

**REQUEST FOR PROPOSALS FOR THE LEASE OF  
A PORTION OF THE REMAINDER OF PORTION 9 FARM EMMARENTIA NO.52 IR  
KNOWN AS THE MELVILLE SPORTS CENTRE TENNIS CLUB  
RFP 08 /2019**

The City of Joburg Property Company (SOC) Ltd (Reg. No 2000/017147/07) ("JPC") as an agent of City of Johannesburg Metropolitan Municipality ("COJ"), hereby invites interested persons to submit proposals for the Lease of a Portion of the Remainder of Portion 9 Farm Emmarentia No.52 IR; known as the Melville Sports Centre Tennis Club for Sports and Recreation Purposes, and related ancillary uses as depicted in the lease diagram

**THIS DOCUMENT CONSISTS OF 57 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER/  
BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT**

Name of Bidder: \_\_\_\_\_

**CLOSING DATE AND TIME FOR SUBMISSION OF THE PROPOSAL CALL DOCUMENTS**

*Proposals under sealed cover with all required forms fully completed and attached must be clearly marked with the bid name and reference (RFP 08/ 2019) number and addressed to the Chief Executive Officer: City of Joburg Property Company (SOC) Ltd*

- Closing date of the Bid: 18 March 2019
- 
- Closing Time: 10h30 (Telkom Time)
- 
- Document Cost: R200.00 (non-refundable if you purchase a hardcopy from JPC offices) or tender document can be downloaded from E-tenders, COJ and the JPC websites at no cost, [www.jhbproperty.co.za](http://www.jhbproperty.co.za) , [www.etenders.gov.za](http://www.etenders.gov.za)
- *Document Availability: from 8 February 2019*
- *Date of Advert: 11 February 2019*
- *Non-Compulsory Briefing Session Date: 22 February 2019 at 10h00am, JPC Offices (Imbizo Boardroom)*
- *The fully completed document with annexures must be submitted before the closing date and time, and be deposited in the tender box made available at the Reception Area of City of Joburg Property Company (SOC) Ltd:*  
  
*Forum II Building, 1<sup>st</sup> Floor, Braam Park Office Park, 33 Hoofd Street, Braamfontein.*
- *No Submission(s) transmitted by Fax or other electronic means will be accepted.*
- **No late proposals will be considered; it is recommended that bids be submitted the day prior to the closing date as JPC will not approve any request for condonation of late submissions due to any unforeseeable reason resulting in such late submissions.**
- **The City of Joburg Property Company (SOC) Ltd reserves the right not to accept any proposals/accept part of the proposals, or to withdraw the call for proposals**

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## 1. INTRODUCTION

### 1.1 The Landowner and its Agent

#### 1.1.1 City of Johannesburg (CoJ)

Metro Centre, Civic Boulevard, Braamfontein

In 2000, Johannesburg was restructured to become a single metropolitan authority and elections were held for an executive mayor and unified local government. Again the local municipal boundaries were expanded, this time to include Modderfontein and Midrand. Since then, the City has enjoyed a financial turnaround, with the creation of a credible and stable operating environment. This stability, strong centralised co-ordination and oversight has allowed the City to play a crucial role in building the economy, and implementing policies and structures to support economic growth and poverty alleviation.

#### 1.1.2 The City of Joburg Property Company (SOC) Ltd (JPC)

Reg. No. 2000/017147/07

The City of Joburg Property Company SOC Ltd (JPC) was established in 2000 as a private company and is wholly owned by the City of Johannesburg (CoJ). It was converted into a State-Owned Company after the implementation of the Companies Act of South Africa, 2008 (Act No. 71 of 2008). Consequently, JPC must comply with the legislative framework and reporting requirements applicable to any company in South Africa. This includes, but is not limited to, the Companies Act. The company is also subject to the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

The portfolio of the City has a total value of R9, 1 billion which comprises of 30 134 properties. JPC seeks to ensure that the property portfolio is managed in the interests of its strategic development and service delivery agenda of the City.

JPC derive its mandate from a signed service delivery agreement with its sole shareholder COJ. The core functions of JPC are as follows;

**Asset Management** – Asset management provides asset management services for the strategic advisory and direction for the optimal use of land thereby ensuring that the City achieves its social, financial and economic objectives. The strategic imperatives include formulating the City's Land Strategy; maintaining an accurate City's asset register, linking land use planning, determining property and land needs of line departments.

**Property Development** – aims to maximising the return on City owned land.

**Facilities Management** – This is a quintessential business function, affecting not only revenue and costs but also production, work environment, health and safety.

The approach is focused on assessing business trends; focussing on cost reduction and increasing shareholder value, the integration of facility resource information into corporate business data, emphasis on speed of delivery, new ways of working enabled by mobile technology, new sustainability initiatives and targets and concerns about security.

**Property Management** - This function involves maximising the efficiency of the CoJ's portfolio of properties, including leasing the premises, collecting the rentals, overseeing building maintenance, paying service providers, managing tenant relationship, running the accounts and providing reports.

**Outdoor Advertising** – Task with managing and concluding outdoor advertising and cell masts leases. The department is responsible for management of various forms of “out of home” advertising comprising of about 720 billboards, 3 800 on-premises signs, 30 000 various forms of street furniture, street poles advertising and 130 various cellular mast sites and antennae erected on COJ Land and or assets.

## PART A INVITATION TO BID

|   |   |               |          |               |       |
|---|---|---------------|----------|---------------|-------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)</b> |   |               |          |               |       |
| BID NUMBER:   | RFP 0 8 / 2019  | CLOSING DATE: | 18 MARCH | CLOSING TIME: | 10h30 |
| DESCRIPTION   | REQUEST FOR PROPOSALS FOR THE LEASE OF A PORTION OF THE REMAINDER OF PORTION 9 FARM EMMARENTIA NO.52 IR KNOWN AS THE MELVILLE SPORTS CENTRE TENNIS CLUB |               |          |               |       |
| <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>     |   |               |          |               |       |

BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

NO. 33 HOOFD STREET  
BRAAM PARK OFFICE PARK  
FORUM 2 BUILDING, 1<sup>ST</sup> FLOOR  
BRAAMFONTEIN

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**SUPPLIER INFORMATION**

|  |   |  |  |         |  |
|--|---|--|--|---------|--|
| NAME OF BIDDER   |   |  |  |         |  |
| POSTAL ADDRESS   |   |  |  |         |  |
| STREET ADDRESS   |   |  |  |         |  |
| TELEPHONE NUMBER   | CODE  |  | NUMBER   |         |  |
| CELLPHONE NUMBER   |   |  |  |         |  |
| FACSIMILE NUMBER   | CODE  |  | NUMBER   |         |  |
| E-MAIL ADDRESS   |   |  |  |         |  |
| VAT REGISTRATION NUMBER  |   |  |  |         |  |
| TAX COMPLIANCE STATUS  | TCS PIN:  |  | OR   | CSD No: |  |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | <input type="checkbox"/> Yes<br><br><input type="checkbox"/> No |  | B-BBEE STATUS LEVEL SWORN AFFIDAVIT<br><br><input type="checkbox"/> Yes<br><br><input type="checkbox"/> No |         |  |

