



## INVITATION TO BID

### REQUEST FOR FORMAL WRITTEN PRICED QUOTATIONS: LEGAL ADVISORY SERVICES ON THE SECTIONAL TITLE PROGRAMME

**ADVERT DATE:** 09 MARCH 2020

**COMPULSORY BRIEFING MEETING DATE & TIME:** not applicable

**CLOSING DATE:** 16 MARCH 2020

**TIME:** 12H00

**BID DESCRIPTION:** RFQ - LEGAL ADVISORY SERVICES ON THE SECTIONAL TITLE PROGRAMME

**BID NUMBER:** JDADF/LEGAL-SECTITLE/2020

**BID DOCUMENTS MUST BE DEPOSITED IN THE BID BOX SITUATED AT:**

Offices of the Johannesburg Development Agency, 3 Helen Joseph (former President Street), The Bus Factory, Newtown, Johannesburg, 2000

**Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**

**NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE** (see definition below)

\*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.

#### ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

**Department:** Procurement  
**Contact Person:** Siyambonga Gcobo  
**Tel:** 011 688 7851  
**Fax:** 011 688 7899  
**E-mail:** [sgcobo@jda.org.za](mailto:sgcobo@jda.org.za)

#### ANY REQUIRES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

**Department:** Development Facilitation  
**Contact Person:** Nicolette Pingo  
**Tel:** 011 688 7865  
**Fax:** 011 688 7899  
**E-mail:** [npingo@jda.org.za](mailto:npingo@jda.org.za)

**PLEASE NOTE: QUOTATIONS MUST BE SUBMITTED ON THE QUOTATION DOCUMENTATION ISSUED. QUOTATION DOCUMENTATION MUST NOT BE REPRODUCED OR REARRANGED. ANY ADDITIONAL INFORMATION MUST BE SUBMITTED AS A SEPARATE ATTACHMENT TO THE QUOTATION DOCUMENT FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED.**

**OFFER**

**THE FOLLOWING PARTICULARS MUST BE FURNISHED  
(FAILURE TO DO SO WILL RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER .....

POSTAL ADDRESS .....

STREET ADDRESS .....

TELEPHONE NUMBER CODE ..... NUMBER .....

CELLPHONE NUMBER .....

FACSIMILE NUMBER CODE ..... NUMBER .....

VAT REGISTRATION NUMBER .....

CSD NUMBER .....

TOTAL BID PRICE ..... excluding Value Added Tax

TOTAL BID PRICE in words  
.....  
.....  
..... excluding Value Added Tax

SIGNATURE OF BIDDER .....

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

DATE .....

**The following conditions will apply:**

- A valid Tax Clearance Certificate must be submitted, copies or certified copies will not be accepted.
- An originally certified and valid BBBEE status level verification certificate must be submitted.
- A copy of the bidder's current municipal account in the name of the bidder or alternatively in the names of the directors / partners of the bidding entity must be submitted.
- Price(s) quoted must be valid for at least thirty (60) days from date of your offer.
- Price(s) quoted must be firm and must be exclusive of VAT.
- If the price quoted is above R 30 000 (inclusive of VAT), the quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Framework Act (No. 5 of 2000).

**Failure to comply with these conditions may invalidate your offer.**

**To all our stakeholder**

**RE: The channels of reporting fraudulent and Corrupt Activities**

The City of Johannesburg has a **zero-tolerance approach to Fraud, Theft, Corruption, Maladministration, and Collusion** by suppliers with employees. To reinforce this commitment, more channels have been added to report any Fraudulent and Corrupt activities.

Instances of corporate fraud and misconduct remain a constant threat to service delivery. The City of Johannesburg took a resolution to adopt strategic interventions aimed at combatting fraud and corruption. The City took a decision to centralize the reporting of fraudulent and corrupt activities through the establishment of an independent fraud hotline which is managed by independent service providers.

All people doing business with the Johannesburg Development Agency are encouraged to report any corrupt or illegal practice.

Employees are encouraged to report fraud, waste or other concerns suggestive of dishonest or illegal activities.

**Anyone can report fraudulent and corrupt activities through one of the following channels:**

- Toll free number.....0800 002 587
- Toll free Fax .....0800 007 788
- SMS (charged @ R1.50).....32840
- Email Address:.....anticorruption@tip-offs.com
- Web site:.....www.tip-off.com
- Free post:.....Free post, KNZ 138, Umhlanga, 4320



Let's join hands to take up the Fight against Fraud and Corruption in our society.

