



## OVERSTRAND MUNICIPALITY

TENDER NO. SC1102/2011

**SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND  
MUNICIPAL AREA FOR THE PURPOSES OF ESTABLISHING A RETIREMENT  
VILLAGE**

### PROCUREMENT DOCUMENT

**PREPARED AND ISSUED BY:**

DIRECTORATE: FINANCE  
OVERSTRAND MUNICIPALITY  
PO BOX 20  
HERMANUS  
7200

**CONTACT:**

NAME: **MS. A. MARAIS**  
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 **20**

**JULY 2011**



<b>KLEINMOND</b> Private Bag X3 Kleinmond; 7195 Tel: 028 271 8100 Fax: 028 271 4678	<b>HERMANUS</b> PO Box 20 Hermanus; 7200 Tel: 028 313 8000 Fax: 028 313 8048	<b>STANFORD</b> PO Box 84 Stanford; 7210 Tel: 028 341 0640 Fax: 028 341 0445	<b>GANSBAAI</b> PO Box 26 Gansbaai; 7220 Tel: 028 384 0111 Fax: 028 384 0241
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<b>TENDER DETAILS</b>			
TENDER NUMBER:		<b>SC 1102/2011</b>	
TENDER TITLE:		<b>SALE OF ERF 2837, SANDBAAI, FOR THE PURPOSE OF A RETIREMENT VILLAGE.</b>	
CLOSING DATE:		<b>12/08/2011</b>	CLOSING TIME: <b>12H00</b>
BID BOX NO:	<b>1</b>	Situated at Overstrand Municipal Building, Magnolia Avenue, Hermanus. The bid box is generally open 24 hours a day, 7 days a week.	
<b>TENDERER DETAILS</b>			
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:			
<b>PLEASE NOTE:</b>  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.			
<b>ENQUIRIES MAY BE DIRECTED TO:</b>			
	ENQUIRIES REGARDING BID PROCEDURES		TECHNICAL ENQUIRIES
CONTACT PERSON:	<b>PEDRO PETERS</b>		<b>ALTA MARAIS</b>
TEL. #	<b>028 313 8956</b>		<b>028 313 8102</b>

DIRECTORATE : INFRASTRUCTURE & PLANNING  
SECTION : PLANNING AND PROPERTY ADMINISTRATION  
TENDER NO : SC1102/2011

TITLE: SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND  
MUNICIPAL AREA FOR PURPOSES OF ESTABLISHING A RETIREMENT VILLAGE

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**Part T1: Tendering Procedures**

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DIRECTORATE : INFRASTRUCTURE & PLANNING  
SECTION : PLANNING AND PROPERTY ADMINISTRATION  
TENDER NO : SC1102/2011

TITLE: SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND MUNICIPAL AREA FOR PURPOSES OF ESTABLISHING A RETIREMENT VILLAGE

## T1.1 TENDER NOTICE AND INVITATION TO TENDER



### TENDER NO: SC1102/2011

Tenders are hereby invited for: **Sale of ERF 2837, Sandbaai, for the purpose of a retirement village.**

Tender documents, in English, are obtainable from Friday, 01 July 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 R110.00 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](http://www.overstrand.gov.za)

Sealed tenders, with "**Tender No. SC 1102/2011: Sale of ERF 2837, Sandbaai, for the purpose of a retirement village.**" clearly endorsed on the envelope, must be deposited in **Tender Box No. 1** 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 12 August 2011 at 12h00** and will be opened in public immediately thereafter in the Committee Room, Hermanus Administration.

