



RFP 04/2023FY/PF:REQUEST FOR PROPOSALS FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 24460 DIEPKLOOF INTO A MIXED USED DEVELOPMENT

**Please note:** Do not remove the front page of this document. Keep in order as downloaded.

**City of Joburg Property Company (SOC) Ltd  
Department of Finance: Supply Chain Management Unit**

**RFP 04/2023FY/PF**

Tender document can be downloaded from JPC, E-tenders and the COJ 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)

**No submission(s) transmitted by fax or other electronic means will be accepted**

**Closing date of submission: 22 September 2023 10:30** (Telkom Time) – at **Braamfontein, 33 Hoofd Street, Forum 1 (Forum One), A-Block, 3rd Floor (entrance level)** - no bid received after the closing date and time will be accepted or considered.

**Opening of submissions: 10h30** (Telkom Time) – Bids will be opened in designated boardrooms at the City of Joburg Property Company (SOC) Ltd, 3<sup>rd</sup> Floor, Forum I, Braampark Office Park, 33 Hoofd Street, Braamfontein. The Opening Register will be uploaded on the JPC website

**Non- compulsory briefing session:** The non-compulsory briefing session will be held on

**07 September 2023** from 11h00am. Address: 33 Hoofd Street, Braam Park. Forum 1. Entrance A Reception Level, Auditorium.

**Document availability : 21 August 2023**

**RFP 04/2023FY/PF:REQUEST FOR PROPOSALS FOR THE DEVELOPMENT AND LONG TERM LEASE OF ERF 24460 DIEPKLOOF INTO A MIXED USED DEVELOPMENT**

**NAME OF BIDDER:**

**DOCUMENTS TO BE SUBMITTED: ONE (1) ORIGINAL HARD COPY, ONE (1) COPY PLUS SCANNED VERSION OF THE SUBMISSION INCLUDING ALL ANNEXURES/RETURNABLES IN A USB CLEARLY MARKED IN BIDDER'S NAME**

**Submissions under sealed cover must be addressed to City of Joburg Property Company (SOC) Ltd endorsed with bid number and description, and placed in the tender box no later than the date and time indicated above. City of Joburg Property Company (SOC) Ltd does not take any responsibility for any bids deposited into an incorrect box.**

**THIS DOCUMENT CONSISTS OF 83 PAGES, IT IS THE RESPONSIBILITY OF THE TENDERER/BIDDER TO SEE THAT ALL PAGES ARE INCLUDED IN THE DOCUMENT**

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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**



ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE	R
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT	Supply Chain Management	CONTACT PERSON	
CONTACT PERSON	Supply Chain Management	TELEPHONE NUMBER	
TELEPHONE NUMBER	010 219 9000	FACSIMILE NUMBER	
FACSIMILE NUMBER	010 219 9400	E-MAIL ADDRESS	
E-MAIL ADDRESS	<a href="mailto:tenders@jhbproperty.co.za">tenders@jhbproperty.co.za</a>		

**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 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)?  <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES</span>  <input type="checkbox"/> NO</p> <p>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  <input type="checkbox"/> YES <input type="checkbox"/> NO</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:.....



**TENDER ADVERT FOR BID: RFP 04/2023FY/PF (JPC MBD 2)**

**CITY OF JOBURG PROPERTY COMPANY (SOC) LTD (REG. NO 2000/017147/07) ("JPC"), HEREBY INVITES INTERESTED PERSONS TO SUBMIT PROPOSALS FOR THE DEVELOPMENT OF THE PROPERTY STATED HEREUNDER:**

<b>Bid Number</b>	<b>RFP 04/2023FY/PF</b>	<b>SITE SIZE</b>
<b>Bid Description</b>	<b>REQUEST FOR PROPOSALS FOR THE DEVELOPMENT AND LONG TERM LEASE OF REMAINDER OF ERF 24460 DIEPKLOOF INTO A MIXED USE DEVELOPMENT</b>	<b>3 030m<sup>2</sup></b>
<b>Briefing Session</b>	<b>Non- compulsory briefing session:</b> The non-compulsory briefing session will be held on <b>07 September 2023</b> from 11h00 am. Address: 33 Hoofd Street, Braam Park. Forum 1. Entrance A Reception Level, Auditorium.	
<b>Document Availability Date</b>	<b>21 August 2023</b>	
<b>Document Cost</b>	The tender document can be downloaded from JPC, E-tenders and the COJ 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>Closing Date</b>	<b>22 September 2023</b> at 10h30 (Telkom time)	
<b>Compliance Requirements before an award is made to the successful Bidder</b>	<ul style="list-style-type: none"> <li>Valid Tax Compliant Verification PIN number issued by South African Revenue Services (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/COR 20.1</li> <li>Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1</li> <li>Trust- letter of appointment from the Master of the High Court of SA and deed of trust</li> <li>JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners</li> <li>Entity valid BBBEE Certificate issued by agency accredited by SANAS /Valid Sworn affidavit or valid BBBEE certificate JV/Consortium issued by agency accredited by SANAS.</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 / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted / valid lease agreement.</li> <li>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 / valid lease agreement.</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 Director (s) or Member (s) / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted / valid lease agreement.</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 consolidated BBBEE certificate</li> <li>Submission of Public Interest Score (PIS) as per The Companies Act Regulations 26(2). The Public Score Calculation must be supported by the following: <ul style="list-style-type: none"> <li>Audited Annual Financial Statements indicating the latest three financial periods, OR</li> <li>Latest unaudited annual financial statement used for the calculation of the PIS.</li> </ul> </li> <li>Central Supplier Database (CSD) registration valid on tender closing date.</li> <li>Company resolution for bid signing powers</li> <li>The following documents must be duly completed and signed <ul style="list-style-type: none"> <li>Declaration of interest in MBD 4,</li> <li>Declaration of the Bidder's Past Supply Chain Practices in MBD 8,</li> <li>Certificate of Independent Bid Determination in MBD 9, and Bidders Information in JPC MBD 7.1</li> </ul> </li> <li>If the entity or any of its directors are listed on the National Treasury register of defaulters, the bid will be rejected.</li> </ul>
<b>Evaluation Criteria</b>	<p><b>Functionality, Price and Specific Goals using the 80/20 preference point system 80 for price and 20 for Specific Goals</b></p> $P_s = 80 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right)$
<b>Address</b>	City of Joburg Property Company SOC Ltd, 3 <sup>rd</sup> Floor, Forum I, A-Block reception level, 33 Hoofd Street, Braam Park Office Park, Braamfontein
<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



