20, HERMANUS, 7200

**TENDER NO: SC1019/2011: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE, HERMANUS, WESTERN CAPE**

Tenders are hereby invited for the SALE AND DEVELOPMENT of erven 824 and 825 Zwelihle and the development thereof for the purpose of establishing a business complex with residential units.

Tender documents, in English, are obtainable at the offices of the Manager: Town Planning, Overstrand Municipality, 16 Patterson Street, Hermanus Administration, Tel. 018 3138900 between 08h00 and 16h30, upon payment of a non-refundable tender participation fee of R400.00 per set. Bank guaranteed cheques are to be made payable to "Overstrand Municipality". Alternatively the documents can be downloaded free of charge from website: [www.overstrand.gov.za](http://www.overstrand.gov.za)

Sealed tenders with "**TENDER NO. SC1019/2011: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE**" clearly endorsed on the envelope, must be deposited in **Tender Box No. 1** at the offices of the Overstrand Municipality, Magnolia Avenue, Hermanus.

The closing date and time is **25 FEBRUARY 2011** at **12:00** noon and the tenders will be opened in public as soon as possible after the closing time in the Committee Room, Hermanus Administration.

Tenders must be valid for 90 days from 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, the Supply Chain Management Policy and the Administration of Immovable Property Policy of the Overstrand Municipality.

Please contact **Alta Marais** at **028 313 8109** for any information required.

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**DIRECTORATE : INFRASTRUCTURE & PLANNING**  
**SECTION : PLANNING AND PROPERTY ADMINISTRATION**  
**TENDER NO : SC1019/2011**

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## T1.2 TENDER DATA & SPECIFICATIONS

Clause number	
	The conditions of tender are the <b>standard conditions of tender</b> 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 <b>Overstrand Municipality</b>
F.1.2	The tender document issued by the owner comprises: <b>Part T1: Tendering Procedures</b> T1.1 Tender notice and invitation to tender T1.2 Tender data and specifications <b>Part T2: Returnable Schedules</b> T2.1 List of returnable documents T2.2 Tender schedules T2.3 Other documents for tender evaluation purposes <b>Part C1: Agreements and Contract Data</b> C1.1 Form of offer and acceptance <b>Part C2: Pricing Data</b> C2.1 Pricing instructions <b>Part C3: Scope of Tender</b> C3.1 Scope of tender
F.1.4	The owner's agent is: Name: <b>Mrs A Marais</b> Address: Directorate: Infrastructure & Planning Po Box 20 Magnolia Avenue Hermanus 7200 Tel: 028 313 8900 Fax: 028 313 2093 E-mail: <a href="mailto:amarais@overstrand.gov.za">amarais@overstrand.gov.za</a>
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. Valid Original Tax Clearance Certificate.
F.2.7	There are no compulsory clarification or site meetings.
F.2.12	No alterative offers will be considered.
F.2.13.3	Parts of each tender offer communicated on paper shall be submitted as an original, plus 1 (one) copy.

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

## T1. Tendering Procedures

F.2.13.5	<p>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: <b>TENDER NO. SC1019/2011: SALE AND DEVELOPMENT OF ERVEN 824 &amp; 825 ZWELIHLE IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A BUSINESS COMPLEX WITH RESIDENTIAL UNITS</b></p>
F.2.13	A two-envelope procedure will not be followed.
F.2.15	The closing time for submission of tender offers is <b>12h00 on Friday, 25 February 2011.</b>
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	<p>The time and location for opening of the tender offer is:  TIME: Immediately after <b>12h00 on Friday, 25 February 2011.</b>  VENUE: Overstrand Municipality, Administration Building, Magnolia Avenue, Hermanus. Tenders will be opened as soon as possible after the closing time for tenders at 12h00.</p>
F.3.11	<p>The procedure for the evaluation of responsive tenders is Method 2. The score for evaluation is to be calculated using the following formula:</p> <p>A maximum of 80 points is allocated for price on the following basis:</p> $80/20$ $P_s = 80 \left( 1 + \frac{P_t - P_h}{P_h} \right)$ <p>Where</p> <p>P<sub>s</sub> = Points scored for price of bid under consideration</p> <p>P<sub>t</sub> = Rand value of bid under consideration</p> <p>P<sub>h</sub> = Rand value of highest acceptable bid</p> <p><b>Scoring Preferences</b></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</p> <p>NOP = The maximum number of points awarded for equity ownership by an HDI in that specific category</p> <p>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>