Tenders must be valid for 120 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, 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  
 TENDER NO : SC1102/2011

TITLE: SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND MUNICIPAL AREA FOR PURPOSES OF ESTABLISHING A RETIREMENT VILLAGE

## T1.2 TENDER DATA & SPECIFICATIONS

Clause number	
	<p>The conditions of tender are the <b>standard conditions of tender</b> as published in Government Gazette No 31823.</p> <p>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.</p>
F.1.1	The OWNER is <b>Overstrand Municipality</b>
F.1.2	<p>The tender document issued by the owner comprises:</p> <p><b>Part T1: Tendering Procedures</b></p> <p>T1.1 Tender notice and invitation to tender</p> <p>T1.2 Tender data and specifications</p> <p><b>Part T2: Returnable Schedules</b></p> <p>T2.1 List of returnable documents</p> <p>T2.2 Tender schedules</p> <p>T2.3 Other documents for tender evaluation purposes</p> <p><b>Part C1: Agreements and Contract Data</b></p> <p>C1.1 Form of offer and acceptance</p> <p><b>Part C2: Pricing Data</b></p> <p>C2.1 Pricing instructions</p> <p><b>Part C3: Scope of Tender</b></p> <p>C3.1 Scope of tender</p>
F.1.4	<p>The owner's agent is:</p> <p>Name: <b>Mrs A Marais</b></p> <p>Address: Directorate: Infrastructure &amp; Planning          Po Box 20          Magnolia Avenue          Hermanus          7200</p> <p>Tel: 028 313 8900</p> <p>Fax: 028 313 2093</p> <p>E-mail: <a href="mailto:amarais@overstrand.gov.za">amarais@overstrand.gov.za</a></p>
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	<p>Only those tenderers satisfying the following eligibility criteria are eligible to submit tenders:</p> <ol style="list-style-type: none"> <li>1. Tender Entities that have proven financial backing and financial resources.</li> <li>2. Valid Original Tax Clearance Certificate.</li> </ol>
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 an original, plus 1 (one) copy.

F.2.13.5	<p>The owner's address for delivery of tender offers and identification details to be shown on each tender offer package are:</p> <p>LOCATION OF TENDER BOX: Overstrand Municipality, Administration Building, Magnolia Avenue, Hermanus</p> <p>PHYSICAL ADDRESS: Overstrand Municipality, Magnolia Avenue, Hermanus</p> <p>IDENTIFICATION DETAILS: <b>TENDER NO. SC1102/2011: SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND MUNICIPAL AREA</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, 12 August 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 120 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:</p> <p>TIME: Immediately after <b>12h00 on Friday, 12 August 2011.</b></p> <p>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><b>THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS</b></p> <p>A maximum of 80 or 90 points is allocated for price on the following basis:</p> <div style="text-align: center;"> <p><b>80/20                      OR                      90/10</b></p> <math display="block">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)</math> </div> <p>Where</p> <p> <math>P_s</math> = Points scored for price of bid under consideration  <math>P_t</math> = Rand value of bid under consideration  <math>P_h</math> = 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> <math>NEP</math> = Points awarded for equity ownership by an HDI  <math>NOP</math> = The maximum number of points awarded for equity ownership by an HDI in that specific category  <math>EP</math> = The percentage of equity ownership by an HDI within the enterprise or business, determined in accordance with the definition of HDI's. </p> <p><b>OR</b> as indicated in the MBD forms</p>
F3.13.1	<p>Tender offers will only be accepted if:</p> <ol style="list-style-type: none"> <li>the tenderer submits an original valid Tax Clearance Certificate issued by the South African Revenue Services</li> <li>the tenderer is not in arrears for more than 3 months with municipal rates and taxes and municipal service charges;</li> <li>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> </ol> <p>the tenderer has not abused the Municipality's Supply Chain Management System.</p>

F.3.11.3	Description of <b><u>FINAL EVALUATION CRITERIA:</u></b>		Elevation points for tenders > R500 000.00
	• Price		90
	- Based on the monetary offer (highest price)		
	• Empowerment		10
	- HDI – MBD 6.2 (ANNEXURE G)	6	
	- Women MBD 6.2 (ANNEXURE G)	2	
	- Disabled MBD 6.2 (ANNEXURE G)	2	
<b>TOTAL</b>			<b>100</b>



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**Part T2: Returnable Schedules**

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DIRECTORATE : INFRASTRUCTURE & PLANNING  
 SECTION : PLANNING AND PROPERTY ADMINISTRATION  
 TENDER NO : SC1102/2011

TITLE: SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND MUNICIPAL AREA FOR PURPOSES OF ESTABLISHING A RETIREMENT VILLAGE

## 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. – Compulsory.
  - 1.2 Authorization for 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 7**). – Compulsory.
  - 2.3 ANNEXURE D - MBD 2 Tax Clearance Certificate Requirements. – Compulsory.
  - 2.4 ANNEXURE E - MBD 4 Declaration of Interest. – Compulsory.
  - 2.5 ANNEXURE F – MBD 5
  - 2.6 ANNEXURE G - MBD 6.2 Preference Points Claim Form
  - 2.7 ANNEXURE H - MBD 8 Declaration of Bidder's Past Supply Chain Management Practices. – Compulsory.
  - 2.8 ANNEXURE I - MBD 9 Certificate of Independent Bid Determination. – Compulsory.
  - 2.9 ANNEXURE J - 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.

DIRECTORATE : INFRASTRUCTURE & PLANNING  
SECTION : PLANNING AND PROPERTY ADMINISTRATION  
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MUNICIPAL AREA FOR PURPOSES OF ESTABLISHING A RETIREMENT VILLAGE

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## T2.2 PROOF OF FINANCIAL BACKING AND FINANCIAL RESOURCES

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

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

**T2.3 AUTHORITY OF 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. ....

DIRECTORATE : INFRASTRUCTURE & PLANNING  
 SECTION : PLANNING AND PROPERTY ADMINISTRATION  
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## 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:** 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 .....

**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:

\_\_\_\_\_

**T2.6 RECORD OF ADDENDA**

We confirm that the following communications received from the Owner before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:

	Date	Title or Details

Attach additional pages if more space is required.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Tenderer \_\_\_\_\_

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**Part C1: Agreement and Contract Data**

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DIRECTORATE : INFRASTRUCTURE & PLANNING  
SECTION : PLANNING AND PROPERTY ADMINISTRATION  
TENDER NO : SC1102/2011

TITLE: SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND MUNICIPAL AREA FOR PURPOSES OF ESTABLISHING A RETIREMENT VILLAGE

## 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: SC1102/2011**

**TITLE: SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND MUNICIPAL AREA**

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 .....

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**Part C2: Pricing Data**

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DIRECTORATE : INFRASTRUCTURE & PLANNING  
SECTION : PLANNING AND PROPERTY ADMINISTRATION  
TENDER NO : SC1102/2011

TITLE: SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND  
MUNICIPAL AREA FOR PURPOSES OF ESTABLISHING A RETIREMENT VILLAGE

## 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)
SC1102/2011	ERF 2837 (a portion of Erf 1291) SANDBAAI	

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

As Witnesses:

\_\_\_\_\_  
TENDERER:

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

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

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**Part C3: Scope of Tender**

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DIRECTORATE : INFRASTRUCTURE & PLANNING  
SECTION : PLANNING AND PROPERTY ADMINISTRATION  
TENDER NO : SC1102/2011

**TITLE: SALE OF ERF 2837 (A PORTION OF ERF 1291) SANDBAAI IN THE OVERSTRAND MUNICIPAL AREA FOR PURPOSES OF ESTABLISHING A RETIREMENT VILLAGE**

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### **C3.1 SCOPE OF TENDER**

#### **1. INTRODUCTION**

- 1.1. The Overstrand Municipality has decided to dispose of the property known as Erf 2837 (a portion of 1291), Sandbaai. The Municipality owns the land which is undeveloped.
- 1.2. The objective of this exercise is to enable the Bid Adjudication Committee to select the best submission in terms of both financial ability 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 8** of this document.
- 2.2. The submission of a tender price as well as information regarding the source of funds and the financial offer made must be clearly set out in the applicant's submission as per the requirements set out in **Paragraph 9** 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 as soon as possible 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 immediately at acceptance of the offer.
- 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 Sandbaai on the Sandbaai Commonage near the newly developed Curro School. (See Annexure A)
- 3.2. The site may only be used for a Retirement Village, including Residential Zone I, Residential Zone II, Residential Zone III, Open Space II and Private Road.