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DEVELOPMENT AND LONG TERM LEASE OF ERF 24460 DIEPKLOOF  
INTO A MIXED USED DEVELOPMENT

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- 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  
3<sup>rd</sup> Floor, Forum I Building, Braampark  
Office Park, 33 Hoofd Street,  
Braamfontein Johannesburg

**Contact Details**

**Supply Chain  
Management  
Department**

**Tel: (010) 219-9000**



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

1. This offer is made for the property in accordance with the Property Information stated in JPC MBD 11 and in accordance with the bid specifications indicated in this MBD.
2. Unless stated otherwise all prices exclude VAT

### 3. THE FINANCIAL OFFER

Rental Offer per Month (on commencement date)	R
Annual Escalation	8 % or CPI (Whichever is higher)

### 4. NON-REFUNDABLE JPC FEE

In addition to the above offer, the preferred bidder shall pay to JPC a non-refundable JPC Fee equal in value to 1.5% (one and half percent) of the total proposed development cost (excluding the land value), for facilitating the project and must be payable on an agreed milestone.

Non-refundable JPC Fee equal in value to 1.5% (one and half percent) of the total proposed development cost (excluding the land value).  (Refer to JPC MDB19 for makeup of Development Cost).	R
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**NB: NPV to be calculated at an annual escalation rate of 8% or CPI (Whichever is higher)**

**Template for NPV calculations, Refer to Annexure A.**

Fixed Monthly Rental Offer Calculated Over 30 years. 1. Annual Rental escalation of 8% or CPI (Whichever is higher) 2. For comparison <b>NPV</b> rental offers will be calculated using 10% discounted rate 3. 30 Year Lease	R
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### 5. DEVELOPMENT COST (REFER TO JPC MBD 19)

TOTAL DEVELOPMENT COST:	R
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## 6. FINANCIAL OFFER

• NPV of rental over 30 years ( <b>Annexure A calculations</b> )	R
• JPC Facilitation Fee (once off) 1.5% of Development Cost	R
<b>TOTAL</b>	R

## 7. TOTAL FINANCIAL OFFER i.e. Development Cost plus Financial Offer

• Development cost (Total of item 5 above)	R
• Financial offer (Total of item 6 above)	R
<b>TOTAL (Final Total Offer for Stage 2 Evaluation)</b>	R

**BIDDERS MUST SUBMIT A RENTAL SCHEDULE INDICATING THE NPV CALCULATIONS**

Template for NPV calculations, Refer to Annexure A

- For comparison NPV rental offers will be calculated using a 10% discounted rate.
- The lease period is 30 years.
- Bidders must attach a spread sheet showing the NPV calculations for the entire 30 year period.
- An error in calculation may result in your bid becoming non-responsive

## 8. PAYMENT FOR RATES,TAXES AND SERVICES

In addition to the above amounts the lessee will be required to pay all municipal charges including rates and taxes levied on the property.

## 9. NPV calculation template link below:

[NPV Working Template-Annexure A.xlsx](#)

(Annexure A can be accessed on the JPC website under the RFP)

#### 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</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		

No.	Information	Please provide detail	
3.7.2	Service of state organization		
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		

No.	Information	Please provide detail	
3.12	Is any spouse, child or parent of the company's director trustees, managers, principle shareholders or stakeholders in service of the company? If yes, please furnish particulars:	Yes	No
3.12.1	Name of director		
3.12.2	Name of relative		
3.12.3	Relationship		
3.13	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 related to the company? If yes, please furnish particulars:	Yes	No
3.13.1	Name of director		
3.13.2	Related company		
Note:	<p>SCM Regulations:</p> <p>"1In 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>"2 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 Number	Employee

4. 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>



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

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

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 (MBD 6.1)

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

### 1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the 80/20 preference point system.
- b) The 80/20 preference point system will be applicable in this tender. The highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
TOTAL POINTS FOR PRICE AND SPECIFIC GOALS	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

### 3.1. POINTS AWARDED FOR PRICE

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

**80/20**

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

Where

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

P<sub>t</sub> = Price of tender under consideration

P<sub>max</sub> = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
  - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender

- will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

**Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Business owned by 51% or more – <b>Black People</b>	5	
Business owned by 51% or more – <b>Women</b>	5	
Enterprises located within the City of Johannesburg	5	
Subcontracting to business owned by designated groups (up to 30%)	5	

#### DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
  - ☐ One-person business/sole propriety
  - ☐ Close corporation
  - ☐ Public Company
  - ☐ Personal Liability Company
  - ☐ (Pty) Limited
  - ☐ Non-Profit Company
  - ☐ State Owned Company
- [TICK APPLICABLE BOX]

- 4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
  - iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
    - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

	<p>.....</p> <p><b>SIGNATURE(S) OF TENDERER(S)</b></p>
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....

## **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS (MBD 6.2)**

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, 2017, 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, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders 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 South African Reserve Bank (SARB) on the date of advertisement of the bid as indicated in paragraph 3.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on <http://www.thedti.gov.za/industrial development/ip.jsp> at no cost.**



1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. 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:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

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

3.1 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 SARB for the specific currency on the date of advertisement of the bid.

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

4. 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 AO/AA 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 Institution):

.....  
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/industrial\\_development/ip.jsp](http://www.thedti.gov.za/industrial_development/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
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 3.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

(d)	
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 3.1 above and the information contained in Declaration D and E.**

- (e) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (f) 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 / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

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

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

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

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

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

## BIDDER'S INFORMATION (JPC MBD 7.1)

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	

### Please indicate how you became aware of the invitation to submit this Proposal

The Star		JPC Web site	
Sowetan		E- Tenders	
JPC Social Media Accounts			

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>

## CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS<sup>1</sup> MBD 7.3

**THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE LESSOR/ SELLER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE LESSOR/ SELLER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

### PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to lease property/ purchase all or any of the goods and/or services described in the attached bidding documents from (name of institution)..... in accordance with the requirements stipulated in (bid number)..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the seller during the validity period indicated and calculated from the closing time of 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;
    - Proof of tax compliance status;
    - Pricing schedule(s);
    - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
    - Declaration of interest;
    - Declaration of Bidder's past SCM practices;
    - 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) quoted covers the leased property/ all the goods and/or services specified in the bidding documents; that the price(s) cover all my obligations and I accept that any mistakes regarding price(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 undertake to make payment for the leased property/ goods/services as specified in the bidding documents.
6. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.

---

<sup>1</sup> "Tender for income-generating contracts" has the same meaning as defined in the Preferential Procurement Regulations, 2022.



7. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

WITNESSES

1 .....

2. ....



**CONTRACT FORM - TENDER FOR INCOME-GENERATING CONTRACTS MBD 7.3**

**PART 2 (TO BE FILLED IN BY THE LESSOR/ SELLER)**

1. I..... in my capacity as.....  
accept your bid under reference number .....dated.....for the  
leasing of property/ purchase of goods/services indicated hereunder and/or further  
specified in the annexure(s).
2. I undertake to make the leased property/ goods/services available in accordance with the  
terms and conditions of the contract.

ITEM NO.	DESCRIPTION	PRICE (ALL APPLICABLE TAXES INCLUDED)	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES

1. ....

2. ....

DATE .....

## DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES (MBD8)

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>



## **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

**STANDARD CONDITIONS OF SUBMISSION (JPC MBD 10)**

The following conditions apply to all bids submitted:

- All bids must be submitted in compliance with the Bid Specifications specified in JPC MBD 11
- The property is made available in accordance with the information and stipulations contained in
- 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.

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

- Valid Tax Compliant Verification PIN number issued by South African Revenue Services (SARS).
- Proof of registration of the Bidder as follows:
  - Natural persons- certified copy of ID document/ passport
  - Partnership- copy of Partnership Agreement plus IDs of all partners
  - Company- current CM29/COR 20.1
  - Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1
  - Trust- letter of appointment from the Master of the High Court of SA and deed of trust
  - JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners
  - Entity valid BBBEE Certificate issued by agency accredited by SANAS /Valid Sworn affidavit or valid BBBEE certificate JV/Consortium issued by agency accredited by SANAS.
- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the individual / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted / valid lease agreement.
- 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 / valid lease agreement.
- 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) / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted / valid lease agreement.
- 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 consolidated BBBEE certificate

- Submission of Public Interest Score (PIS) as per The Companies Act Regulations 26(2). The Public Score Calculation must be supported by the following:
  - Audited Annual Financial Statements indicating the latest three financial periods, OR
  - Latest unaudited annual financial statement used for the calculation of the PIS.
- Central Supplier Database (CSD) registration valid on tender closing date.
- Company resolution for bid signing powers
- The following documents must be duly completed and signed
  - Declaration of interest in MBD 4,
  - Declaration of the Bidder's Past Supply Chain Practices in MBD 8,
  - Certificate of Independent Bid Determination in MBD 9, and
  - Bidders Information in JPC MBD 7.1
- If the entity or any of its directors are listed on the National Treasury register of defaulters, the bid will be rejected.

### **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 hard copy, one (1) copy plus scanned version of the submission including all annexures/returnables in a USB clearly marked in bidder's name.
- 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  
33 Hoofd Street, Forum 1 Block A, 3<sup>rd</sup> Floor, Braampark,  
Braamfontein, Johannesburg

- **PROPOSALS WHICH ARE NOT SUBMITTED IN A PROPERLY SEALED AND MARKED ENVELOPE AND DEPOSITED IN THE BOX BEFORE THE CLOSING DATE AND TIME, 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.

### **OPENING OF PROPOSALS**

- All proposals are to be submitted at the JPC offices, on or before the closing date and time. After which as a precautionary measure (as a result of the Covid – 19 pandemic) the Opening Register will be uploaded on the JPC website.
- Bidder's return address must be clearly stipulated or indicated on the back of the envelope.

### **EVALUATION OF PROPOSALS**

- JPC reserves the right at it's discretion 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 this Proposal Call document and a submission of the bid 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 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 12.
- 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) 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:

3<sup>rd</sup> Floor, Forum 1, 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.





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- 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)



## **BID SPECIFICATION AND SITE /PROPERTY INFORMATION (MDB 11)**

### **BACKGROUND**

Erf 24460 Diepkloof is in Diepkloof, in Soweto and can be accessed via Chris Hani Road joining into Mohlala Street and Khambule. The property is 3030m<sup>2</sup> in extent and is zoned business1 . It is located in the historical Bara Central Precinct, which has become a gateway into Soweto for both residents and visitors alike, and still serves as the main transport node.

Interchange for the “City”. The Precinct has for many years performed the function of the major activity node along the Chris Hani Road (Old Potch Road) corridor, due primarily to its location opposite the Chris Hani Baragwanath Hospital.

The site is previously used as a dumping area, located adjacent to Cambridge Store, Universal Church and a Primary School. 1/3 of the site is currently illegally occupied and used for the purposes of recycling. With the assistance of Bara Investments the remaining 2/3 of the site received a clean-up, crusher stone layer and palisade fencing

The site is ideally located for business use opportunities as it is in close proximity to amenities, in an area that consist of prominent public / private facilities which includes hospitals, a university, schools and industrial uses. Road infrastructure in the area is good with regional access provided by the N1 / Western Bypass, Golden Highway and Chris Hani Road. With a good road infrastructure, a major formal transport rank is located in the vicinity of the proposed site which is promoted by city plans as a prominent transport node. Diepkloof is basically dubbed the ‘gateway’ to Soweto being accessed from the N1 / Western Bypass.

## 1. LOCALITY MAP

The site is located within the Bara development Precinct at the corner of Mohlala Street and Khambule Street. It is adjacent to the existing Cambridge Store and Universal Church



## 2. AERIAL MAP



### 3. BID SPECIFICATIONS

#### Property Information

Property Description	<b>ERF 24460 DIEPKLOOF</b>
Locality	The site is located within bara precinct at the corner of Mohlala Street and Khambule Street. It is adjacent to the existing Cambridge Store, Universal Church and a Primary School in Diepkloof
Ownership	City of Johannesburg Metropolitan Municipality
Land Size	3,030m <sup>2</sup>
Zoning	Business 1
Height	3 Storeys
Current Uses on site	A third of the site is currently illegally occupied and used for the purposes of recycling. The remaining two thirds of the site received a clean up crusher stone layer and is fenced with palisade
Existing structures and features	The site has a boundary fencing comprising new palisade, existing precast and steel gate. Illegally occupied section has two informal structures and bales of various recycling material.
Existing vegetation	Vacant section of the site has local grass groing and layers of grey gravel stone.  The removal of grass can be undertaken during the site establishment (site clearance)
Slope (0.5m contour analysis)	The site has a fall of approximately 1m to 1.5m northwards and its impact on development would be a cut /fill

