



UMZIMVUBU

LOCAL MUNICIPALITY

ADVERTING DATE: 08 MAY 2018

UMZ/2017-18/VACANT BUSINESS UNITS

SERVICE PROVIDER TO SUBMIT PROPOSAL TO OCCUPY VACANT BUSINESS UNITS

Bidders are hereby invited to submit proposals/Quotations to occupy vacant business units at Emaxesibeni trading facility.

MANDATORY DOCUMENTS TO BE SUBMITTED FAILURE TO DO SO WILL LEAD TO BE NON RESPONSIVE.

Umzimvubu Local Municipality Supply Chain Management will apply. A valid Original Tax Clearance Certificate or confirmation from SARS with a verification pin, certified copy of company Registration/Founding Statement/CIPC Documents. Certified BBBEE certificate and a combined BBBEE for a joint venture (non-elimination item). JV Agreement for Joint venture. 80/20 evaluation criteria. Prices quoted must be firm and must be inclusive of VAT for vat vendors. Certified ID Copies of Managing Directors/ Owners. CSD Registration and MBD forms 4, 8 and 9 are compulsory submission and Billing Clearance certificate or Statement of Municipal Accounts. Certified copies of Certificates must not be later than 90 days of closing date. **No couriered, faxed, e-mailed and late tenders will be accepted.** Umzimvubu Local Municipality reserves the right not to appoint and value for money will be the key determinant. All quotation must be deposited in the quotation box situated at **Umzimvubu Local Municipality Offices at SCM office 813 Main Street, Mt Frere** not later than **12h00 noon on 17 May 2018**, where they will be opened in public. All tenders must be clearly marked "Name of the project or Reference number". All service providers must be registered on CSD and submit proof. The municipality will not make award to a person or persons working for the state.

Enquiries: All technical enquiries may be directed to Mr S Mbuyeleni/ Mr T Mbukushe (SCM Manager) 039 255 8556

Other enquiries regarding this Bid may be directed to the office of the Municipal Manager:

Attention: Mr G.P.T Nota

813 Main Street or P/Bag X9020

MT FRERE

5090

GPT NOTA (MUNICIPAL MANAGER)



UMZIMVUBU
LOCAL MUNICIPALITY

PROVINCE OF THE EASTERN CAPE

**SUBMISSIONS OF PROPOSALS FOR INTERESTED SMMEs TO OCCUPY VACANT
BUSINESS UNITS AT EMAXESIBENI TRADING FACILITY**

CONTRACT NO: UMZ/2017-18/LED & EM /004

**PROPOSALS TO BE SUBMITTED TO THE BID BOX PLACED IN THE RECEPTION AREA OF
THE UMZIMVUBU LOCAL MUNICIPALITY 813 MAIN STREET, MT FRERE, 5090 BEFORE
12H00 ON APRIL 2018**

NO LATE SUBMISSIONS WILL BE CONSIDERED

Name of Service Provider

Prepared and Issued by:
Umzimvubu Local Municipality
Local Economic Development & Environmental Management
Erf. 813 Main Street
Private Bag x 9020
Mt Frere
5090
Municipal Manager: Mr. G.P.T. NOTA

Contact Person: Mr M Matam
Tel: 039 – 255 8541
Fax: 039 255 0167

UMZIMVUBU LOCAL MUNICIPALITY

SUBMISSIONS OF PROPOSALS FOR INTERESTED SMMES TO OCCUPY VACANT BUSINESS UNITS
AT EMAXESIBENI TRADING FACILITY
BID NO.: UMZ / 2017- 18 /LED & EM/ 004

TERMS OF REFERENCE

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UMZIMVUBU LOCAL MUNICIPALITY

SUBMISSIONS OF PROPOSALS FOR INTERESTED SMMES TO OCCUPY VACANT BUSINESS UNITS
AT EMAXESIBENI TRADING FACILITY
BID NO.: UMZ / 2017- 18 /LED & EM/ 004

INVITATION OF ULM SMMES TO OCCUPY VACANT BUSINESS UNITS AT EMAXESIBENI TRADING FACILITY



UMZIMVUBU
LOCAL MUNICIPALITY

M: UMZ/2017-18/LED &EM /004/ VACANT BUSINESS UNITS

Umzimvubu Local Municipality invites credible service providers who are interested to occupy vacant business units at EmaXesibeni Trading Facility submit proposals.

MANDATORY DOCUMENTS TO BE SUBMITTED FAILURE TO DO SO WILL LEAD TO BIDS BEING NON RESPONSIVE.

