REAL ESTATE UNIT : PROPOSED LEASE ON REMAINDER OF ERF 773 WENTWORTH (17 FORESHORE DRIVE,WENTWORTH) CONTRACT NO:1E-3590

REAL ESTATE UNIT

REQUEST FOR PROPOSAL FOR THE LEASING OF A BUILDING (RESTAURANT) SITUATED ON PROPOSED LEASE ON REMAINDER OF ERF 773 WENTWORTH (17 FORESHORE DRIVE) MEASURING 805 m² FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS (9 YEARS AND 11 MONTHS) WITH NO RIGHTS OF RENEWAL.

EThekwini Metropolitan Municipality, hereby invites interested persons to submit proposals for the leasing of a building (restaurant) as depicted on Plan SJ 4744/9, situated on Proposed Lease on Remainder of Erf 773 Wentworth (17 Foreshore Drive) measuring 805 m² for commercial purposes.

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

Name of Bidder_____

DOCUMENTS TO BE SUBMITTED: 1 ORIGINAL AND 1 COPY

Closing date of the Bid: 26 November 2021
Closing Time: 11:00

Issued by: T.E. Mmusinyane
HEAD: Real Estate Unit
4th Floor, Embassy Building
199 Anton Lembede Street

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TENDER ADVERT

REQUEST FOR PROPOSAL FOR THE LEASING OF A BUILDING (RESTAURANT) SITUATED ON PROPOSED LEASE ON REMAINDER OF ERF 773 WENTWORTH (17 FORESHORE DRIVE) MEASURING 805 m² FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS WITH NO RIGHTS OF RENEWAL.

EThekwini Metropolitan Municipality, hereby invites interested persons to submit proposals for the leasing of the property stated hereunder:

BID NUMBERS	TENDER DESCRIPTIONS	SITE SIZE
1E-3590	**REQUEST FOR PROPOSALS FOR THE LEASING OF PROPOSED LEASE ON REMAINDER ERF 773 WENTWORTH, MEASURING 805 m² AS DEPICTED ON PLAN SJ 4744/9 (17 FORESHORE DRIVE) FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS WITH NO RIGHTS OF RENEWAL.**	**805 m²**
Non – compulsory briefing sessions	**There will be no clarification meeting. Bidders are requested to submit email queries related to the bid. All email queries are to be submitted by 2021/10/08. Emailed questions and answers will be consolidated and posted on e-tenders/municipal website for the benefit of all tenders by 2021/11/04**	
Document Availability	**20 August 2021**	
Documents Cost	**Document Cost: R0.00**	
Pre-qualifying criteria for Preferential procurement	**Pre-qualification criteria will be used to advance certain designated groups. Bidders will therefore be prequalified on the following basis:** • an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE) with B-BBEE Contribution 1 Level with 100 % black ownership **NB: A bids that fail to meet any pre-qualification criteria stipulated above is an unacceptable bid and as such will not be evaluated for Stage 1 and Stage 2.**	
Objective criteria in terms of Paragraph 2(1)(f) of the Preferential Procurement Policy Framework Act, read together with paragraph 52 (22)(a) of the EThekwini Municipality Supply Chain Management Policy.	In line with the objectives of the Amended Property Sector Code (09 June 2017) to promote economic transformation in the property sector in order to enable meaningful participation of Black people including women, the youth and people with disabilities and unlock obstacles to property ownership and participation in the property market by black people, preference will be given to: **1. EME or QSE that are 100% owned by PPG (Priority Population Group)** **2. Bidders must score a minimum of 60 points for Functionality Evaluation in order to qualify for further evaluation in Price and B-BBEE.** **3. The objective criteria for location (Physical address) will be assessed based on the CIPC documents/Company registration document using the following order of preference: -** • **eThekwini Metropolitan Area** • **KwaZulu Natal Province** • **Republic of South Africa.**	
Mandatory Requirements	Bidders are to provide a funding model to indicate how and where the funding will be sourced/raised and it must include collateral to be pledged against such funding if required. The bidder to demonstrate proof of availability of 100% of the funding required for the development. This must include written support from verifiable funding institutions. 1. If the letter from the registered funder with Financial Sector Conduct Authority (FSCA) reflects the full amount of the development cost or; (i) If there is a shortfall, the bidder must demonstrate access to equity as how they fund the shortfall or if the shortfall will be covered through Bank guarantee.	

Selection Criteria	• Any rental offer below the reserve price will not be considered. **NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2.**
Closing Date	**26 November 2021**
Conditions of submission of the Request for Proposal	• Tax Clearance Certificate, valid on the closing date of the bid, or exemption to pay taxes as issued by the South African Revenue Services (SARS) or Valid Tax Compliant Verification PIN number issued by SARS. • Proof of registration of the Entity as follows: - Natural persons- certified copy of ID document/ passport - Partnership- copy of Partnership Agreement plus IDs of all partners - Company- current CM29 - Close Corporation- current copy of CK1 and/or CK2C - Trust- letter of appointment from the Master of the High Court of SA and deed of trust - Proof of registration of NPO or NGO (Copy of Provincial Registration Certificate etc.) • Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) for all their properties/ Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted for all the properties of the directors. • In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation, a JV / Consortium agreement and a Joint Venture B-BBEE Certificate. • Completion and signature of all bid documents. • Central Supplier Data Base (CSD) registration.
Address	Ground floor, Engineering Unit, Municipal Centre 166 K.E. Masinga Road (formerly Old Fort Road) DURBAN
Evaluation	**Functionality, Rental Offer and B-BBEE Level of contributor using 80/20.** 80 for rental value and 20 for B-BBBEE status level of contributor

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (ETHEKWINI METROPOLITAN MUNICIPALITY)					
BID NUMBER	**1E-3590**	CLOSING DATE	**26 November 2021**	CLOSING TIME:	**11:00**
DESCRIPTION	**REQUEST FOR PROPOSAL FOR THE LEASING OF BUILDING (RESTAURANT) ON PROPOSED LEASE ON REMAINDER OF ERF 773 WENTWORTH, (17 FORESHORE DRIVE) MEASURING 805 m² AS DEPICTED ON PLAN SJ 4744/9 FOR COMMERCIAL PURPOSES FOR A PERIOD OF NINE YEARS AND ELEVEN MONTHS (9 YEARS AND 11 MONTHS) WITH NO RIGHTS OF RENEWAL.**				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO ENTER INTO A LEASE AGREEMENT WITH ETHEKWINI METROPOLITAN MUNICIPALITY.					