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

F.3.11.3	<b><u>PRE-QUALIFICATION CRITERIA</u></b>	
	<b>A total of at least 24 points are required to qualify for the Final Evaluation</b>	
	<b>• Track Record</b>	
	- Track record on similar projects (2 points per project to a maximum of 6 points)	6
	- Number of years in operation in SA (1 points for each year to a maximum of 8 points)	8
	<b>• Financial Ability</b>	
	- Proof of financial backing/financial resources (e.g. bank or financial statements) to purchase erven 824 & 825, to acquire erven 822, 826 & 827 privately as well as to complete the proposed development within the projected timeframe	3
	- Projected timeframe for completion of the proposed development (to be calculated in comparison with other tenders with the shortest timeframe receiving 3 points and the longest timeframe receiving 1 point)	3
	<b>• Proposed Development</b>	
	- Submission of a Site Development Plan indicating envisaged development for mixed use, e.g. business and residential (1 points for each category)	5
	- Inclusion of Erven 822, 826 & 827 which the tenderer should acquire privately in the development proposal (proof required)	3
	- Inclusion of the development of Erf 823 which shall remain the property of the Municipality for parking facilities	2
	<b>TOTAL (a total of at least 24 points are required to qualify for the Final Evaluation)</b>	
	<b>30</b>	
	<b>B. Description of <u>FINAL EVALUATION CRITERIA</u>:</b>	
	Elevation points for tenders < R500 000.00	
	<b>• Price</b>	
	<b>80</b>	
	- Based on the monetary offer (highest price)	
	<b>• Empowerment</b>	
	<b>20</b>	
	- HDI – MBD 6.2 (ANNEXURE C)	8
	- Women MBD 6.2 (ANNEXURE C)	2
- Disabled MBD 6.2 (ANNEXURE C)	2	
- Locality of Tenderer MBD 6.9, 6.10, 6.11 (ANNEXURE D) (2, 4 or 8)	8	
<b>TOTAL</b>		
<b>100</b>		

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

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**T1. Tendering Procedures**

F3.13.1	Tender offers will only be accepted if: <ul style="list-style-type: none"><li>a) the tenderer submits an original valid Tax Clearance Certificate issued by the South African Revenue Services</li><li>b) the tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges;</li><li>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</li><li>d) the tenderer has not abused the Municipality's Supply Chain Management System.</li></ul>
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**Name of Tenderer:** \_\_\_\_\_**Signature of Tenderer:** \_\_\_\_\_**Date:** \_\_\_\_\_

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**Part T2: Returnable Schedules**

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Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**DIRECTORATE : INFRASTRUCTURE & PLANNING**  
**SECTION : PLANNING AND PROPERTY ADMINISTRATION**  
**TENDER NO : SC1019/2011**

**TITLE: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A BUSINESS COMPLEX WITH RESIDENTIAL UNITS**

## **T2.1 LIST OF RETURNABLE DOCUMENTS**

**Failure to comply with the requirements as listed below will render the bid non-responsive and will lead to disqualification.**

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
  - 1.2 Authorization of Signatory
2. OTHER DOCUMENTS REQUIRED
  - 2.1 Certificate of Authority for Joint Ventures (If Applicable)
  - 2.2 Documents supporting points claimed with regard to the Tender Qualification Criteria (Refer to **page 8**) – Compulsory.
  - 2.3 Documents supporting either consent of the owners of Erven 822, 826 and 827 to sell to the tenderer or being a party to the tendering body. – Compulsory.
  - 2.4 ANNEXURE A - MBD 2 Tax Clearance Certificate Requirements– Compulsory.
  - 2.5 ANNEXURE B - MBD 4 Declaration of Interest – Compulsory.
  - 2.6 ANNEXURE C - MBD 6.2 Preference Points Claim Form
  - 2.7 ANNEXURE D - MBD 6.9; 6.10 & 6.11
  - 2.8 ANNEXURE E - MBD 8 Declaration of Bidder's Past Supply Chain Management Practices – Compulsory.
  - 2.9 ANNEXURE F - MBD 9 Certificate of Independent Bid Determination – Compulsory.
  - 2.10 ANNEXURE G - MBD 15 Certificates for 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.