## 1. Overview

The Inner City of Johannesburg has a key challenge of dysfunctional Sectional Title Buildings, which has resulted in very poor living conditions and impacts precinct functionality, management and property markets in the Inner City.

There is an urgent need to sustainably intervene in recuperating these Sectional Title Buildings. As such guided by the Inner City Housing Implementation Plan (ICHIP) under Facilitation Programme 2; the JDA in partnership with the Trust for Urban Housing Finance and its partners is examining sustainable methods of intervening and stabilising dysfunctional sectional title buildings in the Inner City of Johannesburg and ensuring their ongoing management.

In order to rehabilitate dysfunctional sectional title buildings requires work specifically with the building's Body Corporate on a number of issues and operational aspects.

The JDA requires legal advisory services, from a team that is experienced in dealing with the Sectional Titles Act 95 of 1986 ("The Act"), Sectional Title Schemes Management Act 8 of 2011 ("the STSMA"), its Regulations and the Prescribed Management Rules ("PMR"), Sectional Titles Amendment Act No. 33 of 2013 and other relevant legislation in regard to the management and operation of Sectional Title schemes (inclusive of expertise in relation to the Community Schemes Ombud Service Act 9 of 2011).

## 2. Duration

The estimated period of the plan has been scheduled for 12 weeks from the date of the receipt of the Appointment Letter to final output delivery.

## 3. Professional Team

It is expected that the project will be led by an Attorney with an LLB, admitted to a South African High Court and with an up to date registration with the Law Society.

In addition the team should demonstrate experience of:

- Strategies and techniques to be deployed for absentee landlords
- Approaches and mechanisms for disputes within body corporate operations
- Best practice in levy setting and billing
- Mechanisms and tools for enforcing the body corporate strategic agenda

The Professional Team criteria are further outlined in the evaluation table, which will be used in the technical evaluation of bids received for this RFQ.

#### 4. Scope of Works

The lead advisory services are required to deliver the following services:

- Identifying strategic approaches to rehabilitating struggling or embattled body corporates in sectional title schemes
- List and delineate the mechanisms and tools specific to particular issues in the management and operations of sectional title schemes
- Provide insight and best practice regarding the deployment of instruments that are applicable to support and rehabilitate body corporates in sectional title schemes.

#### 5. DELIVERABLES

- a) Inception Document- project plan, workplan and outcomes
- b) Status Quo Document- current approaches to rehabilitating struggling or embattled body corporates in Sectional Title schemes
- c) Strategy Document including:
  - Identifying strategic approaches to rehabilitating struggling or embattled body corporates in sectional title schemes
  - List and delineate the mechanisms and tools specific to particular issues in the management and operations of sectional title schemes
  - Provide insight and best practice regarding the deployment of instruments that are applicable to support and rehabilitate body corporates in sectional title schemes.

#### 6. PROPOSAL CONTENT

The bidder's submission must provide the JDA with sufficient information to enable the employer to make a sound and fair evaluation of the proposal. It must clearly indicate the **relevant** previous experience, capability (CVs of Team), and capacity (Size of the organisation, availability of officials to undertake the task) of the bidding entity to undertake the project. The Quotation should **use the same item numbers as below**.

The following minimum documentation must be provided:

- 6.1. THE "OFFER" PAGE MUST BE COMPLETED IN FULL AND SIGNED. Any bidder who fails to do so will be disqualified.
- 6.2. Tenderers are required to submit a detailed fee proposals based on the requirements set out in item 2 and 4 above and to ensure that the final TOTAL FEE IS CORRECTLY TRANSFERRED TO THE "OFFER" PAGE. Any bidder who fails to do so will be disqualified.
- 6.3. A valid Tax Compliance Status letter. No award will be made to a service provider whose tax matters are not in order with the South African Revenue Services.