**4. PROPERTY DESCRIPTION AND DETAILS**

4.1. Erf no. and size: ERF 2837 (a portion of Erf 1291) Sandbaai, 14,3802 ha in extent.

4.2. Zoning status: The current zoning is for a Retirement Village.

The surrounding land uses vary and include Residential and Institutional.

A diagram of the property is attached per Annexure B.

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

Development should comply with the provisions of Section 8 of the Scheme Regulations for Residential Zones I, II and III, Open Space Zone II and Private Road as promulgated in terms of the Land Use and Planning Ordinance, No. 15 of 1985. The development must be in accordance with the approved zoning and subdivision plan as attached per Annexure C a copy of which can be obtained from the Town Planning Department, Hermanus Administration. A Site development plan for the portion indicated as Residential Units (Erf 223) and Apartments/Frail Care/Service Centre (Erf 224) must be submitted for approval. This can be submitted after the tender has been awarded.

**5.2. Non-Developable area.**

N/A

**5.3. Accesses and Road provision**

Access to the property will be from such roads as shall be approved by the Director: Infrastructure & Planning. See the map attached per Annexure C.

**5.4. Height Restrictions**

Height of buildings is limited to 2 storey buildings.

**5.5. Not allowed**

Any use other than the approved zoning is considered to be inappropriate.

**6. INFRASTRUCTURE**

6.1. Water, sewer and electricity connections as per Service Agreement which will be drafted by the Manager: Engineering Services after the offer has been accepted.

**6.2. Bulk Infrastructure**

The Municipality will provide Bulk Infrastructure up to the boundary of the property hereby sold. The Bulk stormwater through the property as indicated per Annexure C will be constructed by the tenderer, the cost of which will be deducted from the Bulk Services Levies in 6.3 below.

**6.3. Bulk Services Levies**

Bulk services levies will be payable by the developer according to the prescribed fees as contained in Council's budget. This varies from year to year.

**6.4. Internal Infrastructure**

All cost for the provision of internal infrastructure is for the developers account.

#### 6.5. Roads

The Council will construct the road access from End Street up to the first access as shown on Annexure C.

### 7. ZONING RIGHTS

7.1. The property is zoned for a Retirement Village.

7.2. The site development plan for the portions indicated as Residential Units (Erf 223) and Apartments/Frail Care/Service Centre (Erf 224) on the subdivisional plan must be submitted after the tender has been approved.

### 8. METHOD OF SUBMISSION

8.1. The submission and purchase price offered must be submitted in a sealed envelope and endorsed '**TENDER SC1102/2011: SALE ERF 2837 (A PORTION OF ERF 1291) SANDBAAL.**' It must be deposited in the **Tender Box No. 1** in the foyer of the Municipal Offices, Magnolia Avenue, Hermanus, before **12 noon on Friday, 12 August 2011.** Proposals which are not submitted in a sealed envelope or proposals received after closing time and date will not be considered.

8.2. The Municipality is not obliged to accept the highest bid or any of the proposals submitted.

8.3. The Municipality may wish to interview prospective organisations or individuals prior to awarding the tender to any bidder.

8.4. The decision of the Municipality will be final.

### 9. SUBMISSION REQUIREMENTS AND EVALUATION

9.1. Submissions are invited from all parties with the financial means and experience to submit a proposal for the purchase of the site.

9.2. 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 120 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.

9.3. The submission of supporting documentation as proof is required to qualify for points to be awarded.

### 10. ACCEPTANCE

The tender shall remain irrevocably open for acceptance by the Municipality for a period of 120 days calculated from the date of the closing of tenders.

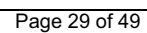
### 11. VALUE OF THE PROPERTY

The indicative value of the property is R20,540,000 (excluding VAT).

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**Annexures**

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SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System: WG19' X			S.G. No
		Constants		± 0,00	± 0,00	Approved
AB	367,71	255 02 30	A	-16 919,95	+3809 790,95	
BC	14,48	260 37 20	B	-17 275,20	+3809 696,04	
CD	16,44	270 12 30	C	-17 289,49	+3809 693,68	
DE	28,03	282 34 10	D	-17 305,93	+3809 693,74	
EF	59,07	291 48 50	E	-17 333,29	+3809 699,84	
FG	5,93	306 30 10	F	-17 388,13	+3809 721,79	
GH	4,03	387 52 10	G	-17 392,90	+3809 725,32	
HJ	6,32	26 24 10	H	-17 393,05	+3809 729,35	
JK	22,46	49 28 40	J	-17 390,24	+3809 735,01	
KL	14,74	319 25 40	K	-17 373,17	+3809 749,60	
LM	24,80	229 28 50	L	-17 382,76	+3809 760,80	
MN	32,50	263 48 00	M	-17 401,81	+3809 744,69	
NP	51,10	300 01 40	N	-17 433,92	+3809 741,19	
PQ	38,12	288 39 00	P	-17 478,16	+3809 766,75	
QR	476,31	49 28 50	Q	-17 514,28	+3809 778,94	
RS	263,94	109 48 20	R	-17 152,19	+3810 088,39	
SA	208,63	184 25 20	S	-16 903,86	+3809 898,95	
		40AC19	⊕	-17 358,39	+3809 101,12	
		41AC19	⊕	-17 582,02	+3809 160,59	

Description of Beacons

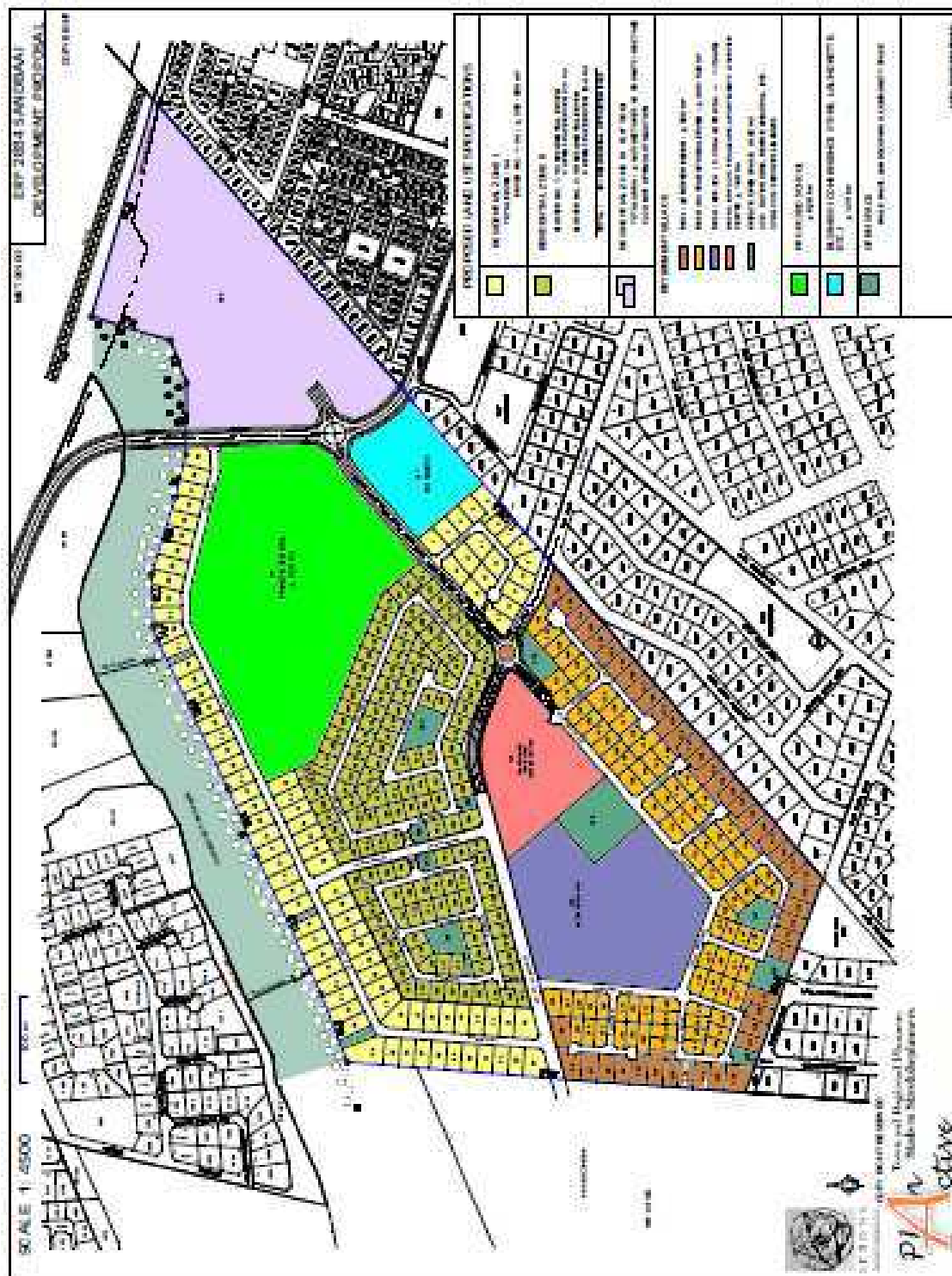
A, B, C, D, E, F, G, H, J, K, L, M, N, P, Q, R : 12mm Round Iron Peg  
S : 16 mm Iron peg

Sheet 1 of 2 sheets

<b>OVERSTRAND MUNICIPALITEIT</b> Submission accepted in terms of Section 25(1) of Ordinance 15 of 1983 Oorsending aanvaarbaar in terme van Artikel 25(1) van Ordinance 15 van 1983  P.F. Spronk Professional Land Surveyor Registration Number PLS-0779	The figure represents 14,3802 hectares of land being <b>ERF 2837 (A PORTION OF ERF 2834) SANDBAAN</b> situated in the Overstrand Municipality Administrative District of Caledon Province of Western Cape.	Surveyed in March 2011 by me P.F. Spronk Professional Land Surveyor Registration Number PLS-0779	
	The original diagram is S.G. No. 2287/2009 Transfer Grant	File 5/10350/5/14 V1 S.R. G.P. Comp.	

Registrar of Deeds

ERF 2837 SANDBAAN





**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](http://www.sars.gov.za)

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](http://www.sars.gov.za)

## 2. MBD 4 – DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state<sup>1</sup>.
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:

<b>3.1.</b>	<b>Full Name of bidder or his or her representative</b>													
<b>3.2.</b>	<b>Identity Number</b>													
<b>3.3.</b>	<b>Position occupied in the Company (director, shareholder etc.)</b>													
<b>3.4.</b>	<b>Company Registration Number</b>													
<b>3.5.</b>	<b>Tax Reference Number</b>													
<b>3.6.</b>	<b>VAT Registration Number</b>													

<b>3.7.</b>	<b>Are you presently in the service of the state?</b>	<b>YES</b>	<b>NO</b>
<b>3.7.1.</b>	<b>If so, furnish particulars:</b>		
<b>3.8.</b>	<b>Have you been in the service of the state for the past twelve months?</b>	<b>YES</b>	<b>NO</b>
<b>3.8.1.</b>	<b>If so, furnish particulars:</b>		

<sup>1</sup> 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			

### 3. DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (VAT INCLUDED)

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

1. Are you by law required to prepare annual financial statements for auditing?	YES		NO	
1.1. If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years.				
2. Do you have any outstanding undisputed commitments for municipal services towards a municipality or any other service provider in respect of which payment is overdue for more than 3 months?	YES		NO	
2.1. If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 3 months.	YES		NO	
2.2. If yes, provide particulars.				
3. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract?	YES		NO	
3.1. If yes, furnish particulars				
4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic?	YES		NO	
4.1. If yes, furnish particulars				
5.1. If the value of the bid exceeds R10 million (VAT included),- and the bidder is required by law to prepare annual financial statements for auditing, the bidder must submit its audited annual financial statements- (aa) for the past three years; or (ba) since its establishment if established during the past three years.				

#### CERTIFICATION

I, the undersigned (name) \_\_\_\_\_, certify that the information furnished on this declaration form is correct.

I accept that the state may act against me should this declaration prove to be false.

SIGNATURE		DATE	
NAME (PRINT)			
CAPACITY			
NAME OF FIRM			

#### 4. MBD 6.2 – PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001 – SALES

##### NB:

**Before completing this form, bidders must study the general conditions, definitions and directives applicable in respect of equity ownership by historically disadvantaged individuals (HDI's) 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 requirements with a Rand value of up to R500 000; and
  - 1.1.2 the 90/10 system for requirements with a Rand value above R500 000.
- 1.2. The value of this bid is estimated to exceed R500 000 and therefore the 90/10 system shall be applicable.
- 1.3. Preference points for this bid shall be awarded for:
  - Price
  - Specific contract participation goals, as specified in the attached forms.
- 1.4. The points for this bid are allocated as follows:

	POINTS
<b>1.4.1. PRICE</b>	<b>90</b>
<b>1.4.2. SPECIFIC CONTRACT PARTICIPATION GOALS</b>	<b>10</b>
<b>(a) Historically Disadvantaged Individuals:</b>	
(i) who had no franchise in national elections before the 1983 and 1993 Constitutions	6
(ii) who is a female	2
(iii) who has a disability	2
<b>Total points for Price, HDIs and other RDP- goals must not exceed</b>	<b>100</b>

- 1.5. 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.
- 1.6. The Municipality requires of a bidder to substantiate any claim in regard to preferences.

## 2. GENERAL DEFINITIONS

- 2.1. “*Acceptable bid*” means any bid which, in all respects, complies with the specifications and 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 state for the provision of goods, works or services.
- 2.3. “*Comparative price*” means the price after the factors of a non-firm price and all unconditional discounts that can be utilised have been taken into consideration.
- 2.4. “*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.
- 2.5. “*Contract*” means the agreement that results from the acceptance of a bid by an organ of state.
- 2.6. “*Specific contract participation goals*” means the goals as stipulated in the Preferential Procurement Regulations 2001.
  - 2.6.1. In addition to above-mentioned goals, the Regulations [12.(1)] also make provision for organs of state to give particular consideration to procuring locally manufactured products.
- 2.7. “*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.
- 2.8. “*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.
- 2.9. “*Equity Ownership*” means the percentage ownership and control, exercised by individuals within an enterprise.
- 2.10. “*Historically Disadvantaged Individual (HDI)*” means a South African citizen:
  - 2.10.1. 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
  - 2.10.2. Who is a female; and/or
  - 2.10.3. Who has a disability;
  - 2.10.4. 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;
- 2.11. “*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.
- 2.12. “*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.
- 2.13. “*Person*” includes reference to a juristic person.
- 2.14. “*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.
- 2.15. “*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).
- 2.16. “*Sub-contracting*” means the primary contractor’s assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
- 2.17. “*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.
- 2.18. “*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. Preference points shall be calculated after prices have been brought to a comparative basis.
- 4.3. Points scored will be rounded off to 2 decimal places.
- 4.4. 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:

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$P_s = 80 \left( 1 + \frac{P_t - P_h}{P_h} \right)$	or	$P_s = 90 \left( 1 + \frac{P_t - P_h}{P_h} \right)$

**Where:**

- $P_s$  = Points scored for price of bid under consideration
- $P_t$  = Rand value of bid under consideration
- $P_{min}$  = Rand value of lowest acceptable bid

**6. POINTS AWARDED FOR HISTORICALLY DISADVANTAGED INDIVIDUALS**

- 6.1. 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):

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

**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 HDI's.

## MBD.6.2

- 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. Public companies and tertiary institutions do not qualify for HDI preference points.
- 6.5. 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.
- 6.6. A person awarded a contract as a result of preference for contracting with, or providing equity ownership to an HDI, may not subcontract more than 25% of the value of the contract to a person who is not an HDI or does not qualify for the same number or more preference for equity ownership.