BID RESPONSE DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT MUNICIPAL CENTRE, 166 K.E. MASINGA ROAD (formerly Old Fort Road) AND PLACED IN THE TENDER BOX LOCATED IN THE GROUND FLOOR FOYER.

SUPPLIER INFORMATION						
NAME OF BIDDER						
POSTAL ADDRESS						
STREET ADDRESS						
TELEPHONE NUMBER	CODE		NUMBER			
CELLPHONE NUMBER						
FACSMILE NUMBER	CODE		NUMBER			
EMAIL ADDRESS						
VAT REGISTRATION						
TAX COMPLIANANCE STATUS	TCS PIN:		OR	CSD No:		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)		Yes	B-BBEE STATUS LEVEL SWORN AFFIDAVIT			**Yes**
		No				**No**
(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE / SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)						
SIGNATURE OF BIDDER			**DATE**			
CAPACITY UNDER WHICH THIS BID SIGNED						
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:						

TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

1.1 BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–OR DOWNLOADED ONLINE (NOT TO BE RE-TYPED)**

1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFITABLE AND TAX STATUS.

2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART 3 BELOW.

2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.

2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1 IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

	YES		NO

3.2 DOES THE ENTITY HAVE A BRANCH IN THE RSA?

	YES		NO

3.3 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

	YES		NO

3.4 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

	YES		NO

3.5 IS THE ENTITY LIABE IN THE RSA FOR ANY FORM OF TAXATION?

	YES		NO

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.

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: ……

TAX CLEARANCE CERTFICATE REQUIREMENTS

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

1 In order to meet this requirement bidder are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.

2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.

3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.

4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.

5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.

6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.

PRICING SCHEDULE: FINANCIAL OFFER

1. This offer is made for the property in accordance with the Property Information stated in MBD 13 and in accordance with the bid specification in MBD 12.

2. **Unless stated otherwise all prices excludes VAT.**

3. **FINANCIAL OFFER**

A minimum / reserve amount of R38 550,00 as per month excluding VAT, and the rental payable throughout the duration of this lease will be based on the greater of the sum of the basic monthly amount excluding VAT or 7% of turnover per annum, with the basic monthly amount for the second and successive lease years be one twelfth of the annual rent paid for the preceding lease year. Any offer below the RESERVED/ MINIMUM RENTAL will not be considered and such bids would accordingly be disqualified.	
Rental Offer	**R**
Rental Offer in words	**R**
Escalation per annum	One twelfth of the annual rent paid for the preceding lease year.
Bidder / Entity Name	
Represented By	
Capacity	
Signature	
Date	

eThekwini Vendor Portal Registration Number:	**PR**
C.S.D Registration Number:	**MAAA**
S.A.R.S Pin Number:	

Completion of the following is compulsory. Failure to declare the following will invalidate your offer.

Declaration of Interest

Are any of the entity's directors, managers, principle shareholder or stakeholders currently in the service of the state or have been in the service of the state in the past twelve (12) months?			☐ **Yes**	☐ **No**
Is any spouse, child or parent of the entity's directors, managers, principle shareholder or stakeholder currently in the service of the state or have been in the service of the state in the past twelve (12) months?			☐ **Yes**	☐ **No**
Name of entity's member	**Position in Entity**	**Name of Relative (if applicable)**	**Name of State Institution**	**Nature of Relationship**
Do you or any other directors, managers, principle shareholder or stakeholder of your entity have any relationship (spouse, family, friend, associate) with persons in the service of the state and/or who may be involved with the evaluation of this quotation? If yes please furnish particulars below			☐ **Yes**	☐ **No**
Name of entity's member	**Position in Entity**	**Name of Relative (if applicable)**	**Name of State Institution**	**Nature of Relationship**

Refer to the Consolidated MBD Documents in Section 4(d) for the definition of "in service of the State"

4. PAYMENT FOR RATES, TAXES AND SERVICES

In addition to the above amount the lessee will be responsible for the payment of all municipal services and other costs deemed necessary on the property, including rates and taxes levied on the property including electricity, water, sewerage and sanitation removal, which are levied on the property. in the event of the amount stated above, being increased at any time during the lease period, or any renewal thereof, the monthly rental payable by the lessee will be automatically increased by the percentage increase in such amount, from the date on which such increase becomes effective.

5. POSSESSION OF THE SITE

The lessee will take possession of the property on the date of signature of the Lease Agreement by the parties.

MBD 4

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state∗.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

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

3.1 Full Name: ……

3.2 Identity Number: ……

3.3 Company Registration Number: ……

3.4 Tax Reference Number: ……

3.5 VAT Registration Number: ……

3.6 Are you presently in the service of the state∗ ∗∗ ∗ YES / NO

3.6.1 If so, furnish particulars.

……

……

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

3.7.1 If so, furnish particulars.

……

……

∗ MSCM Regulations: "in the service of the state" means to be
– (a) a member of –
(i) any municipal council;
(ii) any provincial legislature; or
(iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;
(c) an official of any municipality or municipal entity;
(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
(e) a member of the accounting authority of any national or provincial public entity; or
(f) an employee of Parliament or a provincial legislature.

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

3.8.1 If so, furnish particulars.

……

……

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

3.9.1 If so, furnish particulars

……

……

3.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state? YES /NO

3.10.1 If so, furnish particulars.

……

……

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state? YES /NO

3.11.1 If so, furnish particulars.

……

……

CERTIFICATION

I, THE UNDERSIGNED (NAME)

……

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

…….. ……..

Signature Date

……. …….