1:50 & 1:100 year floodlines	The existing 50 year flood line has no direct impact on the site as the property is located approximately 370m from its centre.
Geotechnical conditions	<p>Four test pits were excavated for the foundation analysis</p> <p>The site is underlain by fill, residual soil and eathered bedrock of the Government Subgroup, Central Rand Group sediments which belong to the Witswatersrand Supergroup.</p> <p>The Refusal of the TLB occurred at 0.95m belo surface.</p> <p>The weathered quartzite at nominal depth is considered a very competent foundation horizon for any structure with allowable bearing capacity of up to 300kpa.</p>
Electrical	<p>The site currently has no power however there is an electrical network that consist of an 11KV ring feed that is supplying power to the adjacent sites . i.e the primary school and the universal church</p> <p>We enquired with Eskom's Customer Services department and after checking with their electrical network division, they confirmed that there is a capacity of 500KVA (750A) that can be made available in the area.</p> <p>This capacity has to be applied for and the necessary contributions be paid in order to secure the power.</p>
Water	Water reticulation system is supplied from the Diepkloof Reservoir through 700mm diameter bulk pipeline.
Sewer	<p>Sewer Reticulation, The Diepkloof sewer management system is 300mm dia collector pipe charging to the Bushkoppies waste water treatment works.</p> <p>There is a 150mmø sewer collector pipes running along the perimeter of the site with an existing sewer connection point behind Cambridge</p>

	Repaid & Refurbishment would be required.
Roads	<p>There are major roads surrounding the site, minor upgrading may be required to allow for traffic entering and exiting the property.</p> <p>The intersection of Portion 57/25170 and Khambule Street may need to be converted into a three-way stop to accommodate the new development and for effective traffic control.</p>
Stormwater	<p>There are existing stormwater drainage points next to the property.</p> <p>An internal stormwater management system will be provided for the catchment of the surface runoff from the development to the existing JRA stormwater infrastructure.</p>
Heritage	It is not known whether the site has any heritage significance. It will be the responsibility of the developer to determine as to whether the site has any heritage significance.
Servitudes	2.44m road widening servitude on Mohlala street has been identified on the General Plan
Unprotected council services	All unprotected council services should be protected
Building line	3m building line along all the street frontages
Parking	To the satisfaction of the Local Authority
Other Requirements	<p>A Site Development Plan shall be submitted to the Local Authority.</p> <p>Any further town planning Proposals and/or rezoning shall be the responsibility of the Developer.</p> <p>2. Bidder must comply with all relevant legislations, by laws including but not limited to regulations, Environment, NEMA, SPLUMA and Municipal by-laws and spatial and land use management act etc.</p>



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

1. Property Tenure: The Property shall be made available by means of a development and long-term lease in accordance with JPC's standard agreement. The following terms of contract are non-negotiable:
  - a. The property is being released for development and lease, the lease period will be restricted to a maximum of 30 years.
  - b. In addition to the above offer, the preferred bidder shall pay to JPC a non-refundable JPC Fee equal in value to 1.5% (one and half percent) of the total proposed development cost (excluding the land value), for facilitating the project and must be payable on an agreed milestone.
  - c. Upon expiry or termination of the development and lease agreement, possession of the property will revert back to the City of Johannesburg without any compensation.
2. Specifications for use and development of the Property (**Vision for the Property**):
  - The subject property is located adjacent a shopping complex/ mall (Bara Square) and the Bara Taxi Rank which are in turn situated along the Chris Hani Road diagonally opposite Chris Hani Baragwanath Academic Hospital.
  - This retail centre appears to be fully let and consists of various retail outlets. All major South African financial institutions and franchise stores are presented in this centre. The Taxi Rank is very busy and key transport node in Soweto. The centre also accommodates approximately 500 street traders with associated amenities, which include storage facilities, management offices and support infrastructure.
  - It is envisaged that the property may be developed into a small scale mixed use development that preferably caters for well established Motor Industry(**automotive aftermarket**) to support this very busy transport interchange node. A high level desk top analysis indicated a gap on these automotive areas: Support services that will include motor spares shop, car service centre, wheel services (tyre change/sales, wheel alignment and balancing) tracker installation centre, Insurance assessment centre and any other services that fits with this vision. The design must include parking.
  - **NB: Bidders must note that this bid is not restricted to only the above vision. The vision is meant to be a guide and by no means to be seen as a prescription.**
  - Bidders are expected to submit a detailed rationale for the proposed development.
  - Bidders who fail to submit a detailed plan will not be scored on HDI, notwithstanding the targets as set out on JPC MBD 19
3. Bidders are expected to support the goals and objectives of the National Government's Expanded Public Works Program (EPWP). In this regard, the successful proposer will be required to keep the required records and provide regular reports to JPC as required by the EPWP. In addition hereto,

bidders are expected to support the relevant enterprise development programmes of the City of Johannesburg.

4. The successful bidder(s) will be responsible for and shall bear all costs related to the development of the property including bulk services.
5. The successful bidder will be responsible for the cancellation or relocation of all servitudes which may be registered over the property (if any).
6. Bidders are required to demonstrate their ability and capacity to deliver and manage the proposed development by submitting a detailed profile of the professional team and their successfully completed development. They must further demonstrate their ability to secure funds required to carry out the project. (refer to JPC MBD 14)
7. The property is made available in accordance with the site information made available in JPC MBD11.
8. The successful bidder will be responsible to obtain all statutory approvals (Rezoning, Environmental, Site Development Plan, Building Plan, etc) which are required for the development of the property.
9. Any changes to the proposal document after submission must be endorsed by both parties
10. Bidders to demonstrate a maintenance plan broken down annually for the duration of the lease period
11. The Lessee shall at all times during the term of this lease keep in full force and effect a policy of public liability and property damage insurance of an amount not less than the replacement cost value
12. The Lessee shall maintain and safeguard the Property for the duration of the lease in accordance with the provisions of regulation 45(2)(a)(v) of the Asset Transfer Regulations.