Umzimvubu Local Municipality Supply Chain Management policy will apply. Confirmation from SARS with a verification pin, certified copy of company Registration/Founding Statement/CIPC Documents. Certified BBBEE certificate and a combined BBBEE/ Sworn Affidavit for a joint venture (non-elimination item). Certified ID Copies of Managing Directors/ Owners. CSD Registration and MBD forms 4, 8 and 9 are compulsory submission and Billing Clearance certificate or Statement of Municipal Accounts. Certified copies of Certificates must not be later than 90 days of closing date. **No couriered, faxed, e-mailed and late tenders will be accepted.** Umzimvubu Local Municipality reserves the right not to appoint and value for money will be the key determinant. All proposals must be deposited in the quotation box situated at **Umzimvubu Local Municipality** Offices at SCM office **813 Main Street, Mt Frere** not later than **12h00** noon on , where they will be opened in public. All proposals must be clearly marked "Name of the project or Reference number". All service providers must be registered on CSD and submit proof.

Any person who is working in the organ of shall not participate in the Incubator programme.

IMPORTANT NOTE

1. Service Providers with a certified CK document with an address from Kwa- Bhaca & EmaXesibeni will be considered.
2. Service providers must submit a motivational letter.

Enquiries: All technical enquiries may be directed to Mr M Matam 039 255 8541 (Assistant Manager LED&EM) / Mr T. Mbukushe (SCM Manager) 039 255 8555

Other enquiries regarding this Bid may be directed to the office of the Municipal Manager:

Attention: Mr G.P.T Nota

813 Main Street or P/Bag X9020

MT FRERE

5090

.....

GPT NOTA

UMZIMVUBU LOCAL MUNICIPALITY
SUBMISSIONS OF PROPOSALS FOR INTERESTED SMMES TO OCCUPY VACANT BUSINESS UNITS
AT EMAXESIBENI TRADING FACILITY
BID NO.: UMZ / 2017- 18 /LED & EM/ 004

(MUNICIPAL MANAGER)

1. Program Description and Objectives

- To gain access to market and clients
- To create jobs for local people
- To create a conducive environment for local SMMEs to trade

UMZIMVUBU LOCAL MUNICIPALITY
SUBMISSIONS OF PROPOSALS FOR INTERESTED SMMES TO OCCUPY VACANT BUSINESS UNITS
AT EMAXESIBENI TRADING FACILITY
BID NO.: UMZ / 2017- 18 /LED & EM/ 004

MBD FORM 1

INVITATION TO BID

MBD 1

UMZIMVUBU LOCAL MUNICIPALITY
SUBMISSIONS OF PROPOSALS FOR INTERESTED SMMEs TO OCCUPY VACANT BUSINESS UNITS
AT EMAXESIBENI TRADING FACILITY
BID NO.: UMZ / 2017- 18 /LED & EM/ 004

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ENTITY)

BID NUMBER: UMZ/2017-18/LED&EM/003

CLOSING DATE: ...2018

CLOSING TIME: 12H00

DESCRIPTION: Culinary Incubator Programme

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

BID DOCUMENTS MAY BE POSTED TO:

MUNICIPAL MANAGER
UMZIMVUBU LOCAL MUNICIPALITY
PRIVATE BAG X 9020
MOUNT FRERE
5090

CLEARLY STATE ON TOP THE ENVELOPE THE NAME: **VACANT BUSINESS UNITS**
OR

DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

UMZIMVUBU LOCAL MUNICIPALITY OFFICE, 813 MAIN STREET, MOUNT FRERE, 5090, RECEPTION AREA

Service Provider should ensure that proposals are delivered timeously to the correct address. If the proposal is late, it will not be accepted for consideration.

The bid box is generally open 24 hours a day, 7 days a week with the assistance of municipal officials / security personnel.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS PROPOSAL IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT / APPLICABLE LEGISLATION

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

1. Submissions of all required documents
2. Value for money
3. PPPFA & associated regulations

UMZIMVUBU LOCAL MUNICIPALITY
SUBMISSIONS OF PROPOSALS FOR INTERESTED SMMES TO OCCUPY VACANT BUSINESS UNITS
AT EMAXESIBENI TRADING FACILITY
BID NO.: UMZ / 2017- 18 /LED & EM/ 004

**NB: NO PROPOSALS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE
(see definition on MBD 4 attached)**

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

NAME OF THE SERVICE PROVIDER.....

POSTAL ADDRESS.....

STREET ADDRESS.....