Position Name of Bidder

MBD 5

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

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

1. Are you by law required to prepare annual financial statements for auditing?

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. ***YES / NO**

……

……

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?

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 noncompliance or dispute concerning the execution of such contract?

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

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

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

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1. GENERAL CONDITIONS

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

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

b) Either the 80/20 preference point system will be applicable to this tender.

1.3 Points for this bid shall be awarded for:

(a) Price; and
(b) B-BBEE Status Level of Contributor

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

	POINTS
RENTAL OFFER	**80**
B-BBEE STATUS LEVEL OF CONTRIBUTOR	**20**
Total points for Rental offer and B-BBEE must not exceed	**100**

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

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

2. DEFINITIONS

(a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

(b) **"B-BBEE** status level of contributor" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation

by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) **"EME"** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) **"Functionality"** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) **"prices"** includes all applicable taxes less all unconditional discounts;

(h) **"proof of B-BBEE status level of contributor"** means: 1) B-BBEE Status level certificate issued by an authorized body or person; 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; 3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) **Priority population group (PPG)"** must mean black individuals who fall into population groups that were not offered a franchise in the national elections before or after the introduction of the 1984 tri-cameral parliamentary system and only received a franchise during 1994".

(j) **"QSE"** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(k) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR FINANCIAL OFFER

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

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

Where

Ps	=	Points scored for financial offer of bid under consideration
Pt	=	Rand value of bid under consideration (Net Present Value of the rental amount over the lease period discounted at 10%)
Pmax	=	Financial Offer of highest acceptable bid

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

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

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

4.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

4.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

4.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

4.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

4.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

4.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a

bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

4.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

4.9 Objective Criteria: The Municipality will give preference to EME or QSE that are 100% owned by PPG (Priority Population Group) who will score a minimum total of 60 points on Functionality and then bidders will be evaluated on Price and B-BBEE before the consideration of the objective criteria.

4.10 Award of where Bidders have Scored Equal Points Overall

1. In the event that two or more bids have scored equal total points, the successful bid will be the one scoring the highest number of preference points for B-BBEE.

2. However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid will be the one scoring the highest score for functionality.

3. Should two or more bids be equal in all respects; the award will be decided by the drawing of lots.

6. BID DECLARATION

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

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

6.1 B-BBEE Status Level of Contributor: …… (maximum of 20 points)

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

7. SUB-CONTRACTING

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

	YES		NO

(Tick applicable box)

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....……%

ii) The name of the sub-contractor…….

iii) The B-BBEE status level of the sub-contractor.....…….

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

(Tick applicable box)

	YES		NO

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

7. DECLARATION WITH REGARD TO COMPANY/FIRM

7.1. Name of company/ firm:……

7.2. VAT registration number:……..……

7.3. Company registration number:……..……..……..

7.4. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

7.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

……
……
……
……

7.6. COMPANY CLASSIFICATION

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

[TICK APPLICABLE BOX]

7.7. MUNICIPAL INFORMATION

Municipality where business is situated: ….……
Registered Account Number: ……

Stand Number: …….

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

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution.

WITNESSES 1…… 2……	……. SIGNATURE(S) OF BIDDERS(S)

MDB 7: BIDDERS INFORMATION

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

I,……
…("The Bidder").

in my capacity as

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

Signed and sworn at _____ on this _____day of _____
by the Bidder (s) who has stated that:

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

_____
Bidder (s)

Signed before me

_____
COMMISIONER OF OATHS

MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

1 This Municipal Bidding Document must form part of all bids invited.

2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.

3 The bid of any bidder may be rejected if that bidder, or any of its directors have:

a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
b. been convicted for fraud or corruption during the past five years;
c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (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 *audi alteram partem* rule was applied). **The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.**	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? **The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.**	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:		
Item	**Question**	**Yes**	**No**
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.7.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME) ……..……..……
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

……... **……..**
Signature **Date**

……. **……..**
Position **Name of Bidder**

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Municipal Bidding Document (MBD) must form part of all bids[1] 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).[2] 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:

a. take all reasonable steps to prevent such abuse;

b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and

c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

[1] Includes price quotations, advertised competitive bids, limited bids and proposals.

[2] 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.

MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

_____

(Bid Number and Description)

in response to the invitation for the bid made by:

_____

(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[3] 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.

[3] 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

MBD 10: STANDARD CONDITIONS OF SUBMISSION

The following conditions apply to all bids submitted:

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

PRE-QUALIFICATION CRITERIA

Pre-qualification criteria will be used to advance certain designated groups. Bidders will therefore be prequalified on the following basis

- an Exempted Micro Enterprise (EME) or Qualifying Small Enterprise (QSE) with B-BBEE Contribution 1 Level 100% which is Black Owned .

NB: A bids that fail to meet any pre-qualification criteria stipulated above is an unacceptable bid and as such will not be evaluated for Stage 1 and Stage 2.

SELECTION CRITERIA

- Any offer below the reserve price will not be considered.
- Failure to meet the pre-qualification criteria.
- NB: Failure to comply with the above will result in the bid not being evaluated for Stage 1 and Stage 2

CONDITIONS OF SUBMISSION FOR REQUEST FOR PROPOSAL

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

- Up to date Municipal Account not older than three (3) months and not over three (3) months in arrears for the Director (s) or Member (s) for all their properties / Proof that acknowledgements or arrangements have been made to settle arrears / Affidavit stating why an up to date municipal account cannot be submitted In the event the bidder is tendering as a Joint Venture/Consortium, all members of the JV/Consortium must submit all required documentation and a JV / Consortium agreement

  Central Supplier Data Base registration

  Completed and signed bid documents including MBD 1, 2, 3.4,5,8,9, 15,16,17,18,19, and 20,21,22.

SUBMISSION OF PROPOSALS

- Bidder(s) are invited to submit their Proposals by completing the returnable Municipal Bidding Documents (MBDs) and 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.

  - No other form of Proposal will be accepted. The MBDs must not be construed as an offer.

  - The Bidder(s) must submit one (1) original and three (3) copies of the of the completed Bid document.