- 6.4. No award will be made to a service provider who is not registered with the National Treasury Supplier Database.
- 6.5. Company registration documents.
- 6.6. A certified and valid BBEE status levels verification certificate or a certified copy thereof, substantiating the bidding entities BBEE rating or a sworn affidavit. Only certificates issued by verification agencies accredited by the South African Accreditation System (SANAS), or by registered auditors approved by the Independent Regulatory Board of Auditors (IRBA) will be accepted. **FAILURE TO SUBMIT AS REQUIRED WILL RESULT IN THE BIDDER SCORING ZERO (0) POINTS FOR BBEE.**
- 6.7. Latest copy of the bidding entity's municipal rates account in the name of the bidding entity or alternatively in the names of the directors / partners of the bidding entity.
- 6.8. A statement from an independent auditor / accountant regarding the tenderer's financial standing to undertake this project.
- 6.9. Details of directors / partners / members and shareholders.
- 6.10. Certificates of membership/s to industry bodies.(If applicable)
- 6.11. A corporate brochure. Alternatively a brief summary of the entity's background.
  - 6.11.1. Provide information on the individuals who will be assigned to **this project (NOT the entire company)**. The following **must** be addressed:
    - role/s and responsibility/ies on this project
    - relevant qualifications
    - number of years of relevant experience in the industry and in the proposed role
    - a percentage estimate of the time planned to be dedicated to this project by each person
    - detailed CV's for each member of the team noting their specific relevant project experience [project description, role and responsibilities, project value.
7. The forms A to F annexed, must be scrutinized, completed in full and submitted together with your quotation.

**Failure to comply with the requirements in item 6 will result in tenderers being negatively scored for responsiveness or disqualified for non-compliance.**

**Note for consortium and joint ventures**

- The items above are to be addressed and completed by **EACH** member of the consortium or joint venture.

- An agreement between all parties of the consortium or joint venture is to accompany the tender submission
- A lead consultant is to be appointed and noted in the submission

### **PRICING SCHEDULE**

<b>A: SERVICE PROVIDER COST SCHEDULE</b>			<b>Cost (excl. VAT)</b>
<b>No.</b>	<b>Item</b>	<b>Deliverable / Activities</b>	
1	a) Inception Document- project plan, workplan and outcomes c) Strategy Document including:	As per project scope (section 2)	
2	b) Status Quo Document- current approaches to rehabilitating struggling or embattled body corporates in Sectional Title schemes		
3	c) Strategy Document including: <ul style="list-style-type: none"> <li>• Identifying strategic approaches to rehabilitating struggling or embattled body corporates in sectional title schemes</li> <li>• List and delineate the mechanisms and tools specific to particular issues in the management and operations of sectional title schemes</li> <li>• Provide insight and best practice regarding the deployment of instruments that are applicable to support and rehabilitate body corporates in sectional title schemes.</li> </ul>		
4	Client meetings and Presentations		
<b>TOTAL (Excl. Vat) The total amount must carried over to the offer page</b>			

**IMPORTANT NOTICE: IN YOUR RESPONSE YOU ARE REQUESTED TO PROVIDE US WITH A DETAILED FEE PROPOSAL TABLE FORMAT OF YOUR FEE BREAKDOWN FOR THE REQUIRED ITEMS REQUESTED.**

**TENDERERS MUST ENSURE THAT THE FINAL TOTAL FEE IS CORRECTLY CARRIED TO THE "OFFER" PAGE. THE VALUE RECORDED ON THE OFFER PAGE WILL BE REGARDED AS THE TENDERED AMOUNT.**

**FAILING TO PRICE AS REQUIRED WILL RESULT IN THE TENDER BEING DISQUALIFIED.**

### **8. ASSESSMENT CRITERIA**

Submissions will be evaluated on the criteria to follow:

- Compliance
- Technical
- Price and Empowerment

## 9.1 Compliance

Bidders will be disqualified for:

- If any of its directors are listed on the register of defaulters;
- In the case of a bidder who during the last five years has failed to perform satisfactorily on previous contracts with the JDA or any other organ of state after written notice was given to that bidder that performance was unsatisfactory;
- Bidders who did not complete, in full, the tender offer page (i.e. priced, all registration numbers provided and signed);
- Bidders whose tender document has been completed in pencil;
- Bidders whose document has been faxed;
- Bidders whose tender document has been received after the closing time;
- Bidders whose tender document has not been deposited in the tender box at the time of closing;
- Bidders who fail to price as required i.e. as stipulated in item 6.1 herein;
- Bidders who did not comply with any other requirement as set out in the tender specifications;
- Bidders who failed to attend the compulsory tender briefing session;
- Bidders who have any directors in the employment of the state.

## 9.2 Technical

Bidders will be required to score a minimum of 150 points of out of a total of 214 points which translates to 70%.