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

|  |  |   |  |
|--|--|---|--|
| <b>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] | <b>2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICE S /WORKS OFFERED ?</b> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER PART B:3 ] |
| <b>3 TOTAL NUMBER OF ITEMS OFFERED</b>   |  | <b>4 TOTAL BID PRICE</b>  | R  |
| <b>5 SIGNATURE OF BIDDER</b><br>.....  |  | <b>6 DATE</b>   |  |
| <b>7 CAPACITY UNDER WHICH THIS BID IS SIGNED</b>   |  |   |  |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>   |  | <b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>                                    |  |
| DEPARTMENT   |  | CONTACT PERSON  |  |
| CONTACT PERSON   |  | TELEPHONE NUMBER  |  |
| TELEPHONE NUMBER   |  | FACSIMILE NUMBER  |  |
| FACSIMILE NUMBER   |  | E-MAIL ADDRESS  |  |
| E-MAIL ADDRESS   |  |   |  |

## PART B TERMS AND CONDITIONS FOR BIDDING

|  |
|--|
| <b>1. BID SUBMISSION:</b>  |
| <p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>  |
| <b>2. TAX COMPLIANCE REQUIREMENTS</b>  |
| <p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN 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.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>  |
| <b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>   |
| <p>3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p><b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</b></p> |

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.  
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

## INVITATION TO BID

**REQUEST FOR PROPOSALS (RFP) FOR THE LEASE OF PROPERTIES MENTIONED BELOW:**

City of Joburg Property Company (SOC) Ltd ("JPC") (Reg. No 2000/017147/07) as an agent of City of Johannesburg Metropolitan Municipality ("CoJ"), hereby invites interested persons to submit proposals for the lease of properties for Sports, Recreation Purposes and related ancillary uses as stated hereunder:

| BID NUMBERS   | TENDER DESCRIPTIONS  | SITE SIZES                   |
|---|--|------------------------------|
| RFP 08 /2019  | Request for proposals for the lease of Portions of the Remainder of Portion 9 of Farm Emmarentia No. 52 IR, the extent of which will more fully be depicted in a Lease Area Diagram, known as the Melville Sports Centre Tennis Courts and Clubhouse for Sports and Recreational purposes and related ancillary uses.  | Estimate 7 900m <sup>2</sup> |
| <b>Non – compulsory Briefing session</b>  | A non-compulsory briefing session will be held on <b>22 February 2019</b> from 10h00-11h00 at JPC Office, Imbizo Boardroom, No. 33 Hoofd Street, Braamfontein Braampark Office Park, Forum 2, 1 <sup>st</sup> Floor  |                              |
| <b>Document Availability</b>  | <b>08 February 2019</b> from 12:00pm   |                              |
| <b>Document Cost</b>  | Document Cost: R200 .00 (non-refundable if you purchase a hardcopy from JPC offices) or tender document can be downloaded from E-tenders and the JPC websites at no cost, <a href="http://www.etenders.gov.za">www.etenders.gov.za</a> , <a href="http://www.jhbproperty.org.za">www.jhbproperty.org.za</a>  |                              |
| <b>Closing Date</b>   | <b>18 March 2019</b> at 10h30 (Telkom Time)  |                              |
| <b>Disqualification criteria</b>  | <ul style="list-style-type: none"> <li>• Non-Signature and non-commissioning of the declaration of the Bidder's Past Supply Chain Practices in <b>MBD 8</b> and Bid Submission in <b>JPC MBD 7</b></li> <li>• If the bidder is required by law to prepare annual financial statements for auditing, and the value of the bids exceeds R 10 million (including VAT), copies of the audited annual financial statements for the past 3(three) years or since establishment, if the bidder was established in the past 3(three) years must be submitted as per Regulation 21 (d) of Municipal Supply Chain Management Regulations, 2005 or letter from the Auditor or Accountant.</li> <li>• <b><u>NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2</u></b></li> </ul> |                              |
| <b>Compliance Requirements before an award is made to the successful Bidder</b> | <ul style="list-style-type: none"> <li>• Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS.</li> <li>• Proof of registration of the Entity as follows: <ul style="list-style-type: none"> <li>- Natural persons- certified copy of ID document/ passport</li> <li>- Partnership- copy of Partnership Agreement plus IDs of all partners</li> </ul> </li> </ul>   |                              |



|                            |  |
|----------------------------|--|
|                            | <ul style="list-style-type: none"> <li>- Company- current CM29</li> <li>- Close Corporation- current copy of CK1 and/or CK2C</li> <li>- Trust- letter of appointment from the Master of the High Court of SA and deed of trust</li> <li>- Proof of registration of NPO or NGO (Copy of Provincial Registration Certificate etc.)</li> </ul> <ul style="list-style-type: none"> <li>• Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual for all his/her properties / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted.</li> </ul> <p>Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted</p> <ul style="list-style-type: none"> <li>• Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) for all their properties / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted</li> <li>• In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation and a JV / Consortium agreement</li> <li>• Central Supplier Data Base registration</li> <li>• Completed and signed bid documents including MBD 1, 2, 4, 5, 6.1, 6.2, 7.2 and 9.</li> <li>• Completed and signed bid documents including JPC MBD 1 to JPC MBD 18</li> </ul> |
| <b>Evaluation Criteria</b> | <ul style="list-style-type: none"> <li>• Bidders will be evaluated on Functionality, rental offer and BBB-EE Status level of contribution</li> </ul> <p>80 for the Rental offer and 20 for B-BBBEE status level of contributor</p> $P_s = 80 \left( 1 - \frac{P_{max} - P_t}{P_{max}} \right)$   |
| <b>Address</b>             | City of Joburg Property Company SOC LTD, 1st Floor, Forum II Building, Braam Park Office Park, 33 Hoofd Street, Braamfontein, Johannesburg   |
| <b>Enquiries</b>           | <a href="mailto:tenders@jhbproperty.co.za">tenders@jhbproperty.co.za</a>   |

**Please note the following conditions of submission:**

- No late proposals will be considered. It is recommended that bids be submitted the day prior to the closing date as JPC will not approve any request for condonation of late submissions due to any unforeseeable reason resulting in such late submissions.
- City of Joburg Property Company (SOC) Ltd reserves the right not to accept any proposals/accept part of the proposals, or to withdraw the call for proposals.

Helen Botes  
Chief Executive Officer  
City of Joburg Property Company SOC Ltd  
1<sup>st</sup> Floor, Forum II Building, Braam Park  
Office Park, 33 Hoofd Street,  
Braamfontein Johannesburg

**Contact Details**  
**Supply Chain**  
**Management**  
**Department**  
**Tel: (010) 219-9000**  
**Fax: (010) 219-9400**



## MBD 2: 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.
2. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
3. 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.
  - The valid Tax Clearance Certificate or Valid Tax Compliant Verification PIN number issued by SARS must be submitted together with the bid. Failure to submit the valid Tax Clearance Certificate or Valid Tax Compliant Verification PIN number issued by SARS will result in the invalidation of the bid.
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)

### JPC MBD 3: PRICING SCHEDULE (RENTAL OFFER)

1. This offer is made for property the in accordance with the PROPERTY INFORMATION stated in **JPC MBD 13** and in accordance with the BID SPECIFICATIONS in **JPC MBD 12**.
2. Unless stated otherwise all prices exclude VAT
3. **MINIMUM ACCEPTABLE RENTAL OFFER**

|                      |    |
|----------------------|----|
| Rental Offer         | R  |
| Escalation per annum | 8% |

#### 4. **PAYMENT FOR MUNICIPAL SERVICES AND RATES AND TAXES**

The Lessee will be responsible for the payment of all municipal services and all other costs deemed necessary for the Property, including electricity, water, sewerage and sanitation and refuse removal, which are levied on the Property. In the event of the amounts stated above, being increased at any time during the Lease Period, or any renewal thereof, the monthly Rental payable by the Lessee will be automatically increased by the percentage increase in such amount, from the date on which such increase becomes effective.

#### 5. **ADMINISTRATION FEE**

The Lessee will pay an administration fee of R1 950-00 on signature of the Lease.

