



Description	PQ Number
PROPERTY CONSULTANT	PQ: 7G-36539

ETHEKWINI MUNICIPALITY

INVEST DURBAN UNIT

Tender Closing on: 11:00am Wednesday, 7 February 2018

QUOTATIONS ARE TO BE DEPOSITED IN THE BOX PROVIDED IN THE FOYER OF THE MATERIALS MANAGEMENT BUILDING, CORPORATE PROCUREMENT(MATERIALS MANAGEMENT) ARCHIE GUMEDE PLACE, OLD FORT COMPLEX(AND NOT TO ANY OTHER DEPT)

OFFICIAL TENDER FORMS AND SPECIFICATIONS TO BE PICKED FROM:

**Contracts Department
Old Fort Place**

**INVESTMENT PROMOTION UNIT
DURBAN**

**Russell Curtis
031 311 4227**

FOR OFFICE USE ONLY			
TENDER NAME :			CIDB Register – Y N
			VAT Register – Y N
	Price (excl)	VAT	Price (incl)
Submitted			
Corrected			

Contract number:

Request for Proposals:

Property Consultant

PQ: 7G-36539

Invest Durban Unit

EThekweni Metro

Request for Proposal:

Invest Durban Property Consultant

1. Introduction

Invest Durban Unit seeks to appoint a Property Consultant to advise, advocate, analyse, report, and secure new fitted office space for the new Council approved Unit. It is a process that requires technical competency across a broad range of property matters, along with sound, critical enquiry

Background Information

EThekweni municipal Council adopted the formation of a new unit within the Economic Development and Planning Cluster, Invest Durban in August 2017. The mission of Invest Durban is to undertake world class FDI investment promotion and facilitation by building operational capacity, entrenching best practice approaches, embracing a targeted investor outreach approach, and nurturing partnerships with all stakeholders, in order to win new investment for the benefit of all in eThekweni.

The operational mandate of the Unit is to provide the following functions for foreign investors;

- Investment Promotion
- Policy and advocacy
- Investor facilitation and servicing
- Investor aftercare

The Organisational structure has a total staff complement of 32 people including the Unit Head.

2. Overall Objective of Project

The purpose and objective of the project is to obtain suitable, Investor-friendly office space for the Invest Durban Unit before the 1st June 2018. This space must be in line with Global standards and is conducive for Investors and allows easy access to the various eThekweni Municipality buildings.

3. Scope of Project

The Property Consultant will need to work with the relevant City Council units and external stakeholders to source new offices for the Invest Durban Unit. This will include Project Management of the Invest Durban building, Rental property agreement, negotiate costs, floor plan and shop fitting.

4. Tasks, Duties and Deliverables

The appointed service provider will be required to undertake work pertaining to the Property Consulting services for office space for the Invest Durban Unit.

The deliverables include:

- Building Invest Durban studies - location, transport, zoning;
- Market comparative analysis - tenant / rental levels; operational costs, etc.
- Project feasibility analysis and reporting;
- Lease negotiation and finalisation (with other parties);
- Development management – Shopfitting & cabling with the owner / tenant / funders / constructors;

5. Milestones and Timeframes

The service provider is expected to commence with the project immediately after appointment. The project is to be completed in less than four (4) months from the date of commencement. The timeframes for the various phases will be discussed upon appointment, but the final version has to be delivered before 1 June 2018.

6. End Products and Format

The end products, as specified above are to be supplied to the Invest Durban in electronic and hard copy format.

7. Copyright on Documents

Please note that as a requirement of this project, all output and copyright thereof will become the property of Invest Durban, eThekweni Municipality. The findings and results from this project shall by no means be used by any other sources. In the event of termination of this appointment, the Invest Durban Unit reserves the right to use all or any parts of the documentation for completion of the project.

8. Project Team Requirements

The project team will be required to possess the following knowledge and/or experience;

- Experience in real estate management or sales, and development
- Knowledgeable about Government Property legislation, government property policies etc.
- Maintain an up-to-date knowledge of government housing/property laws and policies
- Property market research and survey to identify properties for the Invest Durban Unit.
- Conduct price negotiations with property agents on behalf of a client to reach a favourable bargain
- Strong communication and negotiation skills
- Minimum Bachelor's degree in business administration, accounting, finance, or real estate, architecture etc.
- Regularly scan the property market for the required knowledge, and belongs to a relevant industry body.

- High level of analytical and quantitative skills to analyse the things easily

9. Meetings and Presentations Required to be Undertaken

The appointed service provider will be required to attend meetings at Council to discuss the requirements for the project. Meetings will also be held to discuss the progress of the project at intervals to be specified upon appointment.

The appointed service provider will be required to present/screen the products to the Project Steering Committee.