  - All Proposal documentation received shall be deemed EThekwini Municipality 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 Head: Real Estate marked.

- 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, Ground Floor, Municipal Building, 166 K.E. Masinga Road, Durban.

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

- **PROPOSALS WHICH ARE NOT SUBMITTED IN THE CORRECT FORMAT WITH ANNEXURES ATTACHED, DULY COMPLETED, INITIALLED, COMMISSIONED AND SIGNED, WILL NOT BE CONSIDERED.**

- The information required in the MBDs must be provided accurately and honestly. All details provided by the Bidder(s) will be regarded as material representations, which the Municipality 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 Municipality. Bidders, who fail to provide such information to the satisfaction of the Municipality, will be disqualified.

OPENING OF PROPOSALS

- Proposals will be opened immediately after the closing time on the closing date at the offices of the Municipality at the mentioned address. The RFP number, property description and the name of each Bidder(s) will be announced and recorded in a register.

- Bidder's return address must be clearly stipulated or indicated on the back of the envelope.

EVALUATION OF PROPOSALS

- The Municipality reserves the right to seek clarification or further information from Bidder(s) and to appoint professionals to advise and verify information on aspects of the Proposals submitted in a manner that the Municipality deems appropriate.

- The preferred Bidder(s) may be required to make presentations to the Municipality.

- The Bidder(s) shall be deemed to know and understand the content of the Proposal Call document and a submission of the MBDs will indicate the Bidder(s) unconditional acceptance of all the terms and conditions contained in the Proposal Call document.

- The Bidder(s) shall be deemed to have satisfied itself as to all of the conditions, procedures and performance and discharge of the obligations required in terms of the Proposal Call documents.

- The non-acceptance or variation of any of the conditions, or the inclusion of any other conditions in the Proposal Call document by the Bidder(s) will be treated as a qualified bid.

- The Proposal(s) will be evaluated by the Municipality. The Municipality 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 MBD 1.1.

- The Proposal(s) will be adjudicated by the Municipality's Bid Adjudication Committee and awarded in terms of the City's Supply Chain Management Policy and the Land Disposal Policy.

- The Municipality will not be held responsible or liable for any costs whatsoever and /or losses incurred or suffered by the Bidder(s) or any other party or parties for whatsoever reason as a result of the Proposal.

- Any Proposal in the name of a partnership or joint venture or consortium will, on acceptance, be deemed as joint and several agreements with all parties.

- All proposals shall remain valid for a period of 120 days after the closing date, provided that bidders may extend the validity of the proposal on request of the Municipality.

RESOLUTIONS OF DISPUTES

- Persons or bidders who are aggrieved by decisions or actions taken in the implementation In terms of Regulation 49 of the Municipal Supply Chain Management Regulations persons aggrieved by decisions or actions taken by the Municipality, may lodge an appeal within 14 days of the decision or action, in writing to the Municipality. The appeal (clearly setting out the reasons for the appeal) and queries with regard to decision of award are to be directed to the office of the City Manager, attention: Ms. S. Pillay, P.O. Box 1394, Durban, 4000; eMail: Simone.Pillay@durban.gov.za.

- 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.

PROHIBITIONS

- The Municipality 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 Municipality for the purposes of assisting the Municipality with defining of requirements, drafting of specifications or evaluation of the Proposals.

- The Municipality will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving as councillors for any municipality.

- The Municipality will not award Proposals to any Bidder(s) owned directly or indirectly by politicians serving in National Assembly, Provincial Legislatures and National Council of Provinces.

- Failure by the above mentioned persons to comply with the above shall lead to cancellation of the contract.

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

- The Municipality does not encourage awarding of contracts to close family members of employees in decision-making positions in line with Regulation 45 of the Supply Chain Management Regulations.

- 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 EThekwini 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 Sindy.Magadla@durban.gov.za

REU MBD 11: EVALUATION CRITERIA

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

Stage 1: Functionality Evaluation

Bids will be evaluated in order to establish whether they meet a minimum score of 60 points out of 100 for functionality, based on the following criteria:

FUNCTIONAL CRITERIA	Max Points	Returnable documents to be used in evaluation
PROPOSED CONCEPT	**30**	
Overall appeal of proposed concept to residents, visitors and businesses and continuing of the theme of creating the atmosphere of social interaction and extending the concept of recreation taking place in and around Anstey's Beach. Comprehensive concept plan covering all aspect raised above. =20 points. Concept plan is proved = 15 points. No Concept plan is provided = 0 Points	20	A detailed concept plan-the bidder must submit a detailed concept plan that include all the information as outlined on this page.
Marketing plan for marketing the restaurant and maximizing sales, revenue and customer satisfaction. Comprehensive marketing plan with activities including in store promotions, staff and displays during events is provided = 10 Marketing plan with details around promotions and activities is provided = 5 No marketing plan is provided = 0	10	Narrative – Present activities to maximizing sales, revenue and customer satisfaction.
OPERATIONS	**20**	
Indicate and explain staffing structure, and how it matches the intended operation: Organogram with roles and responsibilities is provided = 10 Points Organogram is provided = 5 Points No organogram is provided = 0 Points	10	Organogram and narrative- Organogram with job titles must be sufficient and appropriate.
Indicate experience of key supervisory and management staff by submitting a 1 to 2-page profile: Profile indicates more than 3 years' experience of running a restaurant/ retail store is provided = **10 Points** Profile indicates 3 years' experience of running a restaurant/ retail store is provided = **5 Points** Profile indicates less than 3 years' experience of running a restaurant/ retail is provided = 0 Points	10	Resumes C/V- Must meet minimum required experience in operations and management of a retail outlet at any retail shopping centre or comparable trading environment for three years over the last five years.