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

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

3.2 Identity Number: .....

3.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>):.....

3.4 Company Registration Number: .....

3.5 Tax Reference Number:.....

3.6 VAT Registration Number: .....

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

**Please note this is a requirement for all directors, trustees or shareholders whether or not they are employees of the State, to provide and fill this form in point 4 below.**

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

3.8.1 If yes, furnish particulars. ....

.....

<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.

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

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

3.9.1 If yes, furnish particulars.....  
.....

3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? ..... **YES / NO**

3.10.1 If yes, furnish particulars.  
.....  
.....

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

3.11.1 If yes, furnish particulars  
.....  
.....

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

3.12.1 If yes, furnish particulars.  
.....  
.....

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

3.13.1 If yes, furnish particulars.  
.....  
.....

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

3.14.1 If yes, furnish particulars:  
.....  
.....

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

| <b>Full Name</b> | <b>Identity Number</b> | <b>State Employee Number</b> |
|------------------|------------------------|------------------------------|
|                  |                        |                              |
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|                  |                        |                              |

.....  
**Signature**

.....  
**Date**

.....  
**Capacity**

.....  
**Name of Bidder**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:  
 - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included);

1.2 a) The value of this bid could not be determined, therefore the lowest acceptable tender will be used to determine the applicable preference point system; or  
 b) Either the 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:  
 (a) Price; and  
 (b) B-BBEE Status Level of Contributor

1.4 The maximum points for this bid are allocated as follows:

|   | <b>POINTS</b> |
|---|---------------|
| <b>RENTAL OFFER</b>   | 80            |
| <b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>                       | 20            |
| <b>Total points for Rental offer and B-BBEE must not exceed</b> | <b>100</b>    |

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser 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 purchaser.



## 2 DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“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 or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3 POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis: **80/20**

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

Where

- P<sub>s</sub> = Points scored for rental offer of bid under consideration
- P<sub>t</sub> = rental offer of bid under consideration (Net Present Value of the rental amount over the lease period)
- P<sub>max</sub> = Rental offer of highest acceptable bid

**4 POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

| <b>B-BBEE Status Level of Contribution</b> | <b>Number of Points 20</b> |
|--|----------------------------|
| 1  | 20                         |
| 2  | 18                         |
| 3  | 14                         |
| 4  | 12                         |
| 5  | 8                          |
| 6  | 6                          |
| 7  | 4                          |
| 8  | 2                          |
| Non – Compliant Contributor                | 0                          |
| Maximum                                    | 20                         |
| <b>Total</b>                               | <b>100</b>                 |

**5 BID DECLARATION**

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

**B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS**

**1.4 AND 4.1**

5.1. B-BBEE Status Level of Contributor: . = .....(maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**6. SUB-CONTRACTING**

6.1. Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

6.1.1. If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

**(Tick applicable box)**

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

v) **Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:**

| <b>Designated Group: An EME or QSE which is at last 51% owned by:</b>    | <b>EME</b><br>√ | <b>QSE</b><br>√ |
|--|-----------------|-----------------|
| <b>Black people</b>  |                 |                 |
| <b>Black people who are youth</b>  |                 |                 |
| <b>Black people who are women</b>  |                 |                 |
| <b>Black people with disabilities</b>                                    |                 |                 |
| <b>Black people living in rural or underdeveloped areas or townships</b> |                 |                 |
| <b>Cooperative owned by black people</b>                                 |                 |                 |
| <b>Black people who are military veterans</b>                            |                 |                 |
| <b>OR</b>  |                 |                 |
| <b>Any EME</b>   |                 |                 |
| <b>Any QSE</b>   |                 |                 |

**7. DECLARATION WITH REGARD TO COMPANY/FIRM**

7.1. Name of company/firm:.....

7.2. VAT registration number:.....

7.3. Company registration number:.....

**7.4. TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**7.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**7.6. COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

**7.7. MUNICIPAL INFORMATION**

**Municipality where business is situated:** .....

**Registered Account Number:** .....

**Stand Number:**.....

7.8. Total number of years the company/firm has been in business:.....

7.9. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution.

|  |  |
|--|--|
| <p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p> | <p style="text-align: center;">.....<br/>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> |
|--|--|

|                                   |                                 |       |  |
|-----------------------------------|---------------------------------|-------|--|
| Name of Bidder                    |                                 |       |  |
| ID /Passport/ Registration Number |                                 |       |  |
| Nature of bidder<br>(tick one)    | Natural Person/ Sole Proprietor |       |  |
|                                   | School/NGO/Trust                |       |  |
|                                   | Company/ CC/ Partnership        |       |  |
|                                   | Joint Venture (JV)              |       |  |
| Postal Address                    |                                 | Tel   |  |
|                                   |                                 | Cell  |  |
|                                   |                                 | Email |  |
|                                   |                                 | Fax   |  |
| <b>BIDDER BANKING DETAILS</b>     |                                 |       |  |
| Name of bidder's Banker           |                                 |       |  |
| Contact details of banker         |                                 |       |  |

|   |  |                |  |
|---|--|----------------|--|
| <b>Please indicate how you became aware of the invitation to submit this Proposal</b> |  |                |  |
| The Star  |  | JPC Web site   |  |
| Sowetan   |  | On site notice |  |
| JPC Social Media Accounts   |  | E- Tenders     |  |

I,  
.....  
..... ( "The Bidder").

in my capacity as  
.....

hereby submit a proposal in the preceding document. I have read the Proposal Call Document in full and hereby submit the MBDs in accordance with the conditions stated in the document, and further declare under oath that the information contained in the MBDs is to the best of my knowledge true and correct. I further state as follows:

Signed and sworn at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ by  
the

Bidder (s) who has stated that:

- He/she knows and understands the contents hereof and that it is true and correct;
- He/she has no objection to taking the prescribed oath; and
- That he /she regards the prescribed oath as binding on his/her conscience
- That the provisions of the regulations contained in Government Notice R1258 of 21<sup>st</sup> July 1972 (as amended) have been complied with.

---

Bidder (s)

Signed before me

---

COMMISSIONER OF OATHS

## 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.**

| 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?<br><b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>   | Yes<br><input type="checkbox"/> | No<br><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)?<br><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<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |

|             |  |                                 |                                |
|-------------|--|---------------------------------|--------------------------------|
| 4.3.1       | If so, furnish particulars:  |                                 |                                |
| <b>Item</b> | <b>Question</b>  | <b>Yes</b>                      | <b>No</b>                      |
| 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<br><input type="checkbox"/> | No<br><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<br><input type="checkbox"/> | No<br><input type="checkbox"/> |
| 4.7.1       | If so, furnish particulars:  |                                 |                                |

Signed and sworn at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ by the

Bidder (s) who has stated that:

- He/she knows and understands the contents hereof and that it is true and correct;
- He/she has no objection to taking the prescribed oath; and
- That he /she regards the prescribed oath as binding on his/her conscience
- That the provisions of the regulations contained in Government Notice R1258 of 21<sup>st</sup> July 1972 (as amended) have been complied with.

---

Bidder (s)

Signed before me

---

COMMISSIONER OF OATHS



**MBD 9: 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:

The City of Joburg Property Company (SOC) Ltd (Reg. No 2000/017147/07) (“JPC”) as an agent of  
City of Johannesburg Metropolitan Municipality (“COJ”)

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)

- 11. I have read and I understand the contents of this Certificate;
- 12. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
- 13. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
- 14. 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;
- 15. 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
- 16. 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.

17. 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.

18. 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.

19. 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

<sup>3</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.