**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

DIRECTORATE : INFRASTRUCTURE & PLANNING  
SECTION : PLANNING AND PROPERTY ADMINISTRATION  
TENDER NO : SC1019/2011

TITLE: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A BUSINESS COMPLEX WITH RESIDENTIAL UNITS

**T2.2 RETURNABLE TENDER SCHEDULES**

**2.2.1 PROOF OF FINANCIAL BACKING AND FINANCIAL RESOURCES**

Name of Tendering Entity : \_\_\_\_\_

Signature : \_\_\_\_\_ Date : \_\_\_\_\_

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**2.2.2 AUTHORIZATION FOR 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. ....

**Name of Tenderer:** \_\_\_\_\_

**Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DIRECTORATE : INFRASTRUCTURE & PLANNING**  
**SECTION : PLANNING AND PROPERTY ADMINISTRATION**  
**TENDER NO : SC1019/2011**

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**T2.3 OTHER DOCUMENTS FOR TENDER EVALUATION PURPOSES**

**2.3.1 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 .....

**Name of Tenderer:** \_\_\_\_\_

**Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**2.3.3 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:** N/A

**Section 4: Particulars of sole proprietors and partners in partnerships**

Name*	Capacity	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 .....

**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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**Part C1: Agreement and Contract Data**

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Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

DIRECTORATE : INFRASTRUCTURE & PLANNING
SECTION : PLANNING AND PROPERTY ADMINISTRATION
TENDER NO : SC1019/2011

TITLE: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A BUSINESS COMPLEX WITH RESIDENTIAL UNITS

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: SC1019/2011

TITLE: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A BUSINESS COMPLEX WITH RESIDENTIAL UNITS

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 .....

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

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 .....

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

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**Part C2: Pricing Data**

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Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**DIRECTORATE : INFRASTRUCTURE & PLANNING**  
**SECTION : PLANNING AND PROPERTY ADMINISTRATION**  
**TENDER NO : SC1019/2011**

**TITLE: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A BUSINESS COMPLEX WITH RESIDENTIAL UNITS**

**C2.1 PRICING INSTRUCTION**

The Tender price will be payable as follows:

- 10% of the purchase price on acceptance of the offer.
- Remainder of purchase 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)
SC1019/2011	Erven 824 & 825 Zwelihle	

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2011  
 in the presence of the undersigned witnesses.

As Witnesses:

\_\_\_\_\_  
 TENDERER:  
 ID / FIRM NUMBER:

1. \_\_\_\_\_
2. \_\_\_\_\_

**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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**Part C3: Scope of Tender**

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Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

DIRECTORATE : INFRASTRUCTURE & PLANNING  
SECTION : PLANNING AND PROPERTY ADMINISTRATION  
TENDER NO : SC1019/2011

TITLE: SALE AND DEVELOPMENT OF ERVEN 824 & 825 ZWELIHLE IN THE OVERSTRAND MUNICIPAL AREA FOR THE PURPOSE OF ESTABLISHING A BUSINESS COMPLEX WITH RESIDENTIAL UNITS

### C3.1 SCOPE OF TENDER

#### 1. INTRODUCTION

- 1.1. The Overstrand Municipality has decided to dispose of the properties known erven 824 & 825 Zwelihle. The properties will not be sold separately. This site has been identified as an ideal location for a development with mixed use including business and residential. The Municipality owns the land which is currently vacant. The proposed development is in line with government policy to maximise under utilised public property and to provide in the economic 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 purchase price, is payable within a period of 10 (ten) business days.
- 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 in Lusiba Street, Zwelihle. (See Annexure H)
- 3.2. The site may only be used for mixed use including business and residential.