## EVALUATION CRITERIA (JPC MBD: 12)

A TWO-STAGE EVALUATION WILL BE APPLIED TO THE EVALUATION OF THE BID 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	Returnable documents to be used in evaluation
<b>1. CAPACITY AND EXPERIENCE OF BIDDER'S PROFESSIONAL TEAM</b>	<b>20</b>	
<p><b>Capacity and Experience of the Bidder's s professional team in delivering projects of a similar nature (20) Points:</b></p> <p><b>1.1 Proof of Registration with the relevant professional bodies for the following professionals: = 6 points to be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>- Civil Engineer= 1 point</li> <li>- Structural Engineer= 1 point</li> <li>- Electrical = 1 point</li> <li>- Architect = 1 point</li> <li>- Project Manager = 1 point</li> <li>- Quantity Surveyor = 1 point</li> </ul> <p><b>1.2 Architect: 3 points:</b></p> <ul style="list-style-type: none"> <li>- Experience of 8 years and more = 3 points</li> <li>- Experience of 4 year to less than 8 years = 2 points</li> <li>- Experience of Less than 4 years = 1 point</li> </ul> <p><b>1.3 Project Manager = 3 points to be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>- Project Management Experience of 8 years and more = 3 points</li> <li>- Project Management Experience of 4 years to less than 8</li> </ul>		<p>Bidder to complete JPC MBD 13.</p> <p>The following applies to numbers 1.1 to 1.7</p> <p>Certified Copies of Proof of Registration with professional bodies.</p> <p>CV's/Company Profiles reflecting the number of years of related experience in alignment with reference letters that support the experience stated in the CV's/ Company profile.</p> <p>Reference Letters for similar nature projects must be on the letterhead of the client with contactable details, email or telephone number indicating the following:</p>

<p>years = 2 points</p> <ul style="list-style-type: none"> <li>- Project Management Experience of Less than 4 years = 1 point</li> </ul> <p><b>1.4 Property Manager : 2 points</b></p> <ul style="list-style-type: none"> <li>- Experience in Property Management above 3 years = 2 points</li> <li>- Experience in Property Management of less than 3 years = 1 point</li> </ul> <p><b>1.5 Quantity Surveyor = 2 points to be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>- Quantity Surveyor Experience of more than 8 years and above = 2 points</li> <li>- Quantity Surveyor Experience of less than 8 years = 1 point</li> </ul> <p><b>1.6 Urban Designer = 2 point to be allocated as follows :</b></p> <ul style="list-style-type: none"> <li>- Urban design with experience of more than 8 years = 2 points</li> <li>- Urban design experience of less than 8 years = 1 point</li> </ul> <p><b>1.7 Stakeholder consultant/Social Facilitator = 2 points to be allocated as follows:</b></p> <ul style="list-style-type: none"> <li>- Experience in Stakeholder Consulting of 3 years and above = 2 points</li> <li>- Experience in Stakeholder Consulting less than 3 years = 1 point</li> </ul>		<ol style="list-style-type: none"> <li>1. Name of project</li> <li>2. Value of Project</li> <li>3. Start and end date of project</li> </ol> <p>The reference letters must align to <b><u>JPC MBD13</u></b></p> <p><b>NB:</b> Bidders will not be allocated points If the reference letters do not indicate the project name, project value, project commencement date and contactable/traceable email or contact number.</p> <p><b>NB:</b> Bidders will not be allocated points if they fail to submit the above and they fail to complete JPC MBD 13</p>
<p><b>2. Cumulative Development Experience of the bidding entity in delivering projects of a similar nature (5)</b></p>	5	

<p>The bidder must demonstrate its experience in delivering building projects of similar nature. The value of the projects must be clearly stated. Scoring will be based on the total value of development projects successfully completed.</p> <ul style="list-style-type: none"> <li>• Cumulative Projects of R40 million and above = 5 points</li> <li>• Cumulative Projects of R30 million and less than R40 million = 4 points</li> <li>• Cumulative Projects of R20 million and less than R30 million = 3 points</li> <li>• Cumulative Projects of R15 million and less than R20 million = 2 points</li> <li>• Cumulative Projects of less than R15 million = 1 point</li> </ul>		<p><b>Bidder to complete JPC MBD 19.</b></p> <p>Letters of reference stating the project name, project value, project commencement date and contactable/traceable reference must be attached. Only projects that are not older than 10 years will be allocated points.</p> <p><b>NB:</b> Bidders will not be allocated points if they submit reference letters that do not state the project name, project value, project commencement date and contactable/traceable reference (email or contact number)</p> <p><b>NB:</b> Bidders will not be allocated points if they fail to submit the above and they fail to complete JPC MBD 13</p>
<p><b>3. Combined Cumulative Development Experience of the bidder's proposed professional team in delivering projects of a similar nature (5)</b></p>	<p><b>5</b></p>	
<p>The bidder's professional team must demonstrate its experience in delivering similar nature projects. The value of the projects must be clearly stated. Scoring will be based on the total value of development projects successfully completed.</p>		<p><b>Bidder to complete JPC MBD 13.</b></p>

<ul style="list-style-type: none"> <li>- Combined Cumulative projects value above R60 million = 5 points</li> <li>- Combined Cumulative projects value of R50 million to less than R60 million = 4 points</li> <li>- Combined Cumulative projects value of R40 million to less than R50 million = 3 points</li> <li>- Combined Cumulative projects value of R30 million to less than R40 million = 2 points</li> <li>- Combined Cumulative projects value below R30 million = 1 point</li> </ul>		<p>Letters of reference stating the project name, project value, project commencement date and contactable/traceable reference must be attached. Only projects that are not older than 10 years will be allocated points.</p> <p><b>NB:</b> Bidders will not be allocated points if they submit reference letters that do not state the project name, project value, project commencement date and contactable/traceable reference (email or contact number)</p> <p><b>NB:</b> Bidders will not be allocated points if they fail to submit the above and they fail to complete JPC MBD 13</p>
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4. DEVELOPMENT PROPOSAL (PROJECT PLAN)	25	
<p>Conformity of the Development Proposal to the vision for the property:</p> <p><b>A. DEVELOPMENT CONCEPT (10)</b></p> <ul style="list-style-type: none"> <li>• High level conceptual design outlining the intended uses in line with the zoning (Business 1) = 3 points</li> <li>• Integration of multiple uses within the development including parking if required = 2 points</li> <li>• Sustainability- (demonstrate use of green building principles that are environmentally responsible and resource efficient) = 2 points</li> <li>• High level detailed plan demonstrating how the bidder will deliver on the projects vision. = 3 points</li> </ul> <p><b>B. DEVELOPMENT PROGRAMME (5)</b></p> <ul style="list-style-type: none"> <li>• High level development programme including inception Stage, Planning, Design, Construction and Commissioning = 3 points</li> <li>• Detailed breakdown of project timelines. = 2 points</li> </ul> <p><b>C. OPERATIONAL PLAN (10)</b></p> <p>Approach and Methodology:</p> <ul style="list-style-type: none"> <li>• Operational Plan <b>pre- construction</b> = 2 points</li> <li>• Operational Plan <b>during construction</b> = 2 points</li> <li>• Operation, Management and Maintenance Plan <b>post-construction</b> = 2 points</li> <li>• Estimated Operating Cost = 2 points</li> <li>• Stakeholder engagement = 2 points</li> </ul>		<p>Bidder to complete <b>JPC MBD 19</b> and submit a detailed development proposal and project plan</p> <p><b>NB: The following applies to all sub sections of item number 4.</b></p> <p>In addition to providing the information on <b>JPC MBD 19</b>, the bidder must submit a development proposal that include all the information as outlined on this section</p> <p>Bidder to provide a detailed breakdown of timelines (Project Plan)</p> <p>Detailed operational plan outlining how the property and facilities management and maintenance aspects will be undertaken during all 3 phases of the project, this plan must outline the operational cost and the stakeholder</p>