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

CELLPHONE NUMBER
.....

FACSIMILE NUMBER CODENUMBER.....

VAT REGISTRATION NUMBER.....

HAS AN ORIGINAL TAX CLEARANCE CERTIFICATE BEEN ATTACHED (MBD 2)? YES/NO

ARE YOU THE ACCREDITED REPRESENTATIVE
IN SOUTH AFRICA FOR THE GOODS/SERVICES OFFERED BY YOU? YES/NO
(IF YES ENCLOSE PROOF)

SIGNATURE OF SERVICE PROVIDER

DATE.....

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

TOTAL NUMBER OF ITEMS OFFERED.....

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality / Municipal Entity: UMZIMVUBU LOCAL MUNICIPALITY

Department: BUDGET & TREASURY: SCM UNIT

Contact Person: Ms N. DUZE

Tel: 039 255 8500 Fax: 039 255 0167

ANY REQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr M Matam

Tel: 039 255 8541

Fax: 039 255 0167

UMZIMVUBU LOCAL MUNICIPALITY

SUBMISSIONS OF PROPOSALS FOR INTERESTED SMMES TO OCCUPY VACANT BUSINESS UNITS
AT EMAXESIBENI TRADING FACILITY

BID NO.: UMZ / 2017- 18 /LED & EM/ 004

MBD FORM 4 DECLARATION OF INTEREST

MBD 4

DECLARATION OF INTEREST

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

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

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

3.6 Are you presently in the service of the state*

YES / NO

* 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;

3.6.1 If so, furnish particulars.

.....

3.7 Have you been in the service of the state for the past
Twelve months?

YES / NO

3.7.1 If so, furnish particulars.

.....

.....

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

3.8 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

3.8.1 If so, furnish particulars.

.....
.....

3.9 Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

3.9.1 If so, furnish particulars

.....
.....

YES / NO

YES / NO

3.10 Are any of the company's directors, managers, principle Shareholders or stakeholders in service of the state?

YES / NO

3.10.1 If so, furnish particulars.

.....
.....

3.11 Are any spouse, child or parent of the company's directors, managers, principle shareholders or stakeholders in service of the state?

YES / NO

3.11.1 If so, furnish particulars.

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of Service Provider

SCHEDULE 1: COMPULSORY ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of enterprise:

Address of enterprise:

Postal:

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.....

Physical:

.....

.....

Telephone:

.....

Facsimile:

.....

E-mail:

Section 2: VAT registration number, if any:

Section 3: CIDB registration number, if any:

Section 4: Particulars of sole proprietors and partners in partnerships

Name*	Identity number*	Personal income tax number*

* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

Section 5: Particulars of companies and close corporations

(Attach a certified copy of the company/companies founding statement(s) to this page)

Company registration number

Close corporation number

Tax reference number

SIGNED ON BEHALF OF SERVICE PROVIDER:

.....

POINT SCORING / ALLOCATIONS OF POINTS

F.3.11.2 Scoring Financial Offers

Add the following:

The financial offer will be scored using **Formula 2 (Option 1)** where a maximum of 80 or 90 points is allocated on the following basis:

80/20 **or** **90/10**

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for comparative price of bid under consideration
- P_t = Comparative price of bid under consideration
- P_{min} = Comparative price of lowest acceptable bid

Add the following new sub clause:

F.3.11.4 Scoring Preference

1. Points awarded for B-BBEE Status Level of Contribution

- a. In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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

- b. Bidders who qualify as EME's in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the Closed Corporation Act or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EME's with B-BBEE Status Level Certificates.
- c. Bidders other than EME's must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- d. trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits its B-BBEE status level certificate.

- e. A trust, consortium or joint venture will qualify for points for its B-BBEE status level as an unincorporated entity, provided that the entity submits its consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- f. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- g. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- h. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

2. BID DECLARATION

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

3 B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 2.1.

- a. B-BBEE Status Level of Contribution: _____ = _____ (maximum of 10 or 20 points).

(Points claimed in respect of paragraph 3.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

4 DECLARATION WITH REGARD TO COMPANY/FIRM

- a. Name of company/firm : _____
- b. VAT registration number : _____
- c. Company registration number _____
- d. TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium

One person business/sole propriety

Close corporation

Company

(Pty) Limited

(TICK APPLICABLE BOX)

e. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

f. COMPANY CLASSIFICATION

Manufacturer

Supplier

Other service providers, e.g. transporter, etc.
(TICK APPLICABLE BOX)

g. TOTