STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

DETAILS OF BIDDER (THE FOLLOWING PARTICULARS MUST BE FURNISHED)

Name of firm / entity / enterprise	
Trading as (if different from above)	
CSD number	MAAA……
Postal address of enterprise / Business	Line 1 :_____ Line 2:_____ Town/City_____ Postal code:_____
Physical address of enterprise / Business	Line 1 :_____ Line 2:_____ Town/City_____
Contact details of the person signing the b id, being duly authorised to do so:	Name: _____ Telephone: _____Cellular :_____ E-mail address:_____
Contact details of the person responsible for overseeing contract performance :	Name: _____ Telephone: _____Cellular :_____ E-mail address:_____
Company income tax number	
Tax Compliance Status System PIN issued by SARS	
VAT registration number	
Company registration number	
Banking details	Name of account holder:_____ Name of bank:_____ Account number:_____ Branch code:_____

PROPERTY MANAGEMENT AND MUNICIPAL BUILDING MAINTENANCE

TO / AAN : **Manager: SCM**

FROM / VAN : **Manager: Property Management and Municipal Building Maintenance**

DATE / DATUM : **2022-02-03**

RE / INSAKE : **APPOINTMENT OF VALUERS: DORPSTREET: EXCHANGE OF PROPERTIES**

1. PURPOSE OF REPORT

The purpose of this memo is to provide SCM with the specifications for the appointment of two (2) Professional Valuers to advise on the valuation of various portions of land.

2. BACKGROUND

2.1 Development of erven 7586, 7588 and 7592, Stellenbosch

During 2017 and 2018 Stellenbosch Municipality approved the development of Remgro's erven, subject to certain conditions.

According to the Directorate: Engineering Services, these developments would trigger the dueling of lower Dorpstreet from Adams Tas Road to the R44, which is registered for the broader community of Stellenbosch and not only for the development *per ce*.

The Engineering Services Directorate state in their memo "*that the areas and land required for dueling of Dorp Street be surrendered by the developer to Stellenbosch Municipality, at his/her cost, in order for construction of the road to take place and that compensation from Stellenbosch Municipality for the aforementioned land required for the dueling of Dorp Street, if any, be based on te value of the land in terms of its current zoning, i.e. Specific Business*

2.2 Proposed land swap as an alternative to purchasing of land for road widening

Remgro is now in the process of finalising their development proposals in order to proceed with construction of these approved developments. However, this requires the duelling of Lower Dorp Street and for **Council to purchase Remgro's land in order to accommodate the required duelling**. For this reason, they requested that we appoint a property valuer to determine the value of the land required for the duelling of Lower Dorp Street and to obtain Council's approval to purchase the land from Remgro.

As an alternative to Council purchasing the land from Remgro, they are willing to engage in a land swap agreement with Council. They have identified three municipal erven (i.e. Erven 705, 4080 and 8719, Stellenbosch) that are located on the Eerste River and which borders on Remgro's erven. These erven could be swapped for Remgro's land (values must first be determined).

The public erven that has been identified as land that could be swapped, is located on the Eerste River. These public erven cannot (for environmental and flood line reasons) be developed. It is currently only a maintenance and security burden for Council.

The benefits of such a land swap agreement, is that:

- The land transaction will not cost the taxpayer any money;
- Undevelopable land will be exchanged for developable land (necessary for municipal traffic upgrades); and
- The maintenance and security burden of the river erven will become Remgro's responsibility.

2.3 Mayco resolution

When the matter was considered by Mayco in January 2022, they decided as follows:

"(a) that the item be referred-back for refinement and request that the item be returned when the valuation is available; and

(b) ***that two independent valuations be obtained to determine the value of the respective portions of land before council make an in-principle decision.*** *"*

3 DISCUSSION

3.6 Location and context

The area needed for the road widening is approximately 800m² and 2390m² in size, respectively, as indicated on **APPENDIX 2** and is shown on fig 1 and 2 below.



Fig 1: Location and context: erven 7586 and 7592



Fig 2: Extent of proposed road widening

The municipal land that is proposed for the land swop is approximately 3658m±, 4827m², and 8871m² in extent, respectively, as shown on Fig 3 and 4 below.



Fig 3: Location and context



Fig 4: Extent of land

3.2Appointment of a valuer

For the purpose of assisting the municipality to determine a market value of the properties, two professional valuers need to be appointed.

3.3Minimum requirements

Prospective bidders must be registered as a professional valuer.

3.4Compulsory briefing session (Mountain Breeze&Remgro)

A compulsory briefing session must be scheduled in collaboration with this department.

Date: Monday 14 February 2022 @ 10h00

Venue: Committee Room, 3rd Floor, ABSA Building, cnr of Ryneveldt & Plein Street, Stellenbosch

Official: Mr Piet Smit (Manager: Property Management)

3.5 Pricing Schedule

Prospective bidders must quote an all-inclusive rate per hour and must indicate the number of hours that will be spent.

……
PIET SMIT
MANAGER: PROPERTY MANAGEMENT ANDMUNICIPAL BUILDING MAINTENANCE

PRICING SCHEDULE

Description	Tariff per hour (inclusive of VAT)	Number of hours	Total (Inclusive of VAT)
Determination of market value	R……..	…… ….	R……..
TOTAL			**R……**

Kindly provide a quotation by latest 16 February 2022 @ 12h00 to Astrid.Luyt@stellenbosch.gov.za

PART D: MBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

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.

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. takes 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. cancels 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.

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.

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.

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 Stellenbosch Municipality 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.

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.

[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.

…… ……

SIGNATURE DATE

…….. ……

POSITION NAME OF BIDDER

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state[1].

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 of bidder or his or her representative:
……..

3.2 Identity Number: …….

3.3 Position occupied in the Company (director, trustee, shareholder[2]):
……..

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** ☐

3.8.1 If yes, furnish particulars.
…..……..……

……..……
……

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

3.9.1 If yes, furnish particulars _____
_____

[1]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) an executive member of the accounting authority of any national or provincial public entity; or
(f) an employee of Parliament or a provincial legislature.

[2] Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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 ☐**

3.10.1 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 ☐**

3.11.1 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 ☐**

3.12.1 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 ☐**

3.13.1 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 business whether or not they are bidding for this contract? **YES ☐/ NO ☐**

3.14.1 If yes, furnish particulars:
……

……
……

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

Full Name	Identity Number	State Employee Number

…….. ……..

Signature **Date**

……. …….

Capacity **Name of Bidder**