

# REQUEST FOR PROPOSALS FOR THE LEASE OF PORTION 1 OF ERF 76 EDENBURG FOR COMMERCIAL PURPOSES.

## RFP 05/2020

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 Portion 1 of Erf 76 Edenburg for commercial purposes.

**THIS DOCUMENT CONSISTS OF 51 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER/ BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT**

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

**DOCUMENTS TO BE SUBMITTED: 1 ORIGINAL AND 2 COPIES**

**Closing date of the Bid: 03 April 2020**

**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 JPC, E-tenders and COJ the websites at no cost [www.jhbproperty.co.za](http://www.jhbproperty.co.za), [www.etenders.gov.za](http://www.etenders.gov.za) and [www.joburg.org.za](http://www.joburg.org.za)**



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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 core functions of JPC are as follows;

- **Asset Management**
- **Property Development**
- **Facilities Management**
- **Property Management**
- **Outdoor Advertising**

**JPC MBD 1: TENDER ADVERT**

**REQUEST FOR PROPOSALS FOR THE LEASE OF PORTION 1 OF ERF 76 EDENBURG FOR COMMERCIAL PURPOSES.**

The 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 leasing of the property stated hereunder:

BID NUMBERS	TENDER DESCRIPTIONS	SITE SIZE
RFP 05/2020	<b>REQUEST FOR PROPOSALS FOR THE LEASE OF PORTION 1 OF ERF 76 EDENBURG FOR COMMERCIAL PURPOSES.</b>	3 964 m <sup>2</sup>
<b>Non – compulsory Briefing sessions</b>	The non-compulsory briefing session will be held on <b>17 March 2020</b> from 10am to 11 am. Venue for the briefing session will be at JPC, Office No. 33 Hoofd Street, Forum 2, 1 <sup>st</sup> Floor, Braam Park Office Park, Braamfontein, Johannesburg.	
<b>Document Availability</b>	<b>02 February 2020 from 12:00 pm</b>	
<b>Document Cost</b>	<b>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 <a href="http://www.jhbproperty.co.za">www.jhbproperty.co.za</a> , <a href="http://www.etenders.gov.za">www.etenders.gov.za</a> and <a href="http://www.joburg.org.za">www.joburg.org.za</a>.</b>	
<b>Closing Date</b>	<b>03 April 2020 at 10h30</b> (Telkom Time), CoJ reserves the right to extend the closing date at its sole discretion.	
<b>Disqualifying Criteria</b>	<ul style="list-style-type: none"> <li>• Non-signature of the declaration of the Bid Submission in JPC’s MBD 7, Bidder’s past Supply Chain Practices in MBD 8 and Certificate of Independent Bid Determination MBD 9.</li> <li>• Any rental offer below the reserve price will not be considered.</li> <li>• <b><u>NB: Failure to comply with the above will result in the bid not being evaluated.</u></b></li> </ul>	
<b>Compliance Criteria before award</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 Bidder 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> <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> </li> <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 for all the properties of the directors.</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 for all the properties of the directors.</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 for all the properties of the directors.</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, a JV / Consortium agreement and a Joint Venture B-BBEE Certificate.</li> <li>• Completion and signature of all bid documents.</li> <li>• Central Supplier Data Base (CSD) registration</li> <li>• Company resolution/ Power of Attorney</li> </ul>
<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>Evaluation</b>	<p><b>Functionality, Rental Offer and B-BBEE Level of contributor using 80/20</b></p> <p>80 for rental value and 20 for B-BBEE status level of contributor</p> $P_s = 80 \left( 1 - \frac{P_t - P_{max}}{P_{max}} \right)$
<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.
- The City of Joburg Property Company (SOC) Ltd and or City of Johannesburg Metropolitan Municipality reserves the right not to accept any proposals or to withdraw the call for proposals or award some of the properties herein listed.