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

#### 4. PROPERTY DESCRIPTION AND DETAILS

4.1. Erf no. and size: Erven 824 and 825 Zwelihle,  $\pm 155\text{m}^2$  and  $\pm 106\text{m}^2$  in extent respectively.

4.2. Zoning status: The current zoning is for Commercial and Residential use.

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

#### 5. DEVELOPMENT PARAMETERS

##### 5.1. Development Directives

5.1.1. Appropriate development proposals are sought that would enhance the general quality and nature of the existing built environment.

5.1.2. Development proposals should provide for a multiple retail business complex to the advantage of economic development of the local community with units for residential purposes forming part of the complex as an integrated development.

5.1.3. The proposal should include the development of Erven 822, 826 and 827 which the tenderer should acquire privately. Supporting documentation should be submitted with the tender document indicating either consent of the owners of these properties to sell to the tenderer or being a party to the tendering body.

5.1.4. A condition will be included in the Deed of Sale to the effect that should the successful tenderer fail to also acquire privately owned Erven 822, 826 and 827 for the purpose of the development within 90 days from the date of signature of the Deed of Sale ownership of Erven 824 and 825, Zwelihle will revert back to the Municipality.

5.1.5. The proposal should provide for the development of Erf 823 for parking purposes. The ownership of Erf 823 will however be retained by the Municipality.

5.1.6. The proposed development should be completed within 2 years of the approval of the appropriate building plans to be submitted within 6 months of the transfer of the property after the tender has been awarded successfully.

5.1.7. Erven 126, 127 and 129 will not form part of the development.

##### 5.2. Non-Developable area.

N/A

##### 5.3. Accesses and Road provision

Access to the property will be from Lusiba Street. See the site map attached per Annexure H.

##### 5.4. Height Restrictions

Height of buildings is limited to 2 storey buildings.

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Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

## 5.5. Not allowed

Any use other than mixed use for business and residential are considered to be inappropriate.

**6. INFRASTRUCTURE**

- 6.1. A water connection suitable for the construction phase will be provided for by the Municipality. Temporary sewer and electrical services to be provided by the purchaser.
- 6.2. Bulk Service levies will be payable by 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 Residential and no uses other than Mixed Use with Business and Residential will be permitted.
- 7.2. The properties will be sold as it stands, "voetstoots", and the successful tenderer shall be responsible for obtaining the appropriate land use rights in terms of the provisions of Section 16 of the Land Use Planning Ordinance (Ordinance 15 of 1985 by applying at the Town Planning Department of the Overstrand Municipality in the prescribed manner, which approval shall not unreasonably be withheld.

**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 purchase 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 favour 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. This guarantee 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, Proposed Development. A total of at least **24 points** are required to qualify for final evaluation. Final evaluation will be based on Price and Empowerment. Please refer to **page 7** of this tender document descriptions of the criteria and the points which will be awarded for each criteria.
- 8.4. The submission of supporting documentation as proof is required to qualify for points to be awarded.

---

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**METHOD OF SUBMISSION**

- 8.5. The submission and purchase price offered must be submitted in a sealed envelope and endorsed '**TENDER SC1019/2011: SALE AND DEVELOPMENT OF ERVEN 824 & 825, ZWELIHLE.**' It must be deposited in the **Tender Box No. 1** in the foyer of the Municipal Offices, Hermanus, before **12 noon** on **Friday, 25 February 2011**. Proposals which are not submitted in a sealed envelope or proposals received after closing time and date will not be considered.
- 8.6. The Municipality is not obliged to accept the highest bid or any of the proposals submitted.
- 8.7. The Municipality may wish to interview prospective organisations or individuals prior to awarding the tender to any bidder.
- 8.8. The decision of the Municipality will be final.