KEY RETURNABLE DOCUMENTS	Total Points	Criteria	Description of Criteria	Points
A	14	Original or Certified Copy of BBBEE Certificate (Sworn affidavit)	Points will only be allocated for documents correctly completed and signed.	N/A
		Company registration documents		N/A
		Latest municipal account / Lease agreement		N/A
		A statement from an independent auditor / accountant regarding the tenderer's financial standing to undertake this project or Audited financial statement for the past three years.		N/A
		Certified copies of directors / partners identity documents		N/A
		Forms A to G completed in full and signed		14



CAPABILITY OF TEAM MEMBERS	Total Points	Criteria	Description of Criteria	Points
<b>B</b>  <b>CAPABILITY OF TEAM MEMBERS</b>	100	<b>Senior Legal Advisor: Experience</b>	The incumbent must demonstrate 5 years' experience on Sectional Title Matters	<b>50</b>
		<b>Senior Legal Advisor: Qualification</b>	A minimum qualification of a bachelor's degree in law and an admitted attorney in an South African High Court	<b>20</b>
		<b>Senior Legal Advisor: Professional Registration</b>	A registration with the law society	<b>10</b>
		<b>Junior Legal Advisor: Experience</b>	The incumbent must demonstrate 2 years' experience of legal advisory services	<b>10</b>
		<b>Junior Legal Advisor: Qualifications</b>	A minimum qualification of a national diploma in legal practice/paralegal	<b>10</b>
COMPANY EXPERIENCE	Total Points	Criteria	Description of criteria	Points
<b>C</b>  <b>COMPANY EXPERIENCE</b>	50	5 years or more of experience on Sectional Title matters	Points will only be allocated for experience in related projects	<b>50</b>
		3 years to 4 years of experience on Sectional Title matters		<b>30</b>
		1 to 2 years of experience on Sectional Title matters	Please note only Sectional Title matters (contracts, legal advise, input into Act, legal action involving Sectional Title issues) will be counted as similar projects.	<b>20</b>
CONTACTABLE REFERENCES	Total Points	Criteria	Description of criteria	Points
<b>D</b>  <b>REFERENCES FOR COMPLETED PROJECTS AS PER PROJECTS</b>	50	Four to five satisfactory references for Sectional Title matters	References must be on client letterhead or document stamped and signed by the client and must include the name / description of the project, it must confirm the service rendered above, the date completed and a comment of the level of satisfaction with the service.	<b>50</b>
		Three satisfactory references for Sectional Title matters		<b>30</b>
		Only one to two satisfactory references for Sectional Title matters		<b>10</b>

### 9.3 Price and Empowerment

Having completed a technical evaluation, the procedure for the evaluation of technically qualifying tenders is Method 2 (Price and Preferences). The Preference Point System assigns a score to each tenderer based on the tender price and on the tenderer's BBBEE status. These scores are combined to determine an overall score for the tender. The tender with the highest score will be considered for acceptance.

The Preference Point System will be applied as follows:

- For tenders below R50 million
  - 80 points are assigned to price
  - Up to 20 points are assigned to BBBEE status per the table under item 7.3.1
- Points scored will be rounded off to the nearest 2 decimal places

### 9.3.1 Points awarded for BBBEE status level

Points will be awarded for empowerment (BBBEE), in accordance with the Preferential Procurement Regulations 2017 published in Government Gazette No. 40553 dated 20 January 2017. The table overleaf is applicable in this regard:

B-BBEE Status Level Of Contributor	Number of Points
	Tenders above R50 million
<b>1</b>	<b>20</b>
<b>2</b>	<b>18</b>
<b>3</b>	<b>14</b>
<b>4</b>	<b>12</b>
<b>5</b>	<b>8</b>
<b>6</b>	<b>6</b>
<b>7</b>	<b>4</b>
<b>8</b>	<b>2</b>
<b>Non-Compliant contributor</b>	<b>0</b>

### Notes

- 9.3.1.1 “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act ( Act No.53 of 2003).
- 9.3.1.2 Tenderers must submit their original and valid B-BBEE status level verification certificate substantiating their B-BBEE rating. Certificates issued by either verification agencies accredited by the South African Accreditation System (SANAS) or by registered auditors approved by the Independent Regulatory Board for Auditors (IRBA) are acceptable. **FAILURE TO SUBMIT A BBBEE STATUS LEVEL CERTIFICATE WILL RESULT IN THE BIDDER SCORING ZERO (0) POINTS FOR BBBEE.**
- 9.3.1.3 An EME must submit a sworn affidavit confirming the following:
  - Annual Turnover Revenue of R10 million or less; and
  - Level of Black ownership

- Any misrepresentation in terms of bullet point above constitutes a criminal offence as set out in the B-BBEE Act as amended.
- 9.3.1.4 The submission of such certificates must comply with the requirements of instructions and guidelines issued by the National Treasury and be in accordance with notices published by the Department of Trade and Industry in the Government Gazette.
- 9.3.1.5 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.
- 9.3.1.6 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 tender.
- 9.3.1.7 A person will not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer 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 tenderer qualifies for.
- 9.3.1.8 A person awarded a contract will not be permitted to 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.