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 1**  
**INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (CITY OF JOHANNESBURG)</b>					
BID NUMBER:	RFP 05/2020	CLOSING DATE	03 April 2020	CLOSING TIME:	10H30 (Telkom Time)
DESCRIPTION	<b>REQUEST FOR PROPOSALS FOR THE LEASE OF PORTION 1 OF ERF 76 EDENBURG FOR COMMERCIAL PURPOSES.</b>				
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A LEASE AGREEMENT WITH THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY</b>					

BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT 33 HOOFD STREET, FORUM 2, FLOOR 1, BRAAM PARK, BRAAMFONTEIN, JOHANNESBURG. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – ( NOT TO BE RE-TYPED OR AMENDED)

<b>SUPPLIER INFORMATION</b>					
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  <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes  <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
SIGNATURE OF BIDDER		.....		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>					
Municipality/Municipal Entity:...City of Joburg Property Company (SOC) LTD Contact Person: Supply Chain Management Tel: 010 219 9000 Email: <a href="mailto:tenders@jhbproperty.co.za">tenders@jhbproperty.co.za</a>					

**TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—OR DOWNLOADED ONLINE (NOT TO BE RE-TYPED)</b>
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.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
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.
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.
2.4	FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART 3 BELOW.
2.5	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.6	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.7	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>	
3.1.	IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE ENTITY HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.5.	IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <input type="checkbox"/> YES <input type="checkbox"/> NO
<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>	

**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: .....

**PRICING SCHEDULE: FINANCIAL OFFER (JPC MBD 3)**

- 1. This offer is made for the property in accordance with the Property Information stated in MBD 13 and in accordance with the bid specifications in JPC MBD 12.
- 2. Unless stated otherwise all prices excludes VAT
- 3. **FINANCIAL OFFER**

A minimum/reserve rental amount of not less than <b>R72 667.00</b> per month.	
Rental Offer	R
Escalation per annum	8%

**4. PAYMENT FOR RATES, TAXES, AND SERVICES**

In addition to the above amount the lessee will be responsible for the payment of all municipal services and all other costs deemed necessary on the property, including rates and taxes levied on 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.

## Chapter 2 : DECLARATION OF INTEREST (MBD 4)

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.

No.	Information	Please provide detail	
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		
Note	<i>(The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.)</i>		
3.7	Are you presently in the service of the state?	Yes	No
	If yes, please furnish particulars :		
3.7.1	Name of director		
3.7.2	Service of state organization		

No.	Information	Please provide detail	
3.8	Have you been in the service of the state for the past twelve months?  If yes, please furnish particulars :	Yes	No
3.8.1	Name of director		
3.8.2	Service of state organization		
3.9	Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?  If yes, please furnish particulars :	Yes	No
3.9.1	Name of person in the service of state		
3.9.2	Relationship		
3.10	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?  If yes, please furnish particulars :	Yes	No
3.10.1	Name of person in the service of state		
3.10.2	Relationship		
3.11	<i>Are any of the company's directors, trustees, managers, principle shareholders or stakeholders in service of the state?</i>  If yes, please furnish particulars :	Yes	No
3.11.1	Name of director		
3.11.2	Service of state organization		
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the state?  If yes, please furnish particulars:	Yes	No
3.12.1	Name of director		

No.	Information	Please provide detail	
3.12.2	Name of relative		
3.12.3	Relationship		
3.13	<p>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?</p> <p>If yes, please furnish particulars:</p>	Yes	No
3.13.1	Name of director		
3.13.2	Related company		
Note:	<p>SCM Regulations:</p> <p>“In the service of the state” means to be –</p> <ul style="list-style-type: none"> <li>(a) a member of – <ul style="list-style-type: none"> <li>(i) any municipal council;</li> <li>(ii) any provincial legislature; or</li> <li>(iii) the national Assembly or the national Council of provinces;</li> </ul> </li> <li>(b) a member of the board of directors of any municipal entity;</li> <li>(c) an official of any municipality or municipal entity;</li> <li>(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);</li> <li>(e) a member of the accounting authority of any national or provincial public entity; or</li> <li>(f) an employee of Parliament or a provincial legislature.</li> </ul> <p>“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.</p>		