**9. 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.

---

**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

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## Annexures

---

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Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**TAX CLEARANCE CERTIFICATE REQUIREMENTS**

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

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

PLEASE NOTE THAT THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND / OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE-OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.

**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_



TAX CLEARANCE

TCC 001

Application for a Tax Clearance Certificate

Purpose

Select the applicable option .....Tenders  Good standing 
If "Good standing", please state the purpose of this application

Particulars of applicant

Name/Legal name (Initials & Surname or registered name)
Trading name (if applicable)
ID/Passport no Company/Close Corp. registered no
Income Tax ref no PAYE ref no 7
VAT registration no 4 SDL ref no L
Customs code UIF ref no U
Telephone no CODE - NUMBER Fax no CODE - NUMBER
E-mail address
Physical address
Postal address

Particulars of representative (Public Officer/Trustee/Partner)

Surname
First names
ID/Passport no Income Tax ref no
Telephone no CODE - NUMBER Fax no CODE - NUMBER
E-mail address
Physical address

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**Particulars of tender** (If applicable)

Tender number

Estimated Tender amount R ,

Expected duration of the tender  year(s)

Particulars of the 3 largest contracts previously awarded

Date started	Date finalised	Principal	Contact person	Telephone number	Amount

**Audit**

Are you currently aware of any Audit investigation against you/the company?..... YES NO

If "YES" provide details

**Appointment of representative/agent (Power of Attorney)**

I the undersigned confirm that I require a Tax Clearance Certificate in respect of  Tenders or  Goodstanding.

I hereby authorise and instruct  to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

CCYY - MM - DD

Signature of representative/agent Date

Name of representative/agent

**Declaration**

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

CCYY - MM - DD

Signature of applicant/Public Officer Date

Name of applicant/Public Officer

- Notes:**
- It is a serious offence to make a false declaration.
  - Section 75 of the Income Tax Act, 1962, states: Any person who
    - fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
    - without just cause shown by him, refuses or neglects to-
      - furnish, produce or make available any information, documents or things;
      - reply to or answer truly and fully, any questions put to him ...
 As and when required in terms of this Act ... shall be guilty of an offence ...
  - SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**
  - Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the state\*, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where-

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

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

2.1 Full Name of bidder or his or her representative.....

2.2 Identity Number.....

2.3 Position occupied in the Company (director, shareholder etc.....

2.4 Company Registration Number.....

2.5 Tax Reference Number.....

2.6 VAT Registration Number.....

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / shareholder/ member.....

Name of state institution to which the person is connected.....

Position occupied in the state institution.....

Any other particulars:

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

\* "State" means –

**Name of Tenderer:** \_\_\_\_\_

**Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(a) 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);

- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

2.8 Did you or your spouse, or any of the company’s directors / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....

.....

.....

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

2.9.1 If so, furnish particulars.

.....

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

2.10.1 If so, furnish particulars.

.....

2.11 Do you or any of the directors/shareholders/ members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES / NO**

2.11.1 If so, furnish particulars:

.....

.....

.....

**DECLARATION**

I, the undersigned (name) .....certify that the information furnished in paragraphs 2.1 to 2.11.1 above is correct.

I accept that the state may act against me in terms of paragraph 23 of the general conditions of contract should this declaration prove to be false.

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

.....  
**Signature**

.....  
**Date**

.....  
**Position**

.....  
**Name of bidder**

---

**Name of Tenderer:** \_\_\_\_\_

**Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**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 not exceed R500 000 and therefore the 80/20 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:

<b>1.3.1.1. PRICE</b>	<b>POINTS</b>
	80

**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 8
- (ii) who is a female 2
- (iii) who has a disability 2

**(b) Other specific goals**

- (i) Local tenderers MBD 6.9 (Western Cape Province) 2
- (ii) Local tenderers MBD 6.10 (Overberg Region) or 4
- (iii) Local tenderers MBD 6.11 (Overstrand Municipality) or 8

**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.**

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

- 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.