## 10. Formula for scoring tender price

The following formula will be used to calculate the points for price.

$$P_s = X \left[ 1 - \frac{(P_t - P_{min})}{P_{min}} \right]$$

Where

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

**P<sub>t</sub>** = Comparative price of tender under consideration

**P<sub>min</sub>** = Comparative price of lowest acceptable tender

**X = Points** assigned to price

6.3.3 The total preference points for a tender are calculated with the formula

$$PP = P_s + P_{bee} \text{ Where}$$

**PP** is the total number of preference points scored by the tenderer

**P<sub>s</sub>** is the points scored for the comparative price of the tenderer, and

**P<sub>bee</sub>** is the number of points awarded to the tenderer based on his certified B-BBEE status level.

## 11. CLOSING DATE, TIME AND VENUE FOR SUBMISSIONS

The words **“REQUEST FOR FORMAL WRITTEN PRICED QUOTATIONS: LEGAL ADVISORY SERVICES ON THE SECTIONAL TITLE PROGRAMME** “must be written / typed clearly on the envelope. The envelope must be deposited in the tender box at the **Johannesburg Development Agency, Ground Floor, The Bus Factory, 3 Helen Joseph ( former President Street), Newtown** only between the hours of 08H00 and 12H00.

**The Tender closes at 16 March 2020, 12:00.**

**NO LATE / TELEPHONIC / FAXED / POSTAL TENDERS WILL BE ACCEPTED OR CONSIDERED.**

The Johannesburg Development Agency’s selection of qualifying quotations shall be in the Johannesburg Development Agency’s sole discretion and shall be final. The Johannesburg Development Agency does not bind itself to accept any particular Quotation and no correspondence will be entered into.

Queries can be addressed in writing  
to: Nicolette Pingo  
E-mail: [npingo@jda.org.za](mailto:npingo@jda.org.za)

**FORM A: BUSINESS DECLARATION**

**Tender/RFP Number** : .....

**Tender/RFP Description** : .....

**Name of Company** : .....

**Contact Person** : .....

**Postal Address** : .....

.....

.....

**Physical Address** : .....

.....

.....

**Telephone Number** : .....

**Fax Number** : .....

**Cell Number** : .....

**E-mail Address** : .....

**Company/enterprise Income**

**Tax Reference Number** : .....

(Insert personal income tax number if a one person business and personal income tax numbers of all partners if a partnership)

**VAT Registration Number:** .....

**Company Registration Number:** .....

**1. Type of firm**

- Partnership
- One person business/sole trader
- Close corporation
- Public company
- Private company

(Tick one box)

**2. Principal business activities**

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

**3. Total number of years company has been in business: .....**

**4. Detail all trade associations/professional bodies in which you have membership**

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

**5. Did the firm exist under a previous name?**

- Yes
- No

(Tick one box)

**If yes, what was its previous name?**

.....

**6. How many permanent staff members are employed by the firm:**

**Full Time** : .....

**Part Time** : .....

**7. In the case of a firm which renders services for different disciplines, how many permanent staff members are employed by the firm in the discipline for which you are tendering:**

**Full Time** : .....

Part Time : .....

8. What is the enterprise’s annual turnover for the last two years and what is the estimated turnover of current commitments from 1 July 2017 to 30 June 2018 (excl. VAT):

R ..... Year .....

R ..... Year .....

R ..... Year .....

9. List all contracts which your company is engaged in and have not yet completed:

CONTRACT DESCRIPTION	LOCATION	COMPANY/ EMPLOYER	PROJECT VALUE	ESTIMATED FEES	EXPECTED COMPLETION ( MONTH & YEAR)

**10. Banking details**

I/We hereby request and authorise you to pay any amounts which may accrue to me/us to the credit of my/our account with the mentioned bank.

I/We understand that the credit transfers hereby authorised will be processed by computer through a system known as the “ACB Electronic Fund Transfer Service” and

I/We also understand that no additional advice of payment will be provided by my/our bank, but details of each payment will be printed on my/our bank statement or any accompanying

voucher.

This authority may be cancelled by me/us giving **30 days** notice in writing.