## JPC MBD 10: STANDARD CONDITIONS OF SUBMISSION

The following conditions apply to all bids submitted:

- All bids must be submitted in compliance with the Bid Specifications specified in **JPC MBD 12**.
- The property is made available in accordance with the information and stipulations contained in **JPC MBD 13**.
- The bidder(s) will be deemed to be familiar with the state, real rights registered against the property, the zoning and locality of the property.

### **DISQUALIFICATION CRITERIA**

- Non-signature and non-commissioning of the Declaration of the Bidder's Past Supply Chain Practices in **MBD 8** and Bid Submission in **JPC MBD 7**.
- If the bidder is required by law to prepare annual financial statements for auditing, and the value of the bids exceeds R 10 million (including VAT), copies of the audited annual financial statements for the past 3(three) years or since establishment, if the bidder was established in the past 3(three) years must be submitted as per Regulation 21 Municipal Supply Chain Management Regulations, 2005 or letter from the Auditor or Accountant.
- **NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2**

### **COMPLIANCE REQUIREMENTS BEFORE AN AWARD IS MADE TO THE SUCCESSFUL BIDDER**

- Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS.
- Proof of registration of the Entity as follows:
  - Natural persons- certified copy of ID document/ passport
  - Partnership- copy of Partnership Agreement plus IDs of all partners
  - Company- current CM29
  - Close Corporation- current copy of CK1 and/or CK2C
  - Trust- letter of appointment from the Master of the High Court of SA and deed of trust
  - Proof of registration of NPO or NGO (Copy of Provincial Registration Certificate etc)
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual for all his or her properties/ Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted.
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Entity / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted

- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) for all their properties / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted
- In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation and a JV / Consortium agreement
- Central Supplier Data Base registration
- Completed and signed bid documents including MBD 1, 2, 4, 5, 6.1, 6.2, 7.2 and 9.
- Completed and signed bid documents including JPC MBD 1 to JPC MBD 18

### **SUBMISSION OF PROPOSALS**

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and JPCs' MBDs contained in this document.
- In this regard:
  - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.
  - The Bidder(s) must submit one (1) original and three (3) copies of the of the completed Bid document.
  - All Proposal documentation received shall be deemed COJ property and shall not be returned or thus requested back by any Bidder.
- Proposals must be sealed, clearly marked with RFP name and number, and addressed to The Chief Executive Officer, City of Joburg Property Company (SOC) Ltd
- Bidder's return address must be clearly indicated at the back of the envelope.
- The fully completed document with annexures must be submitted before the closing date specified on the front cover, and be deposited in the tender box made available by the Client Services Centre of:
 

The City of Joburg Property Company (SOC) Ltd  
Forum II Building, Braampark, 1<sup>st</sup> Floor  
33 Hoofd Street, Braamfontein
- **PROPOSALS WHICH ARE NOT SUBMITTED IN A PROPERLY SEALED AND MARKED ENVELOPE AND DEPOSITED IN THE BOX BEFORE THE CLOSING DATE, WILL NOT BE OPENED.**
- **PROPOSALS WHICH ARE NOT SUBMITTED IN THE CORRECT FORMAT WITH ANNEXURES ATTACHED, DULY COMPLETED, INITIALLED, COMMISSIONED AND SIGNED, WILL NOT BE CONSIDERED.**
- The information required in the MBDs must be provided accurately and honestly. All details provided by the Bidder(s) will be regarded as material representations, which the COJ and/or its agent the JPC base the evaluation of the Proposal on. Any misrepresentation will be treated as material and will result in the disqualification of the Proposal by the COJ and/or its agent the JPC. Bidders, who fail to provide such information to the satisfaction of the COJ and/or JPC, will be disqualified.

## OPENING OF PROPOSALS

- Proposals will be opened immediately after the closing time on the closing date at the offices of JPC at the mentioned address. The RFP number, property description and the name of each Bidder(s) will be announced and recorded in a register.
- Bidder's return address must be clearly stipulated or indicated on the back of the envelope.

## EVALUATION OF PROPOSALS

- JPC reserves the right to seek clarification or further information from Bidder(s) and to appoint professionals to advise and verify information on aspects of the Proposals submitted in a manner that the COJ or its agent deems appropriate.
- The preferred Bidder(s) may be required to make presentations to the JPC.
- The Bidder(s) shall be deemed to know and understand the content of the Proposal Call document and a submission of the MBDs will indicate the Bidder(s) unconditional acceptance of all the terms and conditions contained in the Proposal Call document.
- The Bidder(s) shall be deemed to have satisfied itself as to all of the conditions, procedures and performance and discharge of the obligations required in terms of the Proposal Call documents.
- The non-acceptance or variation of any of the conditions, or the inclusion of any other conditions in the Proposal Call document by the Bidder(s) will be treated as a qualified bid.
- The Proposal(s) will be evaluated by the JPC. JPC may accept any Proposal in whole or in part and is not bound to accept any Proposal
- Proposals will be evaluated using the evaluation criteria stated in Section 3
- The Proposal(s) will be adjudicated by the COJ's Executive Adjudication Committee and awarded in terms of the City's Supply Chain Management Policy for Land.
- The COJ and/or the JPC will not be held responsible or liable for any costs whatsoever and /or losses incurred or suffered by the Bidder(s) or any other party or parties for whatsoever reason as a result of the Proposal.
- Any Proposal in the name of a partnership or joint venture or consortium will, on acceptance, be deemed as joint and several agreements with all parties.
- All proposals shall remain valid for a period of **120 days** after the closing date, provided that bidders may extend the validity of the proposal on request of COJ specifically in the event that a contract with the preferred bidder fails.

## **RESOLUTIONS OF DISPUTES**

- Persons or bidders who are aggrieved by decisions or actions taken in the implementation of Supply Chain Management system or in the awarding of the bid, may within 20 (twenty) days of the awarding of the bid, lodge a written complaint containing the details of the dispute arising to the Chief Executive Officer of JPC at the following address or telefax number:

1<sup>st</sup> Floor, Forum 2, Braampark, 33 Hoofd Street, Braamfontein

Fax: (010) 219 9400

- The written complaint must contain the following information:
  - The bid reference number;
  - The section of the Policy, Regulations or Act that has been violated;
  - The details of the violation;
  - The City Department or Municipal Owned Entity involved;
  - Relief sought.
- The Chief Executive Officer may appoint an independent person, from outside or within the City or JPC, to investigate and propose a dispute resolution mechanism to address the complaint. The person so appointed will be someone who was not involved in the transaction in question.

## **PROHIBITIONS**

- The COJ and JPC will not, subject to such amendments to the Act and Regulations and any exemptions as the Minister may promulgate from time to time, award contracts to Bidder(s) who are owned directly or indirectly by the following categories of persons:-
  - Defined as an employee or public servant in the service of the state working for Local, Provincial and National Government; or
  - Defined as an employee in the service of a government owned entity including the municipal entities;
  - If the employee mentioned above is actively or inactively a director, manager or principal shareholder of the service provider concerned (refer to GN44 in GG 28411 of 18 January 2006 for the exemption);
  - Is a member of the board of directors of a municipal entity within its area of jurisdiction (refer to GN44 in GG 28411 of 18 January 2006 for the exemption);
  - Who is an advisor or consultant contracted to the JPC for the purposes of assisting the JPC with defining of requirements, drafting of specifications or evaluation of the Proposals.
- The COJ and JPC will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving as councillors for any municipality.
- The COJ and JPC will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving in National Assembly, Provincial Legislatures and National Council of Provinces.
- Failure by the above mentioned persons to comply with the above shall lead to cancellation of the contract.

## **CONSIDERATION OF PROPOSALS FROM CLOSE FAMILY MEMBERS OF PERSONS IN THE SERVICE OF THE STATE**

- The COJ and JPC does not encourage awarding of contracts to close family members of employees in decision-making positions.
- The bidder must declare and state whether a spouse, child or parent of the bidder or of a director, manager or shareholder is in the service of the City of Johannesburg Municipality or has been in the service of the state in the previous twelve months.

## **GENERAL ENQUIRIES**

Only email enquiries will be accepted, such enquiries must be directed to [tenders@jhbproperty.co.za](mailto:tenders@jhbproperty.co.za)

## JPC MBD 11: EVALUATION CRITERIA

Bids which satisfy the qualification criteria will be evaluated using a two stage evaluation process as follows:

### Stage 1: Functionality Evaluation

Bids will be evaluated in order to establish whether they meet a minimum threshold score of 70 points out of 100 for functionality, based on the following criteria:

| FUNCTIONAL CRITERIA  |   | POINTS | REF        | TOTAL     |
|--|---|--------|------------|-----------|
| 1. <b>Proposal in line with Sporting and Recreational activities</b> | a) What Sports Programmes will be offered around skills development, Social Cohesion and Inter Governmental Programs:<br>- Minimum of 3 activities = 5 Points<br>- 5 activities = 8 Points<br>- Above 6 activities = 10 Points  | 10     | JPC MBD 12 | <b>20</b> |
|  | b) What Youth Programmes will be offered?<br>- Demonstrate participation and managing of School Sport Programmes (including underprivileged children from disadvantaged communities) = 5 Points<br>- Opportunities to take sporting careers further = 8 Points<br>- All the above, plus assist in formalising sporting codes within the community = 10 Points | 10     | JPC MBD 12 |           |
| 2. <b>Entity Management Experience</b>                               | a) Proof of Affiliation to either a Federation or Association<br>- Willingness to be affiliated 6 months from signature of the agreement = 2.5<br><b><i>Affiliation must be obtained within 18 months of signature and failure to do so will be considered a material breach to the agreement</i></b><br>- Affiliated = 5                                     | 5      | JPC MBD 14 | <b>30</b> |
|  | b) Sporting Experience not less than 5 years of the Managing Members/ Employees (CV's must be attached)<br>- 5 years = 10 Points<br>- 4 years = 8 Points<br>- 3 years = 6 Points<br>- 2 years = 4 Points<br>- 1 year = 2 Point  | 10     | JPC MBD 19 |           |
|  | c) Proof of Previous or Planned Community Involvement through Sporting initiatives undertaken over the past 5 years   | 5      | JPC MBD 18 |           |



|   |   |                  |               |            |
|---|---|------------------|---------------|------------|
|   | d) General Facilities Management Experience of the Organisation<br>(Reference letters must be attached)<br>+5 years = 10 Points<br>4 to 5 years = 8 Points<br>3 to 4 years = 6 Points<br>2 to 3 years = 4 Points<br>1 to 2 years = 2 Points | 10               | JPC<br>MBD 17 |            |
| <b>3. Proposed Business Plan</b>              | a) Financial/ Sustainability Plan<br>b) Funding Model<br>c) Ongoing Maintenance Plan  | 10<br>10<br>20   | JPC<br>MBD 20 | <b>40</b>  |
| <b>4. Transformation and Empowerment Plan</b> | a) Number of Jobs to be created<br>b) Training<br>c) Inclusive Community Use and Benefit<br>d) SMME Development   | 4<br>2<br>2<br>2 | JPC<br>MBD    | <b>10</b>  |
| <b>TOTAL</b>                                  |   |                  |               | <b>100</b> |

**Bids which do not meet the minimum threshold of 70 points will not be evaluated for stage 2 (Rental offer and B-BBEE Status Level of contribution)**

### **Stage 2: Evaluation on rental offer & B-BBEE Status Level of Contribution**

*Bidders must submit proof of their B-BBEE status level of contributor.*

- Preference points shall be calculated after financial offers have been brought to a comparative basis.
- Points scored will be rounded off to the nearest 2 decimal places.
- In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals as per the PPPFA regulation .
- The points scored by the Bidder for B-BBEE contribution will be added to the points scored for rental offer.
- A maximum of 80 points is allocated for rental offer on the following basis:

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

Where

- Ps = Points scored for rental offer of bid under consideration  
Pt = Rental offer of bid under consideration (Net Present Value of the rental amount)  
Pmax = Rental value of highest acceptable bid

| <b>EVALUATION CRITERIA</b>  | <b>WEIGHT<br/>80/20</b> |
|---|-------------------------|
| <b>Rental Offer</b>   | <b>80 points</b>        |
| <b>Broad Based Black Economic Empowerment (B-BBEE) Status level of contribution</b> | <b>20 points</b>        |

| <b>B-BBEE Status Level of Contribution</b> | <b>Number of Points 20</b> |
|--|----------------------------|
| 1  | 20                         |
| 2  | 18                         |
| 3  | 14                         |
| 4  | 12                         |
| 5  | 8                          |
| 6  | 6                          |
| 7  | 4                          |
| 8  | 2                          |
| Non – Compliant Contributor                | 0                          |
| Maximum                                    | 20                         |
| <b>Total</b>                               | <b>100</b>                 |

**The following Specifications apply to this bid:**

1. The Property referred to in this Proposal Call is defined as a Portion of Portion 9 Farm Emmarentia No52 IR; known as the Melville Sports Centre Tennis Club, measuring approximately 7 900m<sup>2</sup> in extent with a zoning of "Agricultural" but used as Public Open Space.
2. Specifications for use of the Property:
  - a. The facility shall be made available by means of a Lease Agreement in accordance with JPC's standard terms and conditions.
  - b. Bidders are required to make a market related offer for the lease of the facility as part of the proposal form; as indicated in **JPC MBD 3**.
  - c. The following terms and conditions of lease are highlighted but not limited to:
    - The property shall be utilised only as a Sports and Recreation Facility, other additional supporting uses may be considered at the discretion of the City of Johannesburg provided the activity is in line with the zoning of the property;
    - The premises shall only be utilised for the purpose as advertised and may not be rezoned for any other purposes for the duration of the lease period;
    - The requests and costs for any consent use application permissible under the various Town Planning Schemes shall be for the preferred bidder's account;
    - No improvements or alterations to the facility shall be made without the CoJ's prior written consent and the CoJ shall in its absolute discretion be entitled to withhold or grant such consent which will also be subject to building plans been approved by the City's Planning Department;
    - The City shall not pay any compensation for any improvements made on the property upon expiry or termination of the lease.
    - The lease shall be for a period of Four (4) years; the rental amount shall escalate at 8% per annum (exclusive of VAT); excluding rates and taxes and other municipal services;
    - JPC will seek authority for a longer lease period from the City of Johannesburg Municipality, but the tenure for the longer period lease will be released on public tender;
    - The Successful bidder shall take out public liability insurance in the amount of R5 000 000.00 (Five Million Rand) to cover any possible claims. The public liability insurance of the Property may be reviewed on every anniversary of the Commencement Date and in circumstances where a review takes place, the Lessor and Lessee will agree on the level of public liability insurance required. If the Parties cannot agree on the level of insurance required within 14 (fourteen) Days of the review date in question, an appropriate level of insurance will be determined by an expert appointed the Lessor or by the Lessor's insurance brokers, with the consent of the Lessee, which consent must not be unreasonably refused. The expert will determine an appropriate level of public liability cover in the light of prevailing market conditions and their findings will be final and binding on the Parties, who will bear the costs of the appointment and functioning of the expert in equal shares.

