

## TENDER DATA

1.	The Employer is: Emalahleni Local Municipality 29 Mandela Street, Emalahleni, 1035					
2.	Tender Documents					
	<div><div><b>Tendering Procedures</b> Tender notice and invitation to tender Tender data</div><div><b>Returnable Documents</b> List of Returnable Documents</div><div><b>The Contract</b> <b>Agreements and Contract data</b> Forms of Offer and Acceptance Contract Data</div><div><b>Pricing Data</b> Pricing Instruction Bill of Quantities</div><div><b>Terms of Reference</b> Terms of Reference</div><div><b>Additional Relevant Documents</b> Supply Chain Management Policy</div></div>					
3.	<b>Interpretation</b>  The tender data and additional requirements contained in the tender schedules that are included in the returnable documents are deemed to be part of these tender conditions.					
4.	<b>Communication.</b>  The Employer’s Representative is; <table><tr><td><b><u>Accounting Officer;</u></b> 29 Mandela Street, Emalahleni, 1035 Tel: at 013 690 6911</td><td><b><u>Procurement Enquiries.</u></b> Supply Chain Unit 29 Mandela Street, Emalahleni, 1035 013 690 6483/6484/6497</td><td><b><u>Technical Enquiries.</u></b> 29 Mandela Street, Emalahleni, 1035 Tel : at 013 690 6350</td></tr></table>			<b><u>Accounting Officer;</u></b> 29 Mandela Street, Emalahleni, 1035 Tel: at 013 690 6911	<b><u>Procurement Enquiries.</u></b> Supply Chain Unit 29 Mandela Street, Emalahleni, 1035 013 690 6483/6484/6497	<b><u>Technical Enquiries.</u></b> 29 Mandela Street, Emalahleni, 1035 Tel : at 013 690 6350
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4.1	Attention is drawn to the fact that verbal communication given by the Employer’s representative prior to the close of tenders will not be regarded as binding on the employer. Only information issued formally by the employer in writing to the tenders, under the signature of the Accounting Officer will be regarded as amending the tender documents.					
5	<b>The Employer’s right to accept or reject any tender offer</b>  The employer has the right not to accept the lowest tender and to accept the whole or part of any tender or not to consider any tender not suitably endorsed is fully reserved by Emalahleni Local Municipality.					

		<b><i>Request for the proposals for the development of Emalahleni Recreational Resort and Nature Reserve</i></b>
<b>6</b>	<b>Tenderer Obligations</b>	
<b>6.1</b>	The Council retains the right to call for any additional information that it may deem necessary.	
<b>6.2</b>	<p>If tendering as a Joint Venture, Joint venture must be constituted by means of a comprehensive and fair, written agreement between the members, which sets out their obligations, rights, risks, and rewards.</p> <p>Joint venture members should share at least the following aspects of the joint venture activities in a meaningful and equitable manner:</p> <ol style="list-style-type: none"> <li>1. Control</li> <li>2. Management</li> <li>3. Operations</li> <li>4. Risk</li> <li>5. Profit and Loss</li> </ol>	
<b>6.3</b>	<p>If a Tenderer , or any person employed by him is found to have either directly or indirectly, promised or given to any person in the employment of Council, any commission, gratuity, gift or other consideration, The Council shall have the right to summarily and without recourse to law and without prejudice to any other legal remedy which it may have in regard to any loss and/ or additional costs or expenses, to disqualify the Tender or cancel the Contract without paying any compensation to the aforesaid Tender or Contract.</p>	
<b>6.4</b>	<p>At the request of the Municipal Manager or his authorised representative from furnishing him with additional information, or with a sample or specimen for testing purposes or otherwise, or from giving a demonstration so as to enable the recommendation to the Council's responsible Committee on the award of the contract be formulated,</p>	
<b>7.</b>	<b>Eligibility</b>	
	Tenderer who has the managerial capacity, reliability and experience regarding the nature of the project	
<b>8</b>	<b>Compensation of tendering</b>	
	The employer will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the cost of any testing necessary to demonstrate that aspects of the offer satisfy requirements.	
<b>9</b>	<b>Check documents</b>	
	<p>The Tenderer should check the tender documents on receipt for completeness and notify the employer of any discrepancy or omission.</p> <p><b>Emalahleni Local Municipality reserves the right to request the bidder to submit original documents which includes but not limited to, company registration document, qualifications of key personnel, compulsory returnables, reference letters &amp; testimonials for review and certification by its Commissioner of Oath.</b></p>	
<b>10.1</b>	<b>Confidentiality and Copyright of Documents.</b>	
	Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the employer only for the purpose of preparing and submitting a tender offer in response to the invitation	