---

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

- 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:

$$P_s = 80 \left( 1 + \frac{P_t - P_h}{P_h} \right) \quad \text{or} \quad P_s = 90 \left( 1 + \frac{P_t - P_h}{P_h} \right)$$

Where

P<sub>s</sub> = Points scored for price of bid under consideration

P<sub>t</sub> = Rand value of bid under consideration

P<sub>h</sub> = Rand value of highest acceptable bid

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**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**

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_  
Date: \_\_\_\_\_

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: .....

**Name of Tenderer:** \_\_\_\_\_

**Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

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: .....  
.....  
.....  
.....

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

**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.

**3. SPECIFIC GOAL** **POINTS ALLOCATED**

The stimulation of the Provincial economy by procuring locally ...2...

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. POINTS CLAIMED**

Bidder to indicate whether the point(s) allocated for enterprises situated within the borders of the **Western Cape Province** is/are claimed. **Yes/No**

**6. 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:.....

**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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

**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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

PROMOTION OF ENTERPRISES LOCATED IN A SPECIFIC REGION

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) (f) of the Preferential Procurement Regulations makes provision for the promotion of enterprises located in a specific region for work to be done or services to be rendered in that region.
2. The promotion of this goal can be achieved by acquiring goods and services from enterprises located within the Overberg Region of the Western Cape Province.

3. SPECIFIC GOAL POINTS ALLOCATED

The stimulation of the Provincial economy by procuring locally from enterprises located in the Overberg Region ...4...

Preference points may only be claimed by enterprises located within the Overberg Region. (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. POINTS CLAIMED

Bidder to indicate whether the point(s) allocated for enterprises situated within the Overberg Region is/are claimed. Yes/No

6. 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:.....

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

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>
---

**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

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

PROMOTION OF ENTERPRISES LOCATED IN A SPECIFIC MUNICIPAL AREA

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

3. SPECIFIC GOAL POINTS ALLOCATED

The stimulation of the local economy by procuring from enterprises located within the borders of the Overstrand Municipality. ...8...

Preference points may only be claimed by enterprises located within the Overstrand Municipality. (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. POINTS CLAIMED

Bidder to indicate whether the point(s) allocated for enterprises situated within the Overstrand Municipality is/are claimed. Yes/No

6. 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:
.....

Municipal Account No: ..... Stand No:
.....

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

Address of Head Office: Physical: .....  
.....

Postal: .....  
.....

Telephone: ..... Fax: .....  
.....

Municipal Account No: ..... Stand No: .....  
.....

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**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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:**

<p>1. ....</p> <p>2. ....</p>	<p>..... SIGNATURE (S) OF BIDDER (S)</p> <p>DATE: .....</p>
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**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**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?  <b>(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).</b>	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)?  <b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, 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).</b>	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"/>

Name of Tenderer: \_\_\_\_\_ Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_

4.3.1	If so, furnish particulars:
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**Name of Tenderer:** \_\_\_\_\_

**Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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**

.....  
**Date**

.....  
**Position**

.....  
**Name of bidder**

**Name of Tenderer:** \_\_\_\_\_

**Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. 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).<sup>1</sup> Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
2. Municipal Supply Management 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.
3. 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.
4. In order to give effect to the above, the following Certificate of Bid Determination must be completed and submitted with the bid:

<sup>1</sup> 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.

Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_



**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_   
 *(Bid Number and Description)*

in response to the invitation for the bid made by:

\_\_\_\_\_   
 *(Name of Municipality / Municipal Entity)*

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

I certify, on behalf

of: \_\_\_\_\_ that:   
 *(Name of Bidder)*

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

\_\_\_\_\_  
**Name of Tenderer:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Tenderer:** \_\_\_\_\_

\_\_\_\_\_  
**Date:** \_\_\_\_\_

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

**Name of Tenderer:** \_\_\_\_\_

**Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**CERTIFICATE FOR PAYMENT OF MUNICIPAL SERVICES**

**NAME OF THE BIDDER**

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

Directors / Shareholders / 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, ....., the undersigned,  
(Full name in block letters)

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;

.....  
**Signature**

**THUS DONE AND SIGNED** for on behalf of the Bidder

At ..... on the ..... day of .....  
20.....

**For office use (comments):**

**Name of Tenderer:** \_\_\_\_\_ **Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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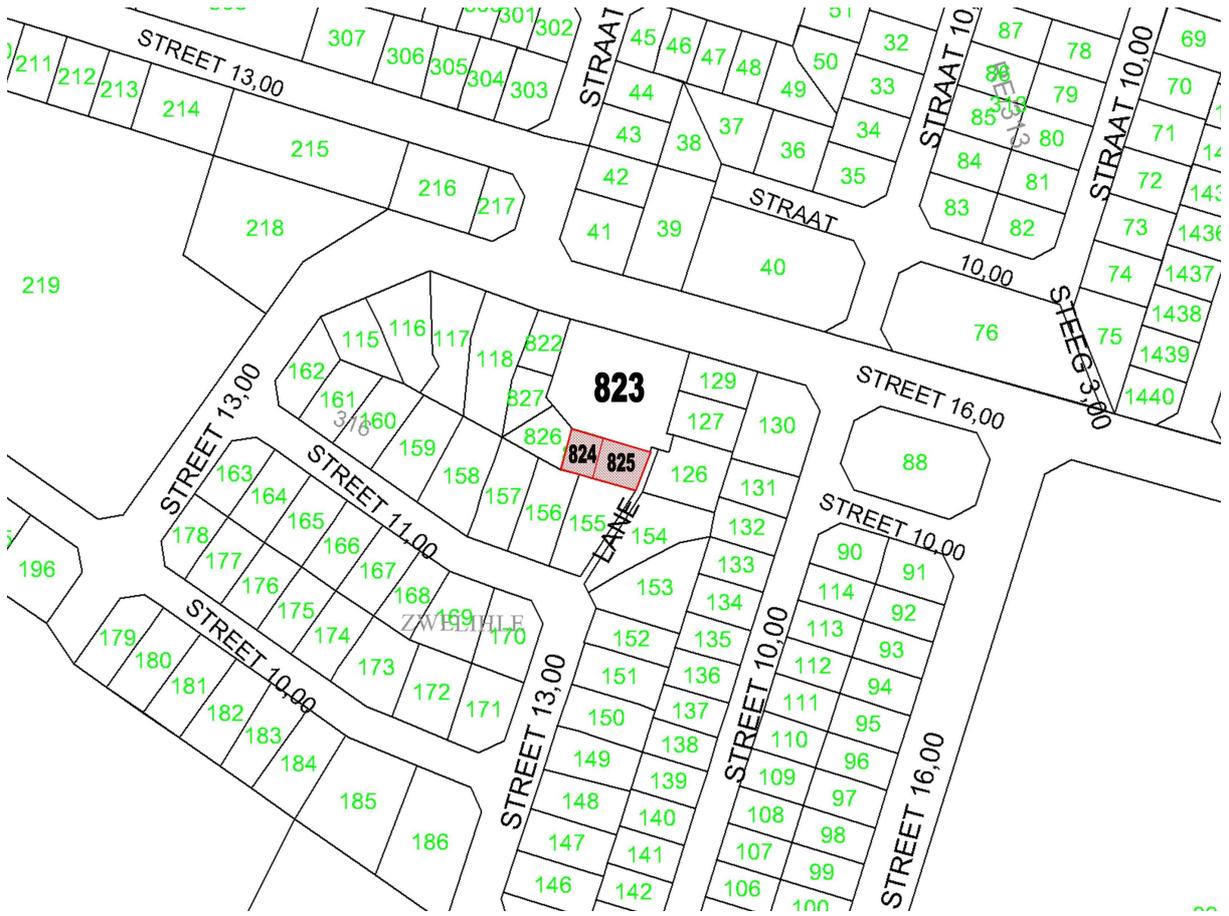
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**Name of Tenderer:** \_\_\_\_\_

**Signature of Tenderer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

SITE MAP



Name of Tenderer: \_\_\_\_\_

Signature of Tenderer: \_\_\_\_\_

Date: \_\_\_\_\_