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

Full Name	Identity Number	State Employee Number

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5. I, the undersigned 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.	
<b>NAME OF REPRESENTATIVE</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>CAPACITY</b>

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

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

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

## MBD 6.1

### 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.**

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#### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to this bid:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- a) The value of this bid could not be determined, therefore the highest acceptable tender will be used to determine the applicable preference point system; or
- b) The 80/20 preference point system will be applicable to this tender.

1.2 Points for this bid shall be awarded for:

- (a) Financial Offer; and
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
FINANCIAL OFFER	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
TOTAL POINTS FOR FINANCIAL OFFER AND B-BBEE MUST NOT EXCEED	100

1.4 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.

1.5 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 FINANCIAL OFFER

#### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

80 for rental value and 20 for B-BBEE status level of contributor

#### 80/20

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

Where

$P_s$  = Points scored for financial offer of bid under consideration

$P_t$  = Rand value of bid under consideration (amount over the 50 year lease period discounted at 10%)

$P_{max}$  = Financial 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:

Price	80
B-BBEE Status Level of Contribution	Number of Points 20
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non - 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:

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: . = .....(maximum of 10 or 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.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

**(Tick applicable box)**

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

7.1.1 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people ( As defined by the Act B-BBEE Number 46 of 2013 and any amended)		

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

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....

.....

.....

.....

**8.6 COMPANY CLASSIFICATION**

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

[TICK APPLICABLE BOX]

**8.7 MUNICIPAL INFORMATION**

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

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

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

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

8.9 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-BBEE 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.

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

.....	
SIGNATURE(S) OF BIDDERS(S)	
DATE:	.....
ADDRESS	.....
	.....

**BIDDERS INFORMATION**

Name of Bidder			
ID /Passport/ Registration Number			
Nature of Bidder (tick one)	Natural Person/ Sole Proprietor		
	School/NGO/Trust		
	Company/ CC/ Partnership		
	Joint Venture (JV)		
Postal Address		Tel	
		Cell	
		Email	
		Fax	

**BIDDER BANKING DETAILS**

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 Website	
Sowetan		E- Tenders	
Citizen			
Business day			
COJ Website			

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) Signature

**Chapter 3 : DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD 8)**

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:
  - 3.1. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - 3.2. been convicted for fraud or corruption during the past five years;
  - 3.3. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - 3.4. 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	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this database were informed in writing of this restriction by the accounting officer / authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> and can be accessed by clicking on its link at the bottom of the home page</b></p>	Yes	No
4.1.1	If so, furnish particulars:		

Item	Question	Yes	No
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)? <b>The Register for Tender Defaulters can be accessed on the National Treasury's website <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> by clicking on its link at the bottom of the home page.</b>	Yes	No
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	No
4.3.1	If so, furnish particulars:		

I, the undersigned 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.	
<b>NAME OF REPRESENTATIVE</b>	<b>AUTHORIZED SIGNATURE (UNDERSIGNED)</b>
<b>DATE</b>	<b>CAPACITY</b>

## Chapter 4 : CERTIFICATE OF INDEPENDENT BID DETERMINATION (MBD 9)

1. This municipal bidding document (MBD) must form part of all bids<sup>1</sup> invited.
2. Section 4(1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).<sup>2</sup> Collusive bidding is a pe se prohibition meaning that it cannot be justified under any grounds.
3. Municipal Supply Regulation 38(1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
  - 3.1. take all reasonable steps to prevent such abuse;
  - 3.2. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
  - 3.3. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
4. This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid rigging.
5. In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

***<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.***

***<sup>2</sup> Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.***

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

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

in response to the invitation for the bid made by:

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

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

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

**<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.**

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

## 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 (full details of the commissioner) of the declaration of the bidder's past Supply Chain Practices in MBD 8 and the Bid Submission in JPC's MBD 7
- Any rental offer below the reserve price will not be considered.
- **NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2.**

### **COMPLIANCE PRIOR TO AWARD**

- 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/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 for all the properties of the directors.