		engagement plan. <b>NB:</b> Bidders will not be allocated points if they fail to submit the above and they fail to complete JPC MBD 19
<b>5. INVESTMENT VALUE (BACKED BY FINANCIAL FEASIBILITY AND SUSTAINBABILITY)</b>	<b>15</b>	
<p>A realistic monetary investment value pledged to the project backed by a QS Report <b>(5)</b></p> <p>Development feasibility report with financial ratios and cash flow projections for at least the first 10 years <b>(10)</b></p>		<p>QS report and the development feasibility report supported by project cost and estimates and signed off by a QS.</p> <p>Detailed cashflows and funding model backed by ratios and cash flow analysis for the first 10 years. <b>(JPC MBD 14)</b></p>
<b>6. FINANCIAL CAPABILITY</b>	<b>20</b>	
<p>The bidder must be able to demonstrate proof of availability/ access to the funding (debt and own equity) required to execute the development. The bidder must provide a funding plan stating the sources of funding required for the development in line with <b>JPC MBD 14 : (20)</b></p> <p><b>PROOF OF FUNDING AVAILABILITY</b></p> <p><i>Note: The Equity Contribution (A) and the Debt Contribution (B) must be equal to 100%. The scoring of A and B below will be scored interchangeably to achieve the total funding combination of 100% between debt and own equity.</i></p> <p><b>A.</b> Bidder to provide proof of all equity funding (in the form of bank statements or by way of a written undertaking of an equity funder</p>		<p><b>JPC MBD 14</b></p> <p>Copy of stamped bank statements showing availability of funds</p> <p>Signed letter from registered funding institutions confirming funding for the project</p> <p>An original letter from the bank confirming the</p>

<ul style="list-style-type: none"> <li>Bidder provides proof of 50% or more own equity = 10 points</li> <li>Bidder provides proof of 40% own equity = 7 points</li> <li>Bidder provides proof of 30% own equity = 4 points</li> <li>Proof of own equity below 30% = 0 points</li> </ul> <p><b>B. Bidder to provide proof of availability of debt funding from a financial institution</b></p> <ul style="list-style-type: none"> <li>Proof of debt equity below 50% = 0 points</li> <li>Bidder provides proof of 50% or more debt equity = 10 points</li> <li>Bidder provides proof of 60% debt equity = 13 points</li> <li>Bidder provides proof of 70% debt equity = 16 points</li> </ul>		<p>working capital available (not older than three months on date of submission)</p> <p>Proof of own equity funding in relation to equity contribution.</p> <p>Proof of sound equity partners and their financials if relying in equity funding.</p> <p>If the Bidder is to rely on equity funding, Bidder must submit a confirmation letter (on equity funder's letter head) from equity funder as well as proof of availability of funds in the funder's name/letter from a reputable Financial Service Provider. (Not an intention to fund letter).</p>
<b>TOTAL</b>	<b>100</b>	

Bids that do not meet the minimum threshold of 70 points will not be considered further.

## **STAGE 2: PRICE & SPECIFIC GOALS**

**Only those tenderers that attain the minimum threshold score of 70 Points in Stage 1 will be evaluated in this stage. Tenders will be evaluated as follows:**

The following formula will be used to calculate the points out of 80 for price:

**80/20**

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration;

Pt = Price of tender under consideration; and



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Pmax = Price of highest acceptable tender.

- A maximum of 20 points will be awarded to a tenderer for the specific goals specified for this tender.
- The points scored for the specific goal will be added to the points scored for price and the total will be rounded off to the nearest two decimal places.
- The contract will be awarded to the tenderer scoring the highest points.
- If two or more tenderers score an equal total number of points, the contract will be awarded to the tenderer that scored the highest points for specific goals.



**POINTS FOR SPECIFIC GOALS WILL BE AWARDED AS FOLLOWS:**

	DESIGNATED GROUP	MEANS OF VERIFICATION (BIDDERS TO ATTACH THE FOLLOWING DOCUMENTS)	80/20
<b>Maximum Points:</b>			<b>20</b>
HDI	Business owned by 51% or more – <b>Black People</b>	CSD and ID copy of Director/s	<b>5</b>
	Business owned by 51% or more – <b>Women</b>	CSD and ID copy of Director/s	<b>5</b>
Promotion of local economy	Enterprises located within the City of Johannesburg	CSD and proof of municipal account/letter from the Ward Council confirming the business address.	<b>5</b>
	Subcontracting to business owned by designated groups (up to 30%)	Draft subcontracting agreement to the designated groups, and Valid BBBEE Certificate/Swon Affidavit of the subcontracted business.	<b>5</b>



### EXPERIENCE AND CAPABILITIES OF BIDDER (JPC MBD 13)

Experience of bidder, bidder's principals and professional team to be stated below and supporting information to be supplied in tables below.

Summary of Developer and Team	
Value of Developments completed <u>by bidder, acting as "Developer"</u>	R
Value of Developments completed <u>by bidder's principals, acting as developer / development manager.</u>  <i>NOTE: Any experience as "Developer" to be duplicated here</i>	R
Total combined value of FEEs earned to date by all key members of bidders proposed professional team.	R



**Details of development experience completed by bidder, acting as developer OR by bidder's principals, acting as developer / development manager but not under the name of the bidder.**

(PLEASE EXPAND TABLE IF REQUIRED )

NB: DO NOT ATTACH A SEPARATE TABLE

Name of Development	Year completed	Rand Value of Development	CV attached? Yes/No	Bidder / Bidders' Principals	Reference Client & contact Numbers

<b>Total value of developments</b>	<b>R</b>			
<b>5.3.2.3. Details of fees earned by key members bidders proposed professional team</b>  (PLEASE EXPAND TABLE IF REQUIRED)  NB: DO NOT ATTACH A SEPARATE TABLE				
<b>KEY DISCIPLINE (PROFESSIONAL TEAM)</b>	<b>NAME OF TEAM MEMBER</b>	<b>CV ATTACHED? YES/NO</b>	<b>NUMBER OF YEARS OF EXPERIENCE</b>	<b>TOTAL PROJECT VALUE TO DATE</b>
PROJECT MANAGER				R
ACHITECTURE				R
PROPERTY MANAGER				R
ELECTRICAL ENGINEER				R
CIVIL ENGINEER				R
STRUCTURAL ENGINEER				R
QUANTITY SURVEY				R
URBAN DESIGNER				R
STAKEHOLDER CONSULTANT/SOCIAL				R



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FACILITATOR				
TOTAL				R

**NB:** CV's/ Company Profiles and Certified Copies of Professional Registration documents must be attached as supporting documents.