Proposal and Financial Issues

All interested service providers should submit a proposal that displays an understanding of the requirements of the project. The proposal should include a project plan which consists of a cost breakdown as well as timelines, keeping within the deadline specified in these terms.

In addition, service providers are required to submit a list of all team members that would work on the project as well as a two page CV on each member. Please note that the appointment will be made in terms of the Council's Procurement Policy.

The following requirements must be adhered to as part of the tendering process:

- The quotation (to be included with the proposal) shall include total cost, VAT and disbursements as separate figures. A schedule of projected time and financial cost per phase, and per staff member must be provided
- Tax clearance certificate
- (MBD 9) Forms:
 - ❖ Original Certificate of Independent Bid Determination
 - ❖ Original Declaration of Interest
 - ❖ Original Declaration of Municipal Fees
 - ❖ Original BBBEE certification

These terms of reference are subject to any changes which may stem from a negotiation of the final terms with the service provider, as well as any additional budget which may be allocated to the project.

Payment arrangements will be negotiated on the basis of the completion of project milestones and will be outlined in the letter of appointment. Final payment will be paid on full completion of the project and the receipt of the final set of deliverables.

The adjudication of this Tender will be in terms of MFMA Circular 53 (Municipal Finance Management Act No. 56 of 2003), whereby FUNCTIONALITY is included in this bid as a criterion and will be assessed in terms of the evaluation criteria detailed in the table below. Any bid which fails to meet the minimum threshold of 70 out of 100 points for functionality will be disqualified. Thereafter, only qualifying bids will be evaluated in terms of the 80/20

preference points system where 80 points is used for price only and 20 points are used for BEE points.

The adjudication of this Tender will be in terms of the criteria presented below and be in compliance with the scope, purpose, and methodology of the intervention.

Evaluation Criteria

In terms of amended guidelines in respect of bids that include functionality as a criterion for evaluation, the evaluation of the proposals will be conducted in two stages.

CRITERIA	MAX SCORE
STAGE 1	
1. Response to the brief	30
<p>1.1. Does the proposal clearly demonstrate good understanding of the brief? All key deliverables are distinctly identified and adequately address.</p> <ul style="list-style-type: none"> ○ <i>Nil – No submission</i> ○ <i>Poor (score 40%; 6 points) – The proposal shows limited understanding of the brief and project, has not adequately dealt with the key challenges.</i> ○ <i>Satisfactory (score 70%; 10.5 points) – The brief is well understood, clearly articulated, and key components are adequately addressed. The proposal reflects necessary concepts but has insufficient detail for it to be distinctive.</i> ○ <i>Good (score 90%; 13.5 points) – the proposal clearly demonstrates an understanding of the project’s brief. All key components are adequately addressed. It reflects sufficient detail and vision for it to be distinctive.</i> 	

<p>○ <i>Very good (score 100%; 15 points) - A unique proposal that is strongly aligned to and identifiable with the project. It identifies and deals well with all the brief criteria and has the potential to leave a broader legacy.</i></p> <p>1.2. Is the methodology innovative, detailed to adequately address all elements of the project and the technical approach stating how each will be executed?</p> <p>○ <i>Nil – No submission</i></p> <p>○ <i>Poor (score 40%; 6 points) –The technical approach and the methodology is poor/ is unlikely to satisfy the project objectives or requirements. The tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of it. The methodology is unacceptable.</i></p> <p>○ <i>Satisfactory (score 70%; 10.5 points) – The approach is generic and not tailored to address the specific project objectives and methodology. The approach does not adequately deal with the critical characteristics of the project. The quality plan, manner in which risk is managed is too generic.</i></p> <p>○ <i>Good (score 90%; 13.5 points) – The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The quality plan and approach to manage risk etc. is specifically tailored to the critical characteristics of the project. The methodology is reasonable. Creativity in approach comes through strongly.</i></p> <p>○ <i>Very good (score 100%; 15 points) – Besides meeting the “good” rating, the important issues are approached in an</i></p>	
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<p><i>innovative and efficient way, indicating that the tenderer has outstanding knowledge of the state-of –the art approaches. The methodology is comprehensive.</i></p>	
<p>2. Expertise and experience</p>	<p>35</p>
<p>Does the service provider and team members have relevant and sufficient experience and expertise in projects of similar nature and scale?</p> <ul style="list-style-type: none"> ○ <i>Nil – No submission</i> ○ <i>Poor (score 40%; 14 points) – The team has limited relevant experience in projects of similar nature and has not taken a project of this magnitude. The proposed team is weak in important areas and is unlikely to deliver within the specified time frames.</i> ○ <i>Satisfactory (score 70%; 24.5 points) – The tenderer has relevant experience in projects of similar nature but has not directly undertaken a project of this magnitude. Key personnel allocated to the project have reasonable relevant experience.</i> ○ <i>Good (score 90%; 31.5 points) – The tenderer has extensive experience in projects of similar nature and has directly undertaken similar projects. The key personnel allocated have extensive relevant experience.</i> ○ <i>Very good (score 100%; 35 points) – The tenderer has outstanding experience in projects of similar nature and has taken many such projects. Key personnel allocated to the project have extensive and outstanding relevant experience.</i> 	
<p>3. Capacity to deliver and capability</p>	<p>20</p>
<p>Has the operational plan and resources clearly explained?</p> <ul style="list-style-type: none"> ○ <i>Nil – No submission</i> ○ <i>Poor (score 40%; 8 points) – The operational plan is vague; there is no clarity in terms of resources aligned to the</i> 	