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 for all the properties of the entity.

- 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 for all the properties of the directors.

- 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
- Completion and signature of all bid documents.
- Central Supplier Data Base (CSD) registration

## **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 two (2) 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, Johannesburg

- **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.**
- 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 and will be disqualified.

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 JPC MBD 11
- 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 (one-hundred and twenty) 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, Johannesburg

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)

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
<p><b>1. <u>PROPOSED USE</u></b></p> <p><b>a) Use of the property</b> Uses should be in line with the current Business/Commercial zoning of the Property.</p> <p>Proposals that are not in line with the zoning (Business 4) and are not of a Commercial / Business nature will be regarded as non-responsive.</p> <p>i) The Proposal (10)</p> <p><b>b) Summary of the Business Plan</b> (Outlining the proposed business and schedules for achieving objectives of the proposed use mention in (a) above.)</p> <p>i) Target Market (5) ii) Business objectives/ goals (5)</p>	<p><b>10</b></p> <p><b>10</b></p>		<p><b>20</b></p>
<p><b>2. <u>CAPACITY AND EXPERIENCE OF BIDDER AND THE PROFESSIONAL TEAM</u></b></p> <p><b>Capability of the Professional team to operate the proposed business in line with the proposed use (Commercial/ business) of the property.</b></p> <p>a) Experience of the Managing Members/ Employees (CVs must be attached and Reference letters must be attached. Failure to attach both the CV and the reference letter will result in the bidder receiving zer (0) points.)</p> <p>+5 years = 10 Points 4 years = 8 Points 3 years = 6 Points 2 years = 4 Points 1 year = 2 Point</p> <p>b) General Facilities Management Experience of the Organisation (Reference letters relating to facilities management must be attached)</p> <p>+5 years = 10 Points 4 to 5 years = 8 Points 3 to 4 years = 6 Points 2 to 3 years = 4 Points 1 to 2 years = 2 Points</p>	<p><b>10</b></p> <p><b>10</b></p>	<p><b>JPC MBD 21</b></p>	<p><b>20</b></p>

<b>3. <u>GENERAL MAINTENANCE PLAN OF THE FACILITY.</u></b> <ul style="list-style-type: none"> <li>• Soft services (cleaning, security etc.) (5)</li> <li>• Maintenance schedule (Planned and emergency) (5)</li> <li>• Overall maintenance Plan for the duration of the lease. (This should include the day to day, monthly and annual maintenance plans (10)</li> </ul>	20	<b>JPC MBD 17</b>	<b>20</b>
<b>4. <u>TRANSFORMATION AND EMPOWERMENT PLAN</u></b> <ul style="list-style-type: none"> <li>a) Number of Jobs to be created</li> <li>b) Training</li> <li>c) Inclusive Community Use and Benefit</li> <li>d) SMME Development</li> </ul>	8 4 4 4	<b>JPC MBD 19 &amp; 20</b>	<b>20</b>
<b>5. <u>FINANCIAL CAPABILITY AND SUSTAINABILITY.</u></b> <ul style="list-style-type: none"> <li>a) Financial Capability <ul style="list-style-type: none"> <li>1. Initial capital Bidders should provide proof of source of capital (10)</li> </ul> </li> <li>b) Detailed sustainability plan for the duration of the lease. <ul style="list-style-type: none"> <li>2. Short term plan (5)</li> <li>3. Long term plan (5)</li> </ul> </li> </ul>	20	<b>JPC MBD 17 &amp; 18</b>  Copy of stamped bank statements showing availability of funds. or  Signed letter from registered funding institutions confirming funding for the project, or  An original current (not older than three months on date of submission) letter from the bank confirming the bidder's working capital available.	<b>20</b>
<b>TOTAL</b>			<b>100</b>