		<i>Request for the proposals for the development of Emalahleni Recreational Resort and Nature Reserve</i>
		In submitting any information or documentation requested in this tender or any other information that may be requested pursuant to this Tender, you are consenting to the processing by ELM or its stakeholders of your personal information and all other personal information contained therein, as contemplated in the Protection of Personal Information Act, No.4 of 2013 and Regulations promulgated thereunder ("POPI Act"). Further, you declare that you have obtained all consents required by the POPI Act or any other law applicable. Thus, you hereby indemnify ELM against any civil or criminal action, administrative fine or other penalty or loss that may arise as a result of the processing of any personal information that you submit.
10.2		<b>Clarification Meeting</b>  A <b>Non-Compulsory</b> clarification meeting will be held on Thursday, 28 November at 11:00 at <b>Emalahleni Local Municipality, Recreational Resort and Nature Reserve.</b>
11		<b>Submitting tender offer:</b>
11.1		No Tender document will be considered unless submitted on Council's Official Tender Document
11.2		Return all the returnable documents to the employer after completing them.
11.3		Tenders must be deposited in the tender box clearly marked: <b>ELM 09/2025: REQUEST FOR PROPOSALS FOR THE DEVELOPMENT OF EMALAHLENI RECREATIONAL RESORT AND NATURE RESERVE</b>  <b>Location of tender Box:</b> Main Building <b>Physical Address:</b> Emalahleni Local Municipality, Civic Centre, 29 Mandela Street, Emalahleni, 1035.  Telephonic, telegraphic, telex, facsimile or emailed tenders will not be considered
11.4		All tender received by the Emalahleni Local Municipality will remain in the Municipality's possession until after the stipulated closing date and time.
11.5		Accept that a tender submitted to the employer cannot be withdrawn or substituted. No substitute tenders will be considered.
12.		<b>Closing Time:</b>
12.1		The time and location for opening of the Tender offers are:  Closing Time: <b>11:00</b> Closing Date: <b>24 January 2025</b> Location: <b>Emalahleni Local Municipality Civic Centre 29 Mandela Street, Emalahleni, 1035</b>  Tenders will be opened in public at the same time.
12.2		After the opening of the tenders, no information relating to the clarification, determination of responsiveness, evaluation and comparison of tender proposals and recommendations concerning the award of the tender shall be disclosed to any other tenderer or persons not concerned with such process until the award of the Tender has been announced by the ELM.

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<b>13.</b>	<b>Pricing the tender</b>  State the rates and prices in Rand. This tender will not be evaluated based on pricing. The quality and realism of the submitted Public Private Partnership proposals.								
<b>14.</b>	<b>Alterations to the Tender Documents.</b>  <b>No</b> alterations may be made to the tender document issued by the employer.  Proposals and any other supporting documents must be attached to the back of this tender document								
<b>15</b>	<b>Alternative tender offer.</b>  <b>No</b> alternative tender offers will be considered or accepted.								
<b>16</b>	<b>Tender Offer Validity</b>  The Tender offer validity period is <b>90</b> days from the closing date.								
<b>17</b>	<b>Tender clarification after submission</b>  A tender may be regarded as non-responsive if the tenderer fails to provide clarification requested by the employer within the time for submission stated in the employer's written request.								
<b>18</b>	<b>Tender evaluation points</b>  <b>18.1</b> The value of this bid is estimated to exceed R50 000 000 (all applicable taxes included) and therefore the 90/10 system shall be applicable.  <b>18.2</b> Preference points for this bid shall be awarded for:  (a) Price; and (b) Specific Goals.  <b>18.3</b> The maximum points for this bid are allocated as follows: <table border="1" data-bbox="271 1444 1388 1646"> <tr> <th></th><th><b>POINTS</b></th></tr> <tr> <td><b>PRICE</b></td><td><b>90</b></td></tr> <tr> <td><b>SPECIFIC GOALS</b></td><td><b>10</b></td></tr> <tr> <td><b>Total points for Price and Specific Goals</b></td><td><b>100</b></td></tr> </table>		<b>POINTS</b>	<b>PRICE</b>	<b>90</b>	<b>SPECIFIC GOALS</b>	<b>10</b>	<b>Total points for Price and Specific Goals</b>	<b>100</b>
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<b>19.</b>	<b>Evaluation of Tenders</b>  The Tenderers notice is drawn to the fact that the evaluation, adjudication and awarding of this tender will be in terms of the Supply Chain Management Policy of the ELM.								
<b>19.1</b>	<b>The following steps will be followed in evaluation;</b> <ol style="list-style-type: none"> <li>1. Determination of whether or not tender offers are complete.</li> <li>2. Determination of whether or not tender offers are responsive.</li> <li>3. Determination of the reasonableness of tender offers.</li> <li>4. Confirmation of the eligibility of preferential points claimed by tenderers.</li> </ol>								