- The lessee shall under no circumstances sub-let the property or cede or assign or subcontract any rights to the property to another person. Any other use of the property by the partners of the Lessee, disclosed to the Lessor in the Bid Document of the Lessee, or at a later stage, not tantamount to subletting, cession and assignment or subcontracting, may be considered by the Lessor on application by the Lessee;
3. The facility shall be made open to the public to utilize and access to sports facilities at an appropriate fee, if any to the poor. The facility shall not be utilized exclusively thereby should offer youth, the elderly and overall community development programs/ activities. A previous proven presentation of community and/ or beneficiary involvement must accompany the proposal.
  4. The lessee shall ensure the development of sports programmes on the facility as per CoJ's requirement/ targets in line with the National Sports Plan and CoJ Sports and Recreation Policies encompassing the following non-exhaustive list and are in no particular order:
    - Applicant must utilize entire facility for the purpose of sport.
    - Mass participation in Sport through creating and managing School Sport Programs, Skills Development, Social Cohesion Programs, Inter Governmental Programs etc.
    - Healthy Lifestyle productive pass times for Youth.
    - Development/ Training/ Coaching of Youth.
    - Opportunity for Youth to take their sporting careers further.
    - Form Partnerships with the Local Communities to ensure Access for all to the facility.
    - Access for underprivileged kids/ youth from previously disadvantaged Communities/ Informal Settlements.
    - Assist with the formalising of the various sporting codes within the Communities and not promote illegal games or gambling games etc.
    - Clubs/ Sporting Codes must be affiliated to Federations, Associations or respective sporting code ruling mother-body.
    - Club Constitution and Membership list.
    - Clubs are informed of paying Monthly Rental and Usage of Electricity and Water.
    - Club are responsible for Maintenance of facility
  5. The bidder must indicate how sustainability will be achieved; In the event that sponsorship is required in the running of the facility the bidder shall indicate how sponsorship will be sourced, drawn into the daily maintenance and operations of the facility.
  6. The successful bidder shall maintain, secure and keep the property in a safe, clean and tidy condition in compliance with all relevant legislation i.e. Safety Act, by-laws, Environment (OHASA). Repairs of any damage caused by negligent or wilful action of any person within the facility shall be for the successful bidder's account.
  7. If an event to be hosted requires JOC (Joburg Operations Committee) approval, prior consent by JPC is required, and application and approval from the JOC must be made through JOC bookings: Tel: 011 407 7512, E-mail: [joc@joburg.org.za](mailto:joc@joburg.org.za)
  8. All administrative and incidental costs relating to the drafting of the lease shall be for the lessee's account.
  9. The Council and its authorised representatives/agents shall have 24 hour's unrestricted access to all Municipal services situated on the property.

10. The successful bidder shall provide security for the facility and shall undertake all repairs of the facility, maintain the sewerage and drain pipes in good order and free from obstruction, effect repairs or make good any damage made necessary or caused by any of the successful bidders' employees, members, guests or other persons whom it permitted to use the facility or any portion thereof or caused by the unlawful or forcible entry of any person whatsoever.
11. The successful bidder will at his own expense and without recourse to the Council maintain the Property and all parts thereof in good order and condition throughout the Lease Period to the satisfaction of the Council;
  - promptly repair or make good all damage occurring in the Property from time to time during the Lease Period;
  - ensure that any extension to the existing building structures and/or intensification of land uses on the Property would be subject to prevailing planning and building regulations, subject to JPC's consent to the proposed extensions being had and obtained prior to any construction taking place; and
  - on the termination of this Agreement, return the Property and all such parts thereof (including all keys) to the Lessor in a clean and tidy condition and in good order, condition and repair, taking into account fair wear and tear to the Property.

1. LOCALITY MAP

The property is located at the corner of Carlow and Rustenburg Roads in Melville.



SITE INFORMATION

|   |  |
|---|--|
| Property Description  | Portion of the Remainder of Portion 9 of Farm Emmarentia No.52 IR<br>Known as the Melville Sports Centre Scouts Hall   |
| Size (Lease area)   | Measuring an estimated 7 900m <sup>2</sup>   |
| Zoning  | Public Open Space  |
| Structures and Physical features  | Tennis Courts and Clubhouse  |
| Current Use   | The clubhouse is occupied and is in a fair condition<br><br>The Tennis Courts are in a dilapidated state<br><br>The occupant of the facility is aware of the Public Tender procedures underway and will be removed |
| Minor refurbishments will be done to address the OHASA compliance issues and beneficial occupancy of the facility before EAC Adjudication |  |

## JPC MBD 14: REGISTRATION DOCUMENTS

The following documents must be attached

- *Natural persons, Sole proprietors and JVs – copy of ID document/passport*
- *Schools – copy of Provincial School registration certificate*
- *NGO – copy of Provincial registration certificate*
- *Society Club/ Association – copy of Constitution / founding document*
- *Partnership -copy of partnership agreement plus IDs of all partners*
- *Closed Corporation - Copy of CK1 and/or CK2 and members agreement*
- *Company – current CM29,*
- *Trust – letter of appointment from the Master of the High Court of SA and deed of trust*
- *Joint Venture / Consortiums– JV agreement plus ID documents/ company Registration document of all members of JV/ Consortiums.*

**JPC MBD 15: AUTHORITY TO SUBMIT BID**

***If bidder is a legal entity, a company resolution /Power of Attorney must be attached (these documents must authorise the named person to submit this application and to enter into agreements with the City of Johannesburg should the application be successful)***

|  |     |    |
|--|-----|----|
| Is a company resolution attached?  | YES | NO |
| Is the bidder a natural person?  | YES | NO |
| Is a certified ID copy attached?   | YES | NO |
| Is a copy of the bidder's power of attorney and/ or resolution attached? | YES | NO |



**JPC MBD 16: PAYMENT OF MUNICIPAL ACCOUNT**

It is a requirement that bidding entity or individual for all his/her properties provide proof that no undisputed rates and taxes are owed to the local authority in the form of one of the following:

|   |                                 |  |  |  |
|---|---------------------------------|--|--|--|
|   | An Up-to date Municipal Account | Proof that acknowledgements or arrangements have been made to settle arrears | Affidavit stating reasons for not submitting up to date municipal accounts | Copy of Lease agreement with affidavit (if leasing premises) |
| <b>INDICATE TYPE OF PROOF OF COMPLIANCE WHICH IS ATTACHED TO THE BID SUBMITTED.</b> |                                 |  |  |  |

It is a further requirement that proof that no undisputed rates and taxes are owed to the local authority for all directors of the bidding entity, for all their properties, in the form prescribed above.

| <b>NAME OF DIRECTOR OF BIDDING ENTITY</b> | <b>INDICATE TYPE OF PROOF OF COMPLIANCE PER DIRECTOR WHICH IS ATTACHED TO THE BID SUBMITTED.</b> |  |  |  |
|---|--|--|--|--|
|   | An Up-to date Municipal Accounts for all their properties  | Proof that acknowledgements or arrangements have been made to settle arrears | Affidavit stating reasons for not submitting up to date municipal accounts | Copy of Lease agreement with affidavit (if leasing premises) |
|   |  |  |  |  |
|   |  |  |  |  |
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|   |  |  |  |  |
|   |  |  |  |  |

**JPC MBD 17: PROPOSED MAINTENANCE AND MANAGEMENT OF THE SPORTS FACILITY**

The information supplied in this section will be used to assess compliance with the “Functional Criteria”.

**1.1 Maintenance Proposal:**

Bidders are required to submit a concise sustainable maintenance plan/proposal and a funding plan for the duration of the lease period.

| <b>Concept of activities proposed at the facility</b> | <b>Description</b> |
|---|--------------------|
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
| <b>TOTALS</b>   |                    |

**a. Proposed Improvements Summary, if any**

| <b>Use</b>    | <b>Total Floor area (m2)</b> |
|---------------|------------------------------|
|               |                              |
|               |                              |
|               |                              |
|               |                              |
|               |                              |
|               |                              |
| <b>TOTALS</b> |                              |

**b. Estimated Cost of Maintenance and Management**

***A breakdown of all costs to be incurred by the bidder in the preparation of the facility must be provided. The cost provided in this section will form a critical part of the evaluation of proposals and will be a contractual condition of the agreement awarded.***

|   | Item Description | Estimated cost<br>(Including vat) |
|---|------------------|-----------------------------------|
| 1 |                  | R                                 |
| 2 |                  | R                                 |
| 3 |                  | R                                 |
| 4 |                  | R                                 |
| 5 |                  | R                                 |
| 6 |                  | R                                 |
|   |                  |                                   |
|   | Total            | R                                 |

## JPC MBD 18: PUBLIC/SOCIAL BENEFIT PROPOSAL

It is a requirement that the bidding entity or individual should demonstrate the following social benefits:

|  |  |
|--|--|
| 1. Demonstrate how the lease of the facility will benefit disadvantaged communities, youth, women and people with disabilities |  |
| 2. Demonstrate how the lease of the facility will benefit the local community and/or community based organisations             |  |

**JPC MBD 19: EXPERIENCE AND CAPABILITIES OF BIDDER**

**Entity management experience**

Proven track record of the organisation in managing sports and recreation facilities/ proposed plan.

If BIDDERS want to structure experiential information in a different format to the table below, they can attach it as an Annexure to this page.

*(only activities completed in the name of “the bidder” should be recorded in this section)  
(please add supporting documents as an attachment)*

| <b>Name of Activity</b> | <b>Start date</b> | <b>End date</b> | <b>Client</b> | <b>Tel #</b> |
|-------------------------|-------------------|-----------------|---------------|--------------|
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |

Relevant sports and recreation experience of the managing members (CV to be attached)

If BIDDERS want to structure experiential information in a different format to the table below, they can attach it as an Annexure to this page.

*(only activities completed in the name of “the bidder” should be recorded in this section)  
(please add supporting documents as an attachment)*

| <b>Name of Activity</b> | <b>Start date</b> | <b>End date</b> | <b>Client</b> | <b>Tel #</b> |
|-------------------------|-------------------|-----------------|---------------|--------------|
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |

Relevant sports and recreation experience of the employees/ professionals (CV to be attached)

If BIDDERS want to structure experiential information in a different format to the table below, they can attach it as an Annexure to this page.

| <b><i>(only activities completed in the name of “the bidder” should be recorded in this section)<br/>(please add supporting documents as an attachment)</i></b> |                   |                 |               |              |
|---|-------------------|-----------------|---------------|--------------|
| <b>Name of Activity</b>   | <b>Start date</b> | <b>End date</b> | <b>Client</b> | <b>Tel #</b> |
|   |                   |                 |               |              |
|   |                   |                 |               |              |
|   |                   |                 |               |              |
|   |                   |                 |               |              |
|   |                   |                 |               |              |
|   |                   |                 |               |              |
|   |                   |                 |               |              |

General facilities management experience of the organisation and the managing members/ employees.

If BIDDERS want to structure experiential information in a different format to the table below, they can attach it as an Annexure to this page.

| <b>Name of Activity</b> | <b>Start date</b> | <b>End date</b> | <b>Client</b> | <b>Tel #</b> |
|-------------------------|-------------------|-----------------|---------------|--------------|
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |
|                         |                   |                 |               |              |

**JPC MBD 20: SUSTAINABILITY MODEL (FUNDING/ DONOR/ SPONSOR)**

| <b>PLAN OF ACTION IN HOW TO MOBILISE, MANAGE, SUSTAIN AND GROW THE FACILITY</b>  |  |
|--|--|
| Ideas in sourcing and growing the following aspects: <ul style="list-style-type: none"><li>- Membership</li><li>- Subsidy</li><li>- Sponsor</li><li>- Donation</li><li>- Fund Raising</li><li>- Bank Institution</li></ul> |  |

## JPC MBD: 21 PROPOSED EMPOWERMENT PLAN

**The City of Johannesburg (COJ)** is and will remain deliberate about transformation and its economic empowerment goals and is committed to empowerment agenda as an integral part to nation building.

The successful bidder will be required to champion the entrenchment of true economic transformation and empowerment in its spheres of influence. The successful bidder will be required to go beyond redressing historical imbalances and towards intrinsic true value that will result in active deliberate facilitation of sustainable and meaningful participation of Black people in the mainstream of the economy through its assets, investments and projects.

The bidder is required to commit to the achievement of the following specific targets by completing the table below. The commitments made in this MBD will be measured against the targets and used in the evaluation of the functional compliance evaluation.

The commitments made in this table will form part of the contractual obligations of the successful bidder

### **EMPOWERMENT TARGETS**

| DESCRIPTION  | TARGET                      | Bidders Commitment in numbers of persons |
|--|-----------------------------|--|
| <b>Job Creation &amp; Job intensive plan</b>   |                             |  |
| Total number of jobs to be created in the project  | Total jobs created          |  |
| Number of jobs created for unemployed black people in this project   | 60% of total jobs           |  |
| Number of job created for black people in this project   | 30 % of total jobs          |  |
| <b>Training &amp; Development programme</b>  |                             |  |
| Number of black people Trained in some aspect of the project   | 60% of workforce            |  |
| Number of black youth Trained in some aspect of the project  | 50% of black people trained |  |
| Number of black women Trained in some aspect of the project  | 40% of black people trained |  |
| Number of black disabled people Trained in some aspect of the project  | 3% of black people trained  |  |
| <b>2.3 localisation</b>  |                             |  |
| Rand value of spend to local SMMEs that have black ownership in line with the approved "Delivery Pipeline Management Matrix" (overleaf)  | 50% of project value        | R  |
| Full use of locally sourced or locally assembled material and/or products in line with the approved "Delivery Pipeline   | 70% of project value        |  |
| <b>2.4 Enterprise and supplier Development</b>   |                             |  |
| Number of Local SMMEs to be supported in terms of the Enterprise and supplier development plan for this project, including Demonstration graduation of suppliers in this project |                             |  |



## INTERPRETATIONS

|   |  |
|---|--|
| <p><b>"Black-empowered enterprise"</b><br/>where</p>                | <p>means an enterprise that is 50,1% black-owned and<br/>there is substantial management control</p>   |
| <p><b>"Black Designated Groups"</b></p>                             | <p>means:<br/>           (a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution;<br/>           (b) Black people who are youth as defined in the National Youth Commission Act of 1996;<br/>           (c) Black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act;<br/>           (d) Black people living in rural and under developed areas;<br/>           (e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;</p>   |
| <p><b>"Black People"</b><br/>Indians</p>                            | <p>Is a generic term which means African, Coloureds and<br/>           (a) who are citizens of the Republic of South Africa by birth or decent;<br/>           or<br/>           (b) who became citizens of the Republic of south Africa by naturalisation -<br/>           (i) before 27 April 1994;<br/>           (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date.</p>  |
| <p><b>"Localisation"</b><br/>local matrix that<br/>depending on</p> | <p>locally produced can be defined using the approved<br/>           Determines the meaning of locally produced/supplier<br/>           Complexity of the work package and skill required.</p> <ul style="list-style-type: none"> <li>○ <b>Simple work package and no skills required</b><br/>             Where simple work package and no skill required - the use of immediate communities is primary.</li> <li>○ <b>Simple work package and medium to low skill required</b><br/>             Where simple work package and medium to low skill required - the use of COJ regional suppliers is primary.</li> <li>○ <b>Simple work package and medium to high skill</b><br/>             Where simple work package and medium to high - the use of suppliers within the City of Joburg is encouraged and promoted.</li> <li>○ <b>Simple work package and Specialized skills</b></li> </ul> |

Where simple work package and specialized skills - the use of suppliers in the Gauteng province is encouraged and promoted.