GENERAL MAINTENANCE PLAN OF THE FACILITY	**15**	
(Bidders are to submit a detailed Maintenance Plan document for the duration of the lease covering the following aspects. 1. Soft services (cleaning, security etc) 2. Maintenance schedule (Planned and emergency) 3. Annual maintenance A maintenance plan is covering all 3 items = **15 Points** A maintenance plan is covering 2 of items = **10 Points** A maintenance plan is covering 1 of item = **5 Points** No submission of the maintenance plan = **0 Points**		A Comprehensive Maintenance plan covering all aspects mentioned.
TRANSFORMATION AND EMPOWERMENT PLAN	**15**	
a) Job Creation Plan including the plan to absorb the current low level employees. = **5 Points** b) Training = **5 Points** d) Local SMME Supported = **5 Points**	5	Local Employment Plan including training and skills development. The bidder is expected to provide a detailed plan outlining how it would empower SMME's and individuals through the fitment of the facility to make it operational.
PROPOSED BUSINES PLAN	**20**	
a) Financial/ Sustainability Plan/ Proposal Total realistic monetary investment value into the building based on the similar projects backed by the estimated fit for purpose cost and a financial feasibility. **0 Points** = total investment not specified **10 Points** = total investment value of specified.	10	REU MDB 17
b) Funding Model Letter from registered funding institutions confirming funding for the project Proof of available funds (Letter from bank/financial institution or verifiable entity providing financial facilities to fund opportunity or financial statements of the bidder. = **10 Points** Non Submission of a Letter from registered funding institutions confirming funding for the project Proof of available funds (letter from the bank or financial institution . = **0 Points**	10	Signed letter from registered funding institutions confirming funding for the project An original current (not older than three months on date of submission) letter from the bank/ funding institution confirming the bidder's working capital available
Total	**100**	

Bids which do not meet the minimum of 60 points will not be considered further.

STAGE 2: EVALUATION FINANCIAL OFFER & B-BBEE STATUS LEVEL CONTRIBUTION

- The bidder obtaining the highest number of points will be awarded the contract.
- Preference points shall be calculated after financial offers have been brought to a comparative basis.
- Points scored will be rounded off to 2 decimal places.
- In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of points for specified goals.
- A maximum of 80 points is allocated for financial offer on the following basis:

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

Where

Ps = Points scored for financial offer of bid under consideration

Pt = Rand value of bid under consideration (Net Present Value of the rental amount over the lease period discounted at 10%)

Pmax = Financial Offer of highest acceptable bid

√ Only those bids that attain the minimum threshold score of 60 Points in Stage 1 will be evaluated in this stage. Bids will be evaluated as follows:

EVALUATION CRITERIA	**POINTS WEIGHT 80/20**
RENTAL OFFER	**80**
B-BBEE STATUS LEVEL OF CONTRIBUTOR	**20**
Total	**100**

B-BBEE Status Level of Contributor	**Number of points (80/20 system)**
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

REU MBD 12: BID SPECIFICATIONS

The following Specifications apply to this bid:

1. Property Information

PROPERTY DESCRIPTION	LOCATION	SIZE M
Lease of a building (restaurant) located on Proposed Lease on Remainder of Erf 773 Durban	17 Foreshore Drive, Ansteys Beach	805 m²

2. Overview

The Ethekwini Municipality is the owner of building on the property described as Proposed Lease on Remainder of Erf 773 Durban situated on the beach adjacent to the Anstey's paddling pool at 17 Foreshore Drive, Anstey's Beach measuring 805 m². The building on the property consists of a restaurant and take-away facility.

3. Vision for the property

The proposals should align the facility to the City's vision for the area in line with the strategies legislative requirements and regulatory frameworks. All development proposals should be in line with the zoning scheme of the area.

CONDITIONS OF THE COMMERCIAL LEASE.

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

Property Tenure

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

1. The property is currently zoned as Special Shopping in terms of the Town Planning Scheme in course of preparation and the use must be in line with the Town Planning Scheme.

2. The lease shall be for a period of nine (9) and eleven (11) months with no right of renewal.

3. The rental payable throughout the duration of the lease will be based on the greater of the sum of the basic monthly amount excluding VAT or 7% of turnover per annum, with the basic monthly amount for the second and successive lease years be one twelfth of the annual rent paid for the preceding lease year.

4. Successful bidders are required to make an offer not less than the minimum acceptable offer for the lease of the facility on the property as part of the proposal form; as indicated in REU MBD 3.

5. The lessee shall under no circumstances cede any rights of the property to a third party without the consent of the Municipality first obtained.

6. That, a deposit equal to one month's rental shall be paid by the lessee upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up date at the time of the expiry of the lease agreement or vacation of property, subject to the property being returned in a clean and tidy condition.

7. All administrative and incidental costs relating to the drafting of the lease shall be for the successful bidders account.

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

9. The successful bidder shall at his own cost maintain, secure and keep the property in a safe, clean and tidy condition in compliance with all relevant legislation i.e. Safety Act, bylaws, Environment (OHASA). Repairs of any damage caused by negligent or wilful action of any person within the property shall be for the lessee's account.

10. The lessee shall provide security for the facility and shall undertake all repairs of the property, maintain the sewerage and drain pipes in good order and free from obstruction, effect repairs or make good any damage made necessary or caused by any of the lessees employees, members, guests or other persons whom it permitted to use the facility or any portion thereof or caused by the unlawful or forcible entry of any person whatsoever.

11. No improvements or alterations to the property shall be made without the Municipality's prior written consent and the Municipality shall in its absolute discretion be entitled to withhold or grant such consent which will also be subject to building plans been approved by the Municipality's Planning Department.

12. That, no compensation will be payable by the municipality for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the Municipality on expiry of the lease agreement.

13. Successful bidders are required to submit a financial proposal which is not limited to but should include:

    - A detailed cost estimate, together with supporting documentation of the costs of refurbishing, upgrading, extension and/or alterations and;

    - A time schedule for the refurbishing/alteration of the building.

14. The successful bidder is required to submit to Municipality a comprehensive operational and maintenance plan for the duration of the lease.