**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  
Pmax = Rental value of highest acceptable bid

<b>EVALUATION CRITERIA</b>	<b>WEIGHT 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. Property Information**

<i>PROPERTY DESCRIPTION</i>	<i>LOCATION</i>	<i>SIZE</i>
Portion 1 of Erf 76 Edenburg	19 Wessels Street	3 964 m <sup>2</sup>

**Overview And Vision For The Property.**

This property is situated in a predominantly residential and commercial area between the Rivonia and Sandton suburbs. It is also in close proximity to a number of amenities including well established transport modes.

The proposals should align the property to the City’s vision for the area in line with the strategies, legislative requirements and regulatory frameworks.

**SPECIFICATIONS FOR THE LEASE FOR COMMERCIAL PURPOSES.**

The property is made available in accordance with the site information made available in **MBD13**.

**2. Property Tenure**

The Property shall be made available by means of a lease agreement in accordance with JPC’s standard agreement. The following terms of contract are non-negotiable:

The property shall be utilised for commercial purposes in line with its zoning.

- 2.1 The lease shall be for a period of nine (9) years 11 months; the rental amount shall escalate at 8% per annum (exclusive of VAT); excluding rates and taxes and other municipal services where applicable;
- 2.2 Bidders are required to make an offer not less than the minimum acceptable offer for the lease of the facility on the property as part of the proposal form; as indicated in **JPC MBD 3**.
- 2.3 The lessee shall under no circumstances sub-let the property or cede any rights of the property to a third party;
- 2.4 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;
- 2.5 That, a deposit equal to one month’s rental shall be paid by the lessee upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up date at the time of the expiry of the lease agreement or vacation of property, subject to the property being returned in a clean and tidy condition.
- 2.6 All administrative and incidental costs relating to the drafting of the lease shall be for the lessee’s account.

**3. The following terms and conditions of lease are highlighted but not limited :**

- 3.1 Where activities require registration with relevant statutory bodies the bidder is required to ensure that this is done prior to commencing operation on the property.