- **Mixed work package and no skills required**

Where mixed work package and no skill required - the use of COJ regional suppliers is primary.

- **Mixed work package and medium low skill required**

Where mixed work package and medium to low skill required - the use of suppliers within the City of Joburg is encouraged and promoted.

- **Mixed work package and medium high skill**

Where mixed work package and medium high - the use of suppliers in the Gauteng province is encouraged and promoted.

- **Mixed work package and Specialized skill**

Where mixed work package and specialized skill - the use of national vs International suppliers is primary.

- **Complex work package and no skill required**

Where complex work package and no skill required - the use of suppliers within the City of Joburg is encouraged and promoted.

- **Complex work package and medium low skill**

Where mixed work package and medium low skill - the use of suppliers in the Gauteng province is encouraged and promoted.

- **Complex work package and medium high skill**

Where mixed work package and medium high skill - the use of national vs International suppliers is encouraged and promoted.

- **Complex work package and Specialized skills required**

Where complex work package and specialized skill required - the use of nationally assembled products is encouraged and promoted.

|  |   |
|--|---|
| <b>"Enterprise &amp; Supplier Development"</b>       | Means monetary and Non-Monetary contribution carried out for the benefit of suppliers with the objectives of contribution to development, sustainability and financial and operation independence of the beneficiaries  |
| <b>"Localisation"</b>                                |   |
| <b>"Majority Black owned and Controlled Company"</b> | means a juristic person, having shareholding or similar members interest, in which black participants enjoy a right to Exercisable Voting Rights that is at least 51% of the total such rights measured using the Flow Through Principle; and means an enterprise that is 51% black-owned and where there is substantial management control |
| <b>"Partnership"</b> means:                          | means a juristic person, having shareholding or similar members interest, in which black participants enjoy a right to Exercisable Voting Rights that is at least 25% and an enterprise that is 25% black-owned and where there is substantial management control   |
| <b>"Person with disability"</b>                      | means:<br><b>Black people who are persons with disabilities</b> as defined in the employment of people with disabilities issued under the Employment Equity Act;  |
| <b>"SMME"</b>  | Small Micro Medium Enterprises<br>Entities with a turnover of less than R35 M   |
| <b>"Unemployed Black people"</b>                     | means:<br>(a) <b>unemployed black people</b> not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution;   |
| <b>"SMME"</b>  | Small Micro Medium Enterprises<br>Entities with a turnover of less than R10M  |
| <b>"Wholly Black Owned"</b>                          | Means: 100% black ownership and at least 30% of the ownership must be women and/or designated groups.   |
| <b>"Youth"</b>                                       | means:<br><b>Black people who are youth</b> as defined in the National Youth Commission Act of 1996.  |
| <b>"100% Black Owned"</b>                            | Means : 100% black ownership made up by any combination of black owners   |

# Delivery Pipeline Management Matrix

|                                 |                                 | SKILLS REQUIRED                                 |   |   |   |
|---------------------------------|---------------------------------|---|---|---|---|
|                                 |                                 | UNSKILLED                                       | SEMI-SKILLED                                    | SKILLED   | EXPERT  |
| AVAILABILITY OF LOCAL SUPPLIERS | COMMON/MANY                     | Wholly Black Owned                              | 100% Black owned                                | Majority Black owned and Controlled             | Partnership with 25% Black owned and controlled |
|                                 | LIMITED                         | 100% Black owned                                | Majority Black owned and Controlled             | Partnership with 25% Black owned and controlled | Enterprise & Supplier Development               |
|                                 | RARE/FEW                        | Majority Black owned and Controlled             | Partnership with 25% Black owned and controlled | Enterprise & Supplier Development               | Knowledge Transfer programme                    |
| INTERNATIONAL SUPPLIERS         | INTERNATIONAL/NO-LOCAL SUPPLIER | Partnership with 25% Black owned and controlled | Enterprise & Supplier Development               | Knowledge Transfer programme                    | Knowledge Transfer programme                    |

## Annexure B

|                     |         | CIDB GRADE /SKILLS              |                           |                          |                                |
|---------------------|---------|---------------------------------|---------------------------|--------------------------|--------------------------------|
|                     |         | CIDB 1-3<br>No Skill            | CIDB 4-5<br>Medium Low    | CIDB 6-7<br>Medium High  | CIDB 8-9<br>Specialized Skills |
| LEVEL OF COMPLEXITY | Simple  | Immediate Communities suppliers | Region Specific suppliers | City of Joburg suppliers | Gauteng suppliers              |
|                     | Mixed   | Region Specific suppliers       | City of Joburg suppliers  | Gauteng suppliers        | National suppliers             |
|                     | Complex | City of Joburg suppliers        | Gauteng suppliers         | National Suppliers       | Locally Assembled products     |

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

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

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 any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?  
**YES / NO**

2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.

2.2 If yes, provide particulars.

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

3 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

.....  
.....

**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

.....  
Position

.....  
Name of Bidder

CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

- 1. I hereby undertake to render services described in the attached bidding documents to (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid Number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
(i) Bidding documents, viz
- Invitation to bid;
- Tax clearance certificate;
- Pricing schedule(s);
- Filled in task directive/proposal;
- Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
- Declaration of interest;
- Declaration of Bidder's past SCM practices;
- Certificate of Independent Bid Determination;
- Special Conditions of Contract;
(ii) General Conditions of Contract; and
(iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....
CAPACITY .....
SIGNATURE .....
NAME OF FIRM .....
DATE .....

WITNESSES
1 .....
2 .....
.....

## DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
- 1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as required in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/ip.jsp) at no cost.**



1.6. A bid may be disqualified if –

- (a) this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
- (b) the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.

## 2. Definitions

2.1. **“bid”** includes written price quotations, advertised competitive bids or proposals;

2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);

2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;

2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).

2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour and intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;

2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and

2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, 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.

## 3. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

Description of services, works or goods

Stipulated minimum threshold

\_\_\_\_\_

\_\_\_\_\_ %

\_\_\_\_\_ %

\_\_\_\_\_ %

4. Does any portion of the services, works or goods offered have any imported content?

(Tick applicable box)

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za).

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

| Currency       | Rates of exchange |
|----------------|-------------------|
| US Dollar      |                   |
| Pound Sterling |                   |
| Euro           |                   |
| Yen            |                   |
| Other          |                   |

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

(Tick applicable box)

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

5.1. If yes, provide the following particulars:

- (a) Full name of auditor: .....
- (b) Practice number: .....
- (c) Telephone and cell number: .....
- (d) Email address: .....

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the Accounting Officer / Accounting Authority provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO.** .....

**ISSUED BY:** (Procurement Authority / Name of Municipality / Municipal Entity):  
.....

NB

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thedti.gov.za/industrialdevelopment/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder  
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
  - (ii) the declaration templates have been audited and certified to be correct.

(c)The local content percentages (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C;

|  |   |
|--|---|
| Bid price, excluding VAT (y)                                       | R |
| Imported content (x), as calculated in terms of SATS 1286:2011     | R |
| Stipulated minimum threshold for local content (paragraph 3 above) |   |
| Local content %, as calculated in terms of SATS 1286:2011          |   |

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_