15. The lessee shall take out public liability insurance in the amount of R5 000 000.00 (Five Million Rand) to cover any possible claims. The public liability insurance of the Property may be reviewed on every anniversary of the Commencement Date and in circumstances where a review takes place, the Lessor and Lessee will agree on the level of public liability insurance required. If the Parties cannot agree on the level of insurance required within 14 (fourteen) Days of the review date in question, an appropriate level of insurance will be determined by an expert appointed by the Lessor or by the Lessor's insurance brokers, with the consent of the Lessee, which consent must not be unreasonably refused. The expert will determine an appropriate level of public liability cover in the light of prevailing market conditions and their findings will be final and binding on the Parties, who will bear the costs of the appointment and functioning of the expert in equal shares.

16. That, a traffic impact assessment shall be required prior to any change in land use/development of the property.

17. That, the lessee shall be liable for the payment of all sewerage, refuse removal fees, levied or payable in respect of the property and all electricity and water supplied to the property.

18. That, all environmental, Health and related legislation and By-laws applicable to the Property shall be complied with and that all building plans to be submitted to the Local Authority for approval prior to any construction.

19. That, there shall be no increase in the development footprint and any increase in footprint will require Head: Environmental Planning and Protection Unit's authorisation and other necessary approvals.

20. That, should the proposed lease of the property for the intended use impacts negatively to the surroundings, communities or to the natural environment, Environmental Health Unit may call for mitigation measures to be implanted.

21. That the Municipality shall have the right of entry to the property at all times for inspection purposes, to construct services and to maintain services without the lessee having the right to claim for any damages which may occur.

22. That, the ground levels within the lease property shall not be altered in any way without the prior approval of the Municipality and the lessee shall be held responsible for any damages caused to the services within the leased area.

23. That, the Municipality shall not be held liable for any form of compensation whatsoever to the lessee in the event that the lease is cancelled.

24. That, the lessee l bidder must bear all costs in connection with any required survey to define the boundaries of the property or location of any beacons, services, etc. which may be necessary through the granting of this lease.

25. That, the property must be maintained in a clean and tidy state at all times and lessee must leave the property in a state which is acceptable to the Municipality when the lease is terminated.

26. That, the lessee must ensure that no plants with extensive root systems which can damage the services are planted within the property.

27. That, should any nuisance whatsoever arise through the lease and use of the property, the successful bidder shall take such immediate action as required by the Municipality to overcome the nuisance or the lease shall be terminated.

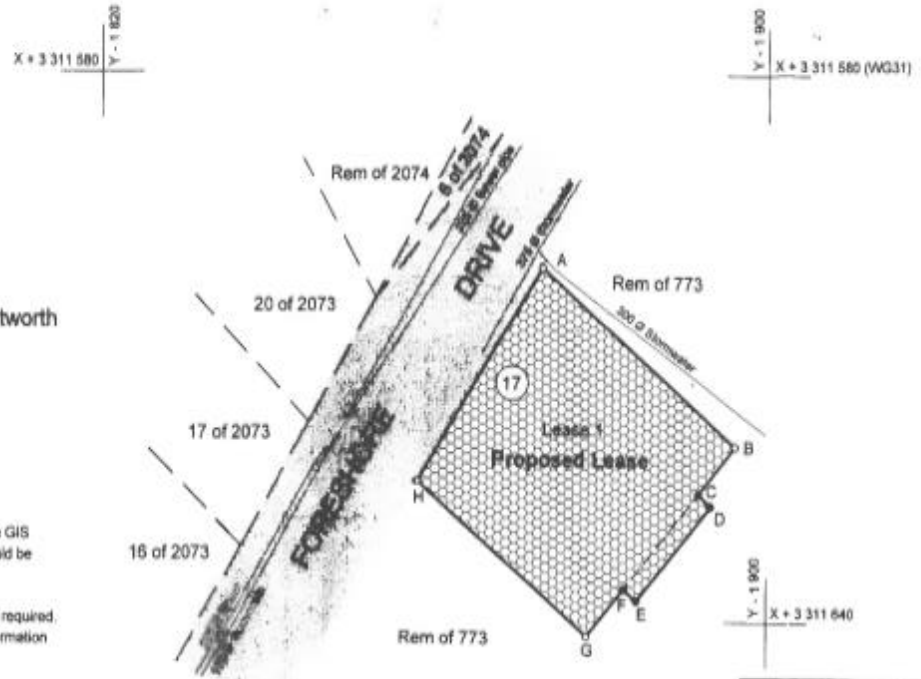
28. Should the successful bidder decides to develop the land, the equity that has been committed in the mandatory requirements must be ring fenced for the development cost. Failure to comply with this clause shall constitute a material breach of the conditions of the development lease.

REU MBD 13: PROPERTY INFORMATION

1. **Ariel Photo**

Plan Showing
Land to be Leased

Foreshore Drive
Suburb of Ocean View
Ethekwini Municipality



Cadastral Description :

Proposed Lease on Remainder of Erf 773 Wentworth

Notes:

1. Street address is encircled
2. All services, shown or otherwise, are as obtained from the Corporate GIS database or other relevant internal or external Departments and should be verified on site as applicable.
3. This plan supersedes SJ 4481/1
4. Area and dimensions are approximate and subject to final survey as required.
5. Proposed Lease is currently zoned as Special Shopping. Zoning information is obtained from Corporate GIS database.