## ACCESS TO FUNDING (JPC MBD 14)

***It is assumed that 70% of the development cost will be financed via debt finance (development bond loan).***

***The bidder must however submit proof of the availability of finance to fund 30% of the development cost through equity funding***

***Please note that the following definitions will be used in assessing the proof of availability of finance:***

1. Proof of available funds (bank statements or financial statements of the bidder)
2. Provide funding model to incorporate how and where the funding will be sourced/raised and it must include collateral to be pledged against such funding if required.
3. Provide detailed financial facility of the proposed development including all financial ratios
4. Financial Viability (Including Financial Sustainability)
  - Development Cost (Total Investment Value)
  - Projected Income

### Financial Feasibility Ratios

- IRR (Internal Rate of Return)
- ROI (Return on Investment)
- NPV of projected income (Net Present Value)

Total Development Cost	R
Debt Finance	R
Equity Investments	R

<p>Source of Debt Finance</p> <ul style="list-style-type: none"> <li>Letter confirming access to debt funding</li> </ul> <p><b>(Bidder to state the name of the financier and attach a letter confirming debt financing from the financial institution)</b></p>		
<p>Source of Equity Finance</p> <ul style="list-style-type: none"> <li>Bidder to provide a written confirmation of equity funding</li> </ul> <p><b>(Bidder to state the source of equity finance and provide proof of availability of equity finance in the bidding entity's name or equity funder's name)</b></p> <p><u>Note</u>: this source must <u>not</u> be a bank loan or a promissory note).</p>		



## REGISTRATION DOCUMENTS (JPC MBD: 15)

*The following documents must be attached*

- *Natural persons- certified copy of ID document/ passport*
- *Partnership- copy of Partnership Agreement plus IDs of all partners*
- *Company- current CM29/COR 20.1*
- *Close Corporation- current copy of CK1 and/or CK2C and/or COR 20.1*
- *Trust- letter of appointment from the Master of the High Court of SA and deed of trust*
- *JV/Consortium- JV/Consortium Agreement plus CIPC and/or ID documents of all JV/Consortium partners*



## AUTHORITY TO SUBMIT BID (JPC MBD: 16)

***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
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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
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## PAYMENT OF MUNICIPAL ACCOUNT (JPC MBD: 17)

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)



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**NET PRESENT VALUE (RENTAL OFFER) (JPC MBD 18)**

<b>Rental Offer</b>	<b>R</b>
<b>Proposed Monthly Rental</b>	<b>R</b>
<b>Annual Rental (calculated at 12 months)</b>	<b>R</b>
<b>Escalation 8% p.a or CPI (whichever is higher)</b>	<b>R</b>
<b>Discount Rate@ 10% p.a</b>	<b>R</b>
<b>Number of years (30)</b>	



## DEVELOPMENT PROPOSAL (JPC MBD: 19)

### 1.1 Development Proposal:

Bidders are required to submit a concise development proposal for the site. The development proposal must include a concept Site Development Plan, an Architectural concept of the proposed development, proposed tenancing, and the approach to the rehabilitation and preservation of the natural environment

The development proposal must contain the following:

<b>Bidder's proposed vision of the property:</b>
.....
.....
.....
.....

Concept Site Development Plan (Proposed land use and Tenancing)	Total Floor area (m2)



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<b>TOTALS</b>	

## 1.2 Proposed Development Summary

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

## 1.3. Estimated development time frames

Estimated time, in months, from date of signature of development agreement to date of start of construction.	Months:
Estimated time, in months, from start of construction to completion of construction.	Months:

#### 1.4. Include development Methodology writeup

The bidder must illustrate an understanding of delivering a development plan for the property, outline the various uses and how they will integrate with one another.

#### 1.5. Maintenance and Operational Plan

#### 1.6 Estimated Cost of Development

***A breakdown of all costs to be incurred by the bidder in the preparation of the site 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 development agreement awarded.***

No.	Item Description	Estimated cost (Including vat)
1	Civil and Electrical Services	R
2	Civil Works	R
3	Top Structure (Building) Costs	R
4	Professional Fees	R
5	Sundry Development Costs	R
6	External/Bulk Services Contributions	R
7.	Other	R



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<b>Total cost</b>	<b>R</b>
Plus (1.5%) JPC FEE	R
<b>Grand Total</b>	<b>R</b>



## PROPOSED EMPOWERMENT PLAN JPC MBD 20

**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 and values
<b>Job Creation &amp; Job intensive plan</b>		
Total number of jobs to be created in the project	Total jobs created	
Number of jobs to be created for unemployed black people in this project	60% of total jobs	
Number of jobs to be created for black people in this project	30 % of total jobs	
<b>Training &amp; Development programme</b>		
Proposed number of black people to be trained in some aspect of the project	60% of workforce	
Proposed number of black youth to be trained in some aspect of the project	50% of black people trained	
Proposed number of black women to be trained in some aspect of the project	40% of black people trained	



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Proposed number of black disabled people to be trained in some aspect of the project	3% of black people trained	
<b>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	R
<b>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

**"Black-empowered enterprise"** means an enterprise that is 50,1% black-owned and where there is substantial management control

**"Black Designated Groups"** means:

- (a) employed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution;
- (b) Black people who are youth as defined in the National Youth Commission Act of 1996;
- (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;
- (d) Black people living in rural and under developed areas;
- (e) Black military veterans who qualifies to be called a military veteran in terms of the Military Veterans Act 18 of 2011;

**"Black People"** - Is a generic term which means African, Coloureds, Indians and Chinese

- (a) who are citizens of the Republic of South Africa by birth or decent;

or

- (b) who became citizens of the Republic of south Africa by naturalisation -
  - (i) before 27 April 1994;
  - (ii) on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date.