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	<div>5. Awarding of points for financial offer.</div> <div>6. Ranking of tenderers according to the total points</div> <div>7. Performance of risk analysis by checking the credit record of the tenderers</div>									
19.2	<div>Functionality Criteria</div> <div>The procedure for the evaluation of responsive Bids will be on the functionality criteria.</div>									
20.	Tenders are adjudicated in terms of ELM Supply Chain Management Policy, and the following framework is provided as a guideline in this regard.									
20.1	<div><div>Tender responsiveness shall mean tender compliance with all the prescribed key requirements for submission of bids. Elimination factors include non-compliance with key requirements specified for the following:</div><div>The company's tender responsiveness in relation to points is therefore summarized as follows:</div><div>TOTAL90</div><div>A FIRM MUST OBTAIN A MINIMUM OF 70 POINTS OUT OF THE 90 POINTS ABOVE TO BE CONSIDERED FOR EVALUATION.</div><table><tr><th></th><th>CRITERIA</th><th>Points to be obtained</th></tr><tr><td>1.</td><td><div>Business Case Quality</div><div><div>• Concept and Design: Assess the innovation, aesthetic appeal, and functionality the proposed design</div><div>• Compliance with regulations: ensure that the design complies with local zoning laws, building codes, and environmental regulations</div><div>• Sustainability: evaluate the incorporation of sustainable practices and energy-efficient technologies</div></div></td><td><div>20 points</div><div>2 points</div><div>5 points</div></td></tr><tr><td>2.</td><td><div>Financial Viability</div><div><div>• Cost estimates: Review the accuracy and realism of the cost for construction, operation and maintenance</div><div>• Funding sources: Bank letter or guarantee confirming availability of funds at least equivalent to the costings in the operational plans from a reputable financial institution</div><div>• Bank letter or proof availability of working capital at least equivalent to 10% of the annual turnover submitted by the bidder in the operation plan = 5 points</div></div></td><td><div>10 points</div><div>15 points</div><div>5 points</div></td></tr></table></div>		CRITERIA	Points to be obtained	1.	<div>Business Case Quality</div> <div><div>• Concept and Design: Assess the innovation, aesthetic appeal, and functionality the proposed design</div><div>• Compliance with regulations: ensure that the design complies with local zoning laws, building codes, and environmental regulations</div><div>• Sustainability: evaluate the incorporation of sustainable practices and energy-efficient technologies</div></div>	<div>20 points</div> <div>2 points</div> <div>5 points</div>	2.	<div>Financial Viability</div> <div><div>• Cost estimates: Review the accuracy and realism of the cost for construction, operation and maintenance</div><div>• Funding sources: Bank letter or guarantee confirming availability of funds at least equivalent to the costings in the operational plans from a reputable financial institution</div><div>• Bank letter or proof availability of working capital at least equivalent to 10% of the annual turnover submitted by the bidder in the operation plan = 5 points</div></div>	<div>10 points</div> <div>15 points</div> <div>5 points</div>
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<b>3.</b>	<b>Locality</b> <ul style="list-style-type: none"> <li>• Main office is within Emalahleni Local Municipality</li> <li>• Main office is within Nkangala District Municipality</li> <li>• Main office is outside Nkangala District Municipality/Province</li> </ul>	1 point 1 point 1 point	3 points
<b>4.</b>	<b>Experience and track record in property development and management</b> <p><b>Commercial development and management</b> 5 or more completion certificate with references</p> <p><b>Residential development and management</b> 4 completion certificates with reference</p> <p><b>others</b> Between 2 -3 appointment letters with reference</p> <p>1 appointment letter with reference</p> <p>No submission</p>	20 points 15 points 10 points 5 points 0 points	30 Points
<b>5.</b>	<b>Local economic empowerment plan.</b> <ul style="list-style-type: none"> <li>• Employee structure and job creation plan</li> <li>• SMMEs empowerment (subcontracting)</li> </ul>	5 points 5 points	10 Points
<b>6.</b>	<b>Total points obtainable</b>		<b>100</b>

#### Technical adjudication and General Criteria

- Tenders will be adjudicated in terms of inter alia:
- Compliance with Tender conditions
- Technical specifications

If the Tenderer does not comply with the Tender Conditions, the Tenderer may be rejected. If technical specifications are not met, the Tender may also be rejected.