**BANK** : .....

**BRANCH** : .....

**BRANCH CODE** : .....

**ACCOUNT NUMBER** : .....

**ACCOUNT HOLDER** : .....

**TYPE OF ACCOUNT** : .....

**CONTACT PERSON** : .....

**CONTACT NUMBER** : .....

***PLEASE INCLUDE ORIGINAL SIGNED AND STAMPED LETTER FROM THE BANK CONFIRMING THE COMPANY'S BANKING DETAILS, PHOTOSTAT COPIES AND LETTERS BEARING ELECTRONIC SIGNATURES WILL NOT BE ACCEPTABLE.***

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the company, affirms that the information furnished in response to this request for proposal is true and correct :

**SIGNATURE** : .....

**NAME IN FULL** : .....

**CAPACITY** : .....

**DULY AUTHORIZED TO SIGN ON BEHALF OF:** .....

**DATE** : .....

**COMPANY STAMP**



**FORM B: 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.

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 Position occupied in the company (director, trustees, shareholder\*\*) .....

3.4 Company Registration Number: .....

3.5 Tax Reference Number: .....

3.6 VAT Registration Number: .....

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

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

If yes, furnish particulars

.....

.....

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

If yes, furnish particulars

.....

.....

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

If yes, furnish particulars

.....  
.....

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

If yes, furnish particulars

.....  
.....

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

If yes, furnish particulars

.....  
.....

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

If yes, furnish particulars

.....  
.....

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

If yes, furnish particulars

.....  
.....

Full details of directors / trustees / members / shareholders.

FULL NAME	IDENTITY NUMBER	STATE EMPLOYEE NUMBER

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME) .....**

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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

.....  
Position

.....  
Name of Bidder

.....  
Date

\* 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.

“Stakeholder” 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.

### **FORM C: DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>Audi alter ampartem</i> rule was applied).</b>	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)? <b>(To access this Register enter the National Treasury’s website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon “Register for Tender Defaulters” or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).</b>	Yes	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	Yes	No

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

**CERTIFICATION**

I, THE UNDERSIGNED (FULL NAME) .....

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS 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

.....  
Position

.....  
Name of Bidder

.....  
Date



**FORM E : PARTICULARS OF CONTRACTS AWARDED NOT BY AN ORGAN OF STATE\*\*\* DURING THE LAST 5 YEARS cont.**

EMPLOYER	MANAGEMENT CONSULTING	NATURE OF WORK	VALUE OF WORK	YEAR COMPLETED

**\*\*\* Organ of State means-**

- ◆ a) a national or provincial department;
- ◆ b) a municipality;
- ◆ c) a constitutional institution defined in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- ◆ d) Parliament;
- ◆ e) a provincial legislature;
- ◆ f) any other institution or category of institutions included in the definition of “organ of state” in section 239 of the Constitution and recognised by the [Minister](#) by notice in the *Government Gazette* as an institution or category of institutions to which [this Act](#) applies

.....  
 Signature  
*(of person authorised to sign on behalf of the organisation)*

.....  
 Position

.....  
 Name of Bidder

.....  
 Date

**FORM F: CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

***RFQ - LEGAL ADVISORY SERVICES ON THE SECTIONAL TITLE PROGRAMME***

*in response to the invitation for the bid made by:*

*Johannesburg Development Agency*

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 will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraph 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.
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

.....  
Position

.....  
Name of Bidder

.....  
Date

**ANNEXURE G: DECLARATION ON STATE OF MUNICIPAL ACCOUNTS**

A Any bid will be rejected if:  
Any municipal rates and taxes or municipal service charges owed by the bidder or any of the directors to the municipality or a municipal entity, or to any other municipality or municipal entity, are in arrears for more than three months.

B Bid Information

- i. Name of bidder: .....
- ii. Registration Number: .....
- iii. Municipality where business is situated .....
- iv. Municipal account number for rates: .....
- v. Municipal account number for water and electricity: .....
- vi. Names of all directors, their ID numbers and municipal account number.
  - 1. ....
  - 2. ....
  - 3. ....
  - 4. ....
  - 5. ....

C Documents to be attached.

- i. A copy of municipal account mentioned in B (iv) & (v) (Not older than 3 months)
- ii. A copy of municipal accounts of all directors mentioned in B(vi) (Not older than 3 months)
- iii. Proof of directors

I/We declare that the abovementioned information is true and correct and that the following documents are attached to this form:

.....  
.....

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**