**"Localisation"** - Locally produced can be defined using the approved local matrix Determines the meaning of locally produced/supplier depending Complexity of the work package and skill required.

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

Where simple work package and no skill required - the use of immediate communities is primary.

- **Simple work package and medium to low skill required**

Where simple work package and medium to low skill required - the use of COJ regional suppliers is primary.

- **Simple work package and medium to high skill**

Where simple work package and medium to high - the use of suppliers within the City of Joburg is encouraged and promoted.

- **Simple work package and Specialized skills**

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.

**"Enterprise & Supplier Development"** 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

**"Majority Black owned and Controlled Company"** 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

**"Partnership"** 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

**"Person with disability"** means **Black people who are persons with disabilities** as defined in the employment of people with disabilities issued under the Employment Equity Act;

**"SMME"** means Small Micro Medium Enterprises Entities with a turnover of less than R35 M

**"Unemployed Black people"** means: (a) **unemployed black people** not attending and not

	required by law to attend an educational institution and not awaiting admission to an educational institution;
"SMME"	means Small Micro Medium Enterprises Entities with a turnover of less than R10M
"Wholly Black Owned"	Means: 100% black ownership and at least 30% of the ownership must be women and/or designated groups.
"Youth"	means: <b>Black people who are youth</b> as defined in the National Youth Commission Act of 1996.
"100% Black Owned"	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

		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



**PUBLIC/SOCIAL BENEFIT PROPOSAL (JPC MBD: 21)**

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	



## **CONSENT AND ACKNOWLEDGMENTS IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 2013 (POPI) (JPC MBD 22)**

This section sets out how personal information will be collected, used and protected by the City of Joburg Property Company SOC Ltd (hereinafter referred to as “JPC”), as required by the Protection of Personal Information Act.

The use of the words “the individual” for the purposes of this document shall be a reference to any person, with reference to the bidder and its directors/shareholders/personnel, communicating with JPC and/or concluding any agreement, registration or application, with the inclusion of each of those individuals referred to or included in terms of such agreement, registration or application.

### **1. What is personal information?**

The personal information that JPC may require relates to names and surnames, birth dates, identity numbers, passport numbers, demographic information, education information, occupation information, health information, addresses, memberships, and personal and work email and contact details.

### **2. What is the purpose of the collection, use and disclosure (the processing) of personal information?**

JPC is legally obligated to collect, use and disclose personal information for the purposes of:

- reporting initiatives to the City of Johannesburg Metropolitan Municipality;
- reporting all contracts awarded to National Treasury;
- obtaining information related to Tax Compliance information from SARS;
- verifying information on the National Treasury database of defaulters;
- evaluating and processing applications for registration on the database;
- compiling statistics and other reports;
- providing personalised communication in respect of the tender/quotation submitted;
- complying with the law; and/or
- for a purpose that is ancillary to the above.
- for the evaluation and adjudication of Quotations, Request for Proposals and Panel of service providers
- posting all awards for Request for Proposals and Panel on the JPC website

Personal information will not be processed for a purpose other than what is identified (the purpose) above without obtaining consent beforehand.

### **3. How will JPC process personal information?**

JPC will only collect personal information for the purpose as stated above. Information will be collected in the following manner:

- directly from the individual
- through the documents submitted with the tender/quotation;
- from service providers who provided services or goods to JPC;
- from JPC's own records relating to previous supply of services or goods; and/or
- from a relevant public or equivalent entity.

### **4. To whom will personal information be disclosed?**

The personal information may be disclosed to other relevant public or other entities on whose behalf we act as intermediaries, other third parties referred to above in relation to the purpose or who are sources of personal information, service providers such as professional bodies who operate across the borders of this country (transborder flow of information), where personal information must be sent in order to provide the information and/or services and/or benefits requested or applied for.

In the event of another party/ies acquiring all of or a portion of JPC's mandate or functions, personal information will be disclosed to that party but they will equally be obliged as we are, to protect personal information in terms of this policy and the law.

In respect of Request for Proposals and Panel to the Bid Evaluation and Adjudication Committee members

### **5. Consent and Permission to process personal information:**

I hereby agree with the policy and provide authorisation to JPC to process the personal information provided for the purpose stated:

- I understand that withholding of or failure to disclose personal information will result in JPC being unable to perform its functions and/or any services or benefits I may require from JPC.
- Where I shared personal information of individuals other than myself with JPC I hereby provide consent on their behalf to the collection, use and disclosure of their personal information in terms of this personal information policy and I warrant that I am authorised to give this consent on their behalf.
- To this end, I indemnify and hold JPC not responsible and harmless in respect of any claims by any other person on whose behalf I have consented, against JPC should they claim that I was not so authorised.
- I understand that in terms of POPIA and other laws of the country, there are instances where my express consent is not necessary in order to permit the processing of personal information, which may be related to police investigations, litigation or when personal information is publicly available.



- I will not hold JPC responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

**6. Rights regarding the processing of personal information:**

- The individual may withdraw consent to the processing of personal information at any time, and should they wish to do so, must provide JPC with reasonable notice to this effect. Please note that withdrawal of consent is still subject to the terms and conditions of any contract that is in place. Should the withdrawal of consent result in the interference of legal obligations, then such withdrawal will only be effective if JPC agrees to same in writing. JPC specifically draws to the attention that the withdrawal of consent may result in it being unable to provide the requested information and/or services and/or financial or other benefits.
- In order to withdraw consent, please contact the JPC Information Officer/SCM
- Individuals are encouraged to ensure that where personal information has changed in any respect to notify JPC so that our records may be updated. JPC will largely rely on the individual to ensure that personal information is correct and accurate.
- The individual has the right to access their personal information that JPC may have in its possession and are entitled to request the identity of which third parties have received and/or processed personal information for the purpose. Please note however, that any request in this regard may be declined if:
  - the information comes under legal privilege in the course of litigation,
  - the disclosure of personal information in the form that it is processed may result in the disclosure of confidential or proprietary information,
  - giving access may cause a third party to refuse to provide similar information to JPC,
  - the information was collected in furtherance of an investigation or legal dispute, instituted or being contemplated,
  - the information as it is disclosed may result in the disclosure of another person's information,
  - the information contains an opinion about another person and that person has not consented, and/or
  - the disclosure is prohibited by law.

**7. Queries relating to breach of personal information:**

Please submit queries relating to the breach of personal information to the JPC's information officer and SCM in writing as soon as the breach is discovered.

Signature:	Date:
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