Proposed Lease

Sides	Metres
AB	30.3
BC	6.9
CD	2.0
DE	13.7
EF	2.0
FG	6.9
GH	26.5
HA	27.7
Area = 805 sq m	

Existing Road Area

Land to be Leased for Commercial Purposes (805 sq m)

SCALE 1 : 500

OWNERSHIP SCHEDULE

PROPERTY	REGISTERED OWNER	DIAGRAM NUMBER	CURRENT DEED
Rem of Erf 773 Wentworth	EtheKwini Municipality	S.G. No.4643/1954	G 5/1956
Lease 1 on Erf 773 Wentworth		S.G. No.5434/1964	—

ETHEKWINI MUNICIPALITY

Approved

Deputy Head : Surveying & Land Information

Prelim. Plan Date : 2017/08/22

Final Plan Date : 2018/01/22

SJ 4744/9

Sheet No. : 1 : 1000 S25 1 : 2000 S25

Drawn by : S. Lalloo

Job No. : 2017/49

Ward No. : 66

Checked by : N. Ncayiyana

Digital Ref. : 4744/9

Survey Correspondence Ref. : F121

Land Transactions Ref. : LA 494

Vote No. : 31520.21100.12120.0000.MRC01.0010

Prepared by:
Surveying & Land Information Department
Engineering Unit
Tel : 031 - 311 7226

2. SITE INFORMATION

Property Description	Proposed Lease on Remainder of Erf 773 Wentworth
Size (Lease area)	805 m²
Zoning	Special Shopping
Structures and Physical features	The property is a building measuring 805 m² in a good condition. The interior of the structure is still in a good condition.
Current Use	Currently occupied as a restaurant and take away facility
Minimum Acceptable Rental Offer	R38 550.00
Highest and Best Use	The highest and best use is considered to be as a restaurant and take away facility

ZONE: LIMITED COMMERCIAL

SCHEME INTENTION: To provide, preserve, use land or buildings for:-

- Low impact commercial purposes. Accommodation of commercial or business activities within a residential area where the commercial activity provides a service to the residential community and is not detrimental to the residential amenity of the area.

MAP COLOUR REFERENCE: Light Blue **MAP REFERENCE:**

PRIMARY	SPECIAL CONSENT	PRECLUDED
• Car Wash • *Flat • Flea Market • Garden Nursery • Health & Beauty Clinic • Health Studio • Market • Office • Office - Medical • Pet Grooming Parlour • Restaurant / Fast Food Outlet • Shop	• Action Sports Bar • Base Telecommunications Transmission Station • Fuelling and Service Station • Betting Depot • Place of Public Entertainment • Place of Public Worship • Private Open Space • Education Establishment • Veterinary Clinic • Special Building • Any other use authorised in terms of Section 9.4	• All other uses not indicated in the Primary and Special Consent columns

ADDITIONAL CONTROLS – LAND USE

*A Flat shall not be permitted on the ground floor; provided that where, owing to the levels of the site, the ground floor is below the street level, the Municipality may permit any floors below street level to be used for the provision of residential accommodation.

1. In respect of Portions 4 and 5 of 3172 Durban, the maximum Coverage requirement shall not exceed 70%
2. In respect of Rem of Portion 1 of 3065 Durban, the maximum Coverage requirement shall not exceed 80%

On Portion 1 of Erf 3065 Durban the following shall apply:

a. The sites comprising these sites shall be consolidated or tied by notarial deed in restraint of free alienation.
b. No buildings other than shops, which shall be restricted to a gross floor area of 530m² and/or offices, which shall be restricted to a gross floor area of 424m² shall be erected within this site.
c. The maximum coverage of all buildings on the site shall not exceed 80% of the site.
d. There shall be a space free of all building of not less than 3,0 metres or a width calculated on the basis of 1,2 metres per storey, whichever is the greater, from all boundaries of the site other than a street boundary. The Executive Director (Physical Environment) may, by special consent, relax the requirements of this condition.
e. No building line requirement shall apply.
f. On-site parking shall be provided at the ratio of not less than one bay per 25m² of gross floor area.
g. Loading and off-loading facilities shall be provided to the satisfaction of the Executive Director (Physical Environment).
h. Vehicular ingress and egress shall be provided to the satisfaction of the Executive Director (Physical Environment).
i. The development is to occur substantially in accordance with the concept contained in the sketches 95080 REV. B which were submitted by the appellant on 2 September 1997, to the Department of Local Government and Housing

3. The following shall apply to Portions 4 and 5 of Erf 3172 Durban and the following conditions shall apply to any development of these sites-

a. The uses permitted within this site shall be restricted to that of shops/Medical office/Offices and restaurants.
b. The total floor area of all buildings shall not be greater than that calculated in accordance with a plot area ratio of 0, 8 to 1.
c. The maximum coverage of all buildings within the land comprising this site shall not exceed 70%.
d. No portion of any building erected in this site shall exceed a height of 45 metres above mean sea level.
e. No building line requirement shall apply.
f. On-site parking shall be provided at the ratio of not less than one bay per 25m² of gross floor area.
g. Loading and off-loading facilities shall be provided to the satisfaction of the Municipality.
h. Vehicular ingress and egress shall be to the satisfaction of the Municipality.
i. The eastern boundary of the land comprising this site shall be landscaped to the satisfaction of the Municipality and a boundary wall shall be erected along the eastern boundary to the satisfaction of the Municipality in consultation with the owners of Portions 4, 5 and 22 of Erf 3172 Durban.

4. Notwithstanding any other provisions of this scheme, the development of the Special Shopping (Limited Commercial) Zone situated at Wood Road, Henley Road and Roland Chapman Drive shall adhere to the following :-
   - The properties described as Rem. of Portion of Erf 844, Rem. of Portion 3 of Erf 844, Portion 4 (of 2) of Erf 844 and Portion 1 of Erf 844 all of Sea View, be consolidated.
   - Loading and unloading of delivery vehicles shall take place within a demarcated area and there shall be no stacking, parking or loading/unloading of delivery vehicles on Henley Road.
   - The signalisation of the intersection of Wood and Henley Roads, if required at some future date, shall be to the developers cost.

5. The development of Portion 3 of erf 113 Springfield situated at 1/3 Alpine Road is subject to a limitation on the coverage on the site, which may not exceed 30%.