With regard to the above, certain actions or errors are unacceptable and warrants **REJECTION OF THE TENDER**, for example:

- Submission of a Tax Compliance letter without a unique PIN in terms of the electronic Tax Compliance Status (TCS) system from SARS.
- Pages to be completed, removed from the Tender document, and have therefore not been submitted.
- If tender document is not fully completed as required and as stipulated in the tender data.
- If any tender document is tampered with or it is unbinded or unbundled.
- Failure to complete the schedule of quantities as required – only lump sums provided.
- Scratching out without initialling next to the amended rates or information.
- Writing over / painting out rates / the use of tippex or any erasable ink, e.g. pencil.
- The Tender has not been properly signed by a party having the authority to do so, according to the **Form E – “Authority for Signatory”**
- A Resolution by a Board of Directors of the Company authorizing the Tenderer to sign the Tender document on behalf of the Company has not been provided.
- Particulars required in respect of the Tender have not been provided – non-compliance of Tender requirements and/or specifications.
- The Tenderer’s attempts to influence or has in fact influenced the evaluation and/or awarding of the contract.
- The Tender has been submitted after the relevant closing date and time.
- Failure to complete and sign Form C1.1 Form of Offer and Acceptance.
- If any municipal rates and taxes or municipal service charges owed by that Tenderer or any of its directors to the municipality, or to any other municipality or municipal entity, are in arrears for more than three months.
- If any Tenderer who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that Tenderer that performance was unsatisfactory.

**20.2**

**Size of enterprise and current workload**

- Evaluation of the Tenderer’s position in terms of:
  - ✓ Previous and expected current annual turnover.
  - ✓ Current contractual obligations

Capacity to execute the contract

**20.3**

✓

**Previous experience**

The tenderer shall list in the appropriate Forms the appropriate related projects undertaken by the tenderer within the last five (5) years.

Evaluation of the Tenderer’s position in terms of his/her previous experience. Emphasis will be placed on the following:

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	<ul style="list-style-type: none"> <li>▪ Experience of contracts of similar size</li> <li>▪ Service Provider to attach appointment letters <b>and</b> Testimonials from previous experience.</li> </ul>
20.4	<p><b>Financial ability to execute the contract</b></p> <p>Evaluation of the Tenderer's financial ability to execute the contract will be considered.</p>
20.5	<p><b>Good standing with SA Revenue Services</b></p> <ul style="list-style-type: none"> <li>▪ Determine whether a valid tax clearance certificate has been submitted.</li> <li>▪ The Tenderer <b>must affix A Tax Compliance letter with a unique PIN in terms of the electronic Tax Compliance Status (TCS) system from SARS must been submitted.</b></li> </ul>
20.6	<p>If the Tender does <b>not</b> meet the requirements contained in the ELM Supply Chain Management Policy, and the mentioned framework, it will be rejected by the Council, and may not subsequently be made acceptable by correction or withdrawal of the non-conforming deviation or reservation</p>
20.7	<p><b>Penalties</b></p> <p>Emalahleni Local Municipality will, if upon investigation it is found that a preference in terms of the MFMA Act and these regulations has been obtained on a fraudulent basis, or any specified goals are not attained in the performance of the contract, on discretion of the Municipal Manager, one or more of the following penalties will be imposed:</p> <ul style="list-style-type: none"> <li>▪ Cancel the contract and recover all losses or damages incurred or sustained from the Tenderer.</li> <li>▪ Impose a financial penalty at the discretion of Council.</li> </ul> <p>Restrict the contractor, its shareholders, and directors on obtaining any business from the Emalahleni Local Municipality for a period of 5 years</p>
20.8	<p><b>The additional conditions of Tender are:</b></p> <ol style="list-style-type: none"> <li>1. Service providers who has scored the highest points for Price and Specific Goals in terms of the Preferential Procurement Regulations 2022 will be appointed.</li> <li>2. Emalahleni Local Municipality may also request that the Tenderer provide written evidence that his financial, labour and resources are adequate for carrying out the project.</li> <li>3. The Emalahleni Local Municipality reserves the right to appoint a firm of chartered accountants and auditors and / or execute any other financial investigations on the financial resources of any Tenderer. The Tenderer shall provide all reasonable assistance in such investigations.</li> </ol>