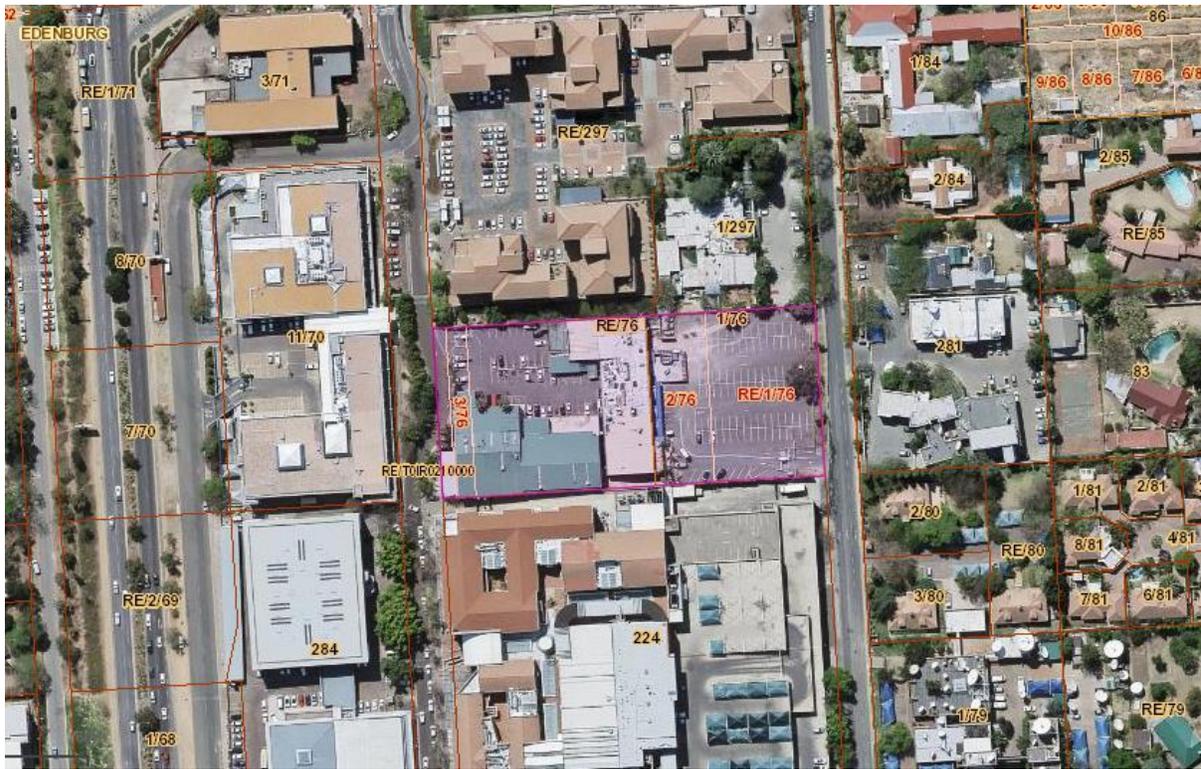
- 3.2 The successful bidder shall at his own cost maintain, secure and keep the property in a safe, clean and tidy condition in compliance with all relevant legislation i.e. Safety Act, by-laws, Environment (OHASA). Repairs of any damage caused by negligent or wilful action of any person within the facility shall be for the successful bidder's account.
- 3.3 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.
- 3.4 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;
- 3.5 That, no compensation will be payable by the city for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.
- 3.6 Bidders are required to submit a financial proposal which is not limited to but should include;
- ✓ A detailed cost estimate, together with supporting documentation of the costs of refurbishing, upgrading, extension and/or alterations and;
  - ✓ A time schedule for the refurbishing of the building.
- 3.7 The bidder is required to submit to JPC a comprehensive 9 year operational and maintenance plan.
- 3.8 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 by 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.
- 3.9 That, any Municipal Services and servitudes situated on the property shall be protected at the cost of the lessee.
- 3.10 That, the application shall be liable for the payment of all sewerage, refuse removal fees, Levied or payable in respect of the site and all electricity and water supplied to the site.
- 3.11 That all environmental and related legislation and By-laws applicable to the Property shall be complied with and that all building plans to be submitted to the Local Authority for approval prior to any construction.
- 3.12 That, all Emergency Management Services By-laws be complied with and adhered to and

that access to emergency vehicles should be provided on the property.

3.13 Any event to be conducted on the property requires prior application and approval from the Joburg Operations Committee (JOC) through consent by JPC; Contact details for more info regarding JOC bookings: Tel: 011 407 7512, E-mail: [joc@joburg.org.za](mailto:joc@joburg.org.za)

3.14 The Council and its authorised representatives/agents shall have 24 hour's unrestricted access to the electricity, water and any Municipal Servitudes on the property and that no structures will be allowed within these servitudes.

1. AERIAL MAP



2. SITE INFORMATION

Property Description	Portion 1 Erf 76 Edenburg
Size (Lease area)	3 964 m <sup>2</sup>
Zoning	Bueiness 4
Current Use	Parking.
Minimum Acceptable Rental Offer	R72 667.00 per month
Highest and Best Use	Considering the location, characteristics, nature of surrounding and anticipated use, the highest and best use of the subject property is for commercial purposes in conformity with the surrounding properties.
Primary and secondary uses	As per the City of Johannesburg Land Use Scheme, 2018.