## 7. BID DECLARATION

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 2.10 ABOVE. POINTS TO BE CALCULATED FROM INFORMATION FURNISHED IN PARAGRAPH 9.9.

Ownership	% owned	Points claimed
(i) Equity ownership <b>by persons who</b> had no franchise in the national elections		
(ii) Equity ownership <b>by women</b>		
(iii) Equity ownership <b>by disabled persons*</b>		
<i>*If points are claimed for disabled persons, indicate nature of impairment (see paragraph 2.8 above)</i>		

## 9. DECLARATION WITH REGARD TO EQUITY

Name of Enterprise		
VAT registration number		
Company registration number		
TYPE OF ENTERPRISE (Tick applicable box)	Partnership	
	One person business/sole trader	
	Company (Pty) Ltd	
	Close Corporation	
Describe principal business activities		
Company Classification (Tick applicable box)	Manufacturer	
	Supplier	



## MBD.6.2

	Professional service provider	
	Other service providers, e.g. transporter, etc.	
Municipal Information:		
State where business is situated:		
Registered account number:		
Stand/erf number:		
TOTAL NUMBER OF YEARS THE ENTERPRISE HAS BEEN IN BUSINESS		

10. 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

PLEASE NOTE: SUBSTANTIATING EVIDENCE MUST BE PROVIDED IF POINTS ARE CLAIMED FOR EQUITY OWNERSHIP

**11. 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 9.9)	Percentage (%) of the contract value managed or executed by the HDI member

**12. DECLARATION**

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:

- a. The information furnished is true and correct.
- b. The Equity ownership claimed is in accordance with the General Conditions as indicated in paragraph 1 of this form.
- c. 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 purchaser that the claims are correct.
- d. If the claims are found to be incorrect, the purchaser may, in addition to any other remedy it may have -
  - i. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct; and
  - ii. 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.

SIGNATURE OF BIDDER(S):			
WITNESS 1:		WITNESS 2:	
DATE:			
ADDRESS:			

**5. MBD 8 – DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

4.1	<b>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>  <i>(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).</i>	<b>Yes</b>	<b>No</b>
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)?  <i>(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).</i>	<b>Yes</b>	<b>No</b>
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?	<b>Yes</b>	<b>No</b>

4.3.1	If so, furnish particulars:		
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes	No
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes	No
4.7.1	If so, furnish particulars:		

<b>CERTIFICATION</b>			
<p>I, the undersigned (full name), _____, certify that the information furnished on this declaration form true and correct.</p> <p>I accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.</p>			
SIGNATURE:		NAME (PRINT):	
CAPACITY:		DATE:	
NAME OF FIRM:			

**6. MBD 9 – CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Municipal Bidding Document (MBD) must form part of all bids<sup>2</sup> invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>3</sup> Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
3. Municipal Supply Chain 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.
4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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<sup>2</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>3</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.

## CERTIFICATE OF INDEPENDENT BID DETERMINATION:

SC 1102/2011SALE OF ERF 2837, SANDBAAL, FOR THE PURPOSE OF A RETIREMENT VILLAGE

in response to the invitation for the bid made by:

OVERSTRAND MUNICIPALITY

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

I certify, on behalf of: \_\_\_\_\_

(Name of Bidder)

I, the undersigned, in submitting the accompanying bid, that:

- 1 I have read and I understand the contents of this Certificate;
- 2 I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- 3 I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- 4 Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
- 5 For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; 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>4</sup> will not be construed as collusive bidding.
- 7 In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  1. prices;
  2. geographical area where product or service will be rendered (market allocation)
  3. methods, factors or formulas used to calculate prices;
  4. the intention or decision to submit or not to submit, a bid;
  5. the submission of a bid which does not meet the specifications and conditions of the bid; or
  6. bidding with the intention not to win the bid.

<sup>4</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

- 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:		NAME (PRINT):	
CAPACITY:		DATE:	
NAME OF FIRM:			



## 7. 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):			