<p><i>project. It is unlikely that the plan will deliver all outcomes on time and within budget</i></p> <ul style="list-style-type: none"> ○ <i>Satisfactory (score 70%; 14 points) – Operational plan is complete and reasonably detailed. Resources appear adequate. The plan will deliver all outcome on time and within budget</i> ○ <i>Good (score 90%; 18 points) – besides meeting ‘satisfactory’ rating, resources have been clearly defined and make provision for key risk areas.</i> ○ <i>Very good (score 100%; 20 points) – Besides meeting “good” rating, the plan makes provision for every eventuality.</i> 	
4. Cost and Time Breakdown	15
<p>Are the costs and timeframes of work streams in proportion to their contribution to the end products? Is the cost and time breakdown clear i.e. cost and timing per item?</p> <ul style="list-style-type: none"> ○ <i>Nil – No submission</i> ○ <i>Poor (score 40%; 6 points) – unacceptable proportion</i> ○ <i>Satisfactory (score 70%; 10.5 points)– adequate proportion</i> ○ <i>Good (score 90%; 13.5 points) – reasonable proportion</i> ○ <i>Very good (score 100%; 15 points) – fully in proportion</i> 	
TOTAL	100
STAGE 2	
Price: overall budget of the project	80
BEE: empowerment status	20
GRAND TOTAL	100

THE MINIMUM THRESHOLD FOR FUNCTIONALITY IS 70 OUT OF 100 POINTS. ANY BID WHICH FAILS TO MEET THIS MINIMUM THRESHOLD WILL BE DISQUALIFIED. ONLY BIDS SCORING 70 AND ABOVE WILL PROCEED TO STAGE 2.

10. Project Budget/Professional Re-imburement

The consultant is to prepare a detailed budget which is not to exceed R 200 000 inclusive of disbursements and VAT.

11. Closing Date and Time

THE CLOSING DATE FOR SUBMISSIONS OF PROPOSALS IS 11H00 ON THE 07 FEBRUARY 2018

Each service provider must submit an original proposal document and three copies marked **“Property Consultant”** and signed by or on behalf of the respondent. Proposals are to be sealed in an envelope and be deposited in the box provided in to the foyer of The Materials Management Building, Corporate Procurement (Materials Management) Archie Gumede Place, Old Fort Complex (and not to any other Dept.), Durban (Old Fort Road), addressed to Ms Vynessa Naicker, Invest Durban Unit.

12. Council Contact Persons and Details

For enquiries please contact: Vynessa Naicker – Invest Durban Unit; Tel: (031) 311- 4133;
Email: Vynessa.naicker@durban.gov.za

Russell Curtis – Invest Durban Unit; Tel: (031) 311- 4227; Email:
Russell.Curtis@durban.gov.za

APPENDIX

A. DECLARATION OF INTEREST

1. Any legal person, including persons employed by the principal, or persons having a kinship with persons employed by the principal, 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 employed by the principal, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where-

- The bidder is employed by the principal; and/or
- The legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

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

2.1 Are you or any person connected with the bidder, employed by the principal? **YES / NO**

2.1.2 If so, state particulars.

2.2 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the principal and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.2.1 If so, state particulars.

2.3 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the bidder and any person employed by the principal who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.3.1 If so, state particulars.

DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.3.1 ABOVE IS CORRECT. I ACCEPT THAT THE PRINCIPAL MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

SIGNATURE

POSITION

DATE

NAME OF BIDDER

B. DECLARATION OF MUNICIPAL FEES

I/We do hereby declare that the Municipal fees of _____ (company name), are, as at the date of the tender closing, fully paid up, or arrangements have been concluded with the Municipality to pay the said fees:

ACCOUNT NUMBER _____

ELECTRICITY _____

WATER _____

RATES _____

JSB LEVIES _____

OTHER _____

I acknowledge that should it be found that the Municipal fees are not up to date, the Council may take such remedial action as is required, including termination of contract, and any income due to the Contractor shall be utilised to offset any monies due to the Council.

Name

Signature

Designation

Date

C. CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. This Municipal Bidding Document (MBD) must form part of all bids¹ 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 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 consortium³ 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.

³Joint 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.

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

Date

Position Name of Bidder

Date