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 attached?	YES	NO

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

It is a requirement that bidding entity or individual 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 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)
<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, 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 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)

**JPC MBD 17: PROPOSAL FOR THE LEASE OF PORTION 1 OF ERF 76 EDENBURG  
FOR COMMERCIAL PURPOSES.**

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/ 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>	

**1.2 Proposed improvements summary (if any)**

<b>Use</b>	<b>Total Floor area (m<sup>2</sup>)</b>
<b>TOTALS</b>	

**1.3 Estimated costs 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 (Including VAT)
1.		
2.		
3.		
4.		
5.		
6.		

**JPC MBD 18: 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 19: PUBLIC/SOCIAL BENEFIT PROPOSAL

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

1. Demonstrate how the development will benefit disadvantaged communities, youth, women and people with disabilities	
2. Demonstrate how the development will benefit the local community and/or community based organisations	

## JPC MBD: 20 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**

<b>DESCRIPTION</b>	<b>TARGET</b>	<b>Bidders Commitment in numbers of persons</b>
<b>Transformation and Empowerment Plan</b>		
Number of Jobs to be created within the local community	80% Total jobs created	
Training	50% of black people trained	
Local SMMEs supported	80% of project value	

## INTERPRETATIONS

<p><b>"Black-empowered enterprise"</b> where</p>	<p>means an enterprise that is 50,1% black-owned and there is substantial management control</p>
<p><b>"Black Designated Groups"</b></p>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution;</li> <li>(b) Black people who are youth as defined in the National Youth Commission Act of 1996;</li> <li>(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;</li> <li>(d) Black people living in rural and under developed areas;</li> <li>(e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;</li> </ul>
<p><b>'Black People'</b></p>	<p>Is a generic term which means African, Coloureds, Indians and Chinese</p> <ul style="list-style-type: none"> <li>(a) who are citizens of the Republic of South Africa by birth or decent; <ul style="list-style-type: none"> <li>or</li> </ul> </li> <li>(b) who became citizens of the Republic of south Africa by naturalisation - <ul style="list-style-type: none"> <li>(i) before 27 April 1994;</li> <li>(ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date.</li> </ul> </li> </ul>
<p><b>"Localisation"</b> local matrix that depending on</p>	<p>locally produced can be defined using the approved</p> <p>Determines the meaning of locally produced/supplier</p> <p>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> 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> 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> 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: <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 Entities with a turnover of less than R35 M
<b>"Unemployed Black people"</b>	means: (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 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: <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/ NON-LOCAL SUPPLIER	Partnership with 25% Black owned and controlled	Enterprise & Supplier Development	Knowledge Transfer programme	Knowledge Transfer programme

		CIDB GRADE /SKILLS				
		CIDB Skills	CIDB 1-3 No Skill	CIDB 4-5 Medium Low	CIDB 6-7 Medium High	CIDB 8-9 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	

**JPC MBD 21: EXPERIENCE AND CAPABILITIES OF BIDDER**

**Entity Management Experience**

- Proven track record of the organisation in managing a community facility
- 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>(Only activities completed in the name of “the bidder” should be recorded in this section) (Please add supporting documents as an attachment)</b>				
<b>Name Of Activity</b>	<b>Start Date</b>	<b>End Date</b>	<b>Client</b>	<b>Tel</b>

- Relevant community facility experience of the entity (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>(Only activities completed in the name of “the bidder” should be recorded in this section) (Please add supporting documents as an attachment)</b>				
<b>Name Of Activity</b>	<b>Start Date</b>	<b>End Date</b>	<b>Client</b>	<b>Tel</b>

- Relevant Community Facility Management Experience of the employees (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>(Only activities completed in the name of “the bidder” should be recorded in this section) (Please add supporting documents as an attachment)</b>				
<b>Name Of Activity</b>	<b>Start Date</b>	<b>End Date</b>	<b>Client</b>	<b>Tel</b>

**Registration and compliance**

- Attach proof of registration with Social Development
- Compliance with Environmental Health Department
  
- Entity 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>(Only activities completed in the name of “the bidder” should be recorded in this section)</b>				
<b>(Please add supporting documents as an attachment)</b>				
<b>Name Of Activity</b>	<b>Start Date</b>	<b>End Date</b>	<b>Client</b>	<b>Tel</b>