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DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION(m^2)	HEIGHT	COVERAGE	FLOOR AREA RATIO
BUILDING LINE	SIDE AND REAR SPACE					
3.0m	Nil	N/A	450	2	50%	N/A

MBD 14: REGISTRATION DOCUMENTS

The following documents must be attached

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

MBD 15: AUTHORITY TO SUBMIT BID

If bidder is a legal entity, a company resolution /Power of Attorney must be attached (these documents must authorise the named person to submit this application and to enter into agreements with the eThekwini Municipality should the application be successful)				
Is a company resolution attached?	Yes		No	

Is the bidder a natural person?				
Is a certified ID copy attached?	Yes		No	

Is a copy of the bidder's power of attorney attached?	Yes		No	

DECLARATION OF MUNICIPAL CHARGES
FROM TENDERER

Ethekwini Revenue
Florence Mkhize Building
251 Anton Lembede Street
Durban
4001

Tel: 031 328 1200
Fax: 031 328 1002
E-Mail: revline@durban.gov.za
Website: http://www.durban.gov.za

I, _____
(Full Name and Surname)

ID Number [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ] in my capacity as the duly authorised member / director / owner or partner of

_____
(Full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture) hereinafter referred to as the TENDERER

do hereby declare that all Municipal charges of the aforesaid TENDERER, are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in installments.

The following account details relate to property of the said TENDERER:

ACCOUNT	ACCOUNT NUMBER
ELECTRICITY	_____
WATER	_____
RATES	_____
OTHER (specify)	_____

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the Contractor by the Municipality shall be first set off against such arrears. **ATTACHED** please find copies of the above account's and or agreements signed with the municipality.

- Where the **TENDERER'S** place of business or business interests **are outside the jurisdiction** of **eThewini municipality**, a copy of the accounts/agreements from the relevant municipality must be attached.
- Where the tenderer's Municipal Accounts are part of their lease agreement, then a copy of the agreement, or official letter to that effect is to be attached.

_____	_____	_____
Full Name and Surname	Signature	Date
_____	_____	_____
Designation	Company Stamp	Contact No

REU MBD 17: PROPOSAL FOR PROPOSED LEASE ON REMAINDER OF ERF 773 WENTWORTH

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

1.1 Maintenance Proposal:

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

Concept of activities proposed at the facility	Description
Totals	

1.2 Proposed improvements summary (if any)

Use	Total Floor area (m2)
Totals	

1.3 Estimated costs of maintenance and management.

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

The lease agreement will be concluded with the successful tenderer.

REU MBD 18: SUSTAINABILITY MODEL (FUNDING/ DONOR/ SPONSOR)

Ideas in sourcing and growing the following aspects: - Membership - Subsidy - Sponsor - Donation - Fund Raising - Bank Institution	

REU MBD 19: PUBLIC/SOCIAL BENEFIT PROPOSAL

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

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

REU MBD 20: PROPOSED EMPOWERMENT PLAN

FRAMEWORK FOR ACCELERATING ECONOMIC EMPOWERMENT AND TRANSFORMATION

1. EThekwini municipality is and will remain deliberate about transformation and its economic empowerment goals and is committed to the empowerment agenda.

2. 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.

3. The bidder will be required to commit to the achievement of the following specific targets by completing the table below. The commitments made on the table below 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**
Transformation and Empowerment Plan		
Number of Jobs to be retained	60 % of the current staff	
Number of Jobs to be created within the local community	80% Total jobs created	
Training	50% of black people trained	
Local SMMEs supported	80% of project value	

REU MBD 21: EXPERIENCE AND CAPABILITIES OF KEY STAFF

a) Details of proposed team including relevant experience and qualifications.
b) The team must be appropriately qualified.
c) Provide CVs

Details of experience of Key staff.

(PLEASE EXPAND TABLE IF REQUIRED)

NB: DO NOT ATTACH A SEPARATE TABLE

Name Of Activity	**Start date**	**End date**	**Client**	**Contact Numbers**

REU MBD 22: ACCESS TO FUNDING

It is assumed that 50% of the shop fittings and operational cost will be financed via debt finance. **The bidder must however submit proof of the availability of finance to fund 50% of the development cost through equity funding** **Please note that the following definitions will be used in assessing the proof of availability of finance:** Proof of available funds (bank statements or financial statements of the bidder 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. Total Operational Cost	
Total Operational Cost	**R**
Debt Finance	**R**
Equity Investments (if any)	**R**
Source of Debt Finance • Letter confirming access to debt funding	
Source of Equity Finance • Written confirmation of equity funding (Note: this source may not be a bank loan).	

1. **FIRST REPORT OF THE EXECUTIVE COMMITTEE: MEETING HELD ON WEDNESDAY, 2021-02-17**

1. REPORT OF HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD 2021-02-02

(Page R1)

1.1 Proposed Lease on Remainder of Erf 773 Wentworth Plan No SJ4744/9 Extent 805m^2 (17/2/1/5):
(Page 186 : Human Settlements and Infrastructure Committee - Agenda 2021-02-02)

COMMITTEE RECOMMENDS:

1.1.1 That Council declares in terms of Regulation 34(1)(b) of the Asset Transfer Regulations read together with Section 14(2)(a) and (b) of the Municipal Finance Management Act, 2003 that:

1.1.1.1 The proposed lease on Remainder of Erf 773 Wentworth in extent approximately 805m^2 as depicted on plan SJ 4744/9 is not required to provide the minimum level of basic municipal services for a period nine (9) and eleven (11) months with no right of renewal.

1.1.1.2 The current market rental value of the property is currently assessed at a value of R38 550.00 (Thirty Eight Thousand Five Hundred and Fifty Rand), per month, excluding VAT, and thereafter the rental payable throughout the duration of this lease, be based on 7% of turnover per annum or the basic monthly amount, whichever is greater, with the basic monthly amount for the second and successive lease years be one twelfth of the annual rent payable for the preceding lease years.

1.1.1.3 The property will be used for a Restaurant and Take Away facilities.

1.1.2 That in the event of the lease not being concluded within 12 months from the date of determination of the rent, authority be granted for the Head: Real Estate to review the rental in line with the current market rentals and in the event where there has been a change in the market rentals.

1.1.3 That all costs incidental to the transaction shall be at the cost of the lessee.

1.1.4 That all developmental plans must be submitted to the local Authority for approval prior to any construction.

1.1.5 That authority be granted to the Head: Real Estate to sign all documents necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the City and any other applicable legislation and that it shall be further subject to such further conditions as the Head: Real Estate considers necessary to protect Council Interest.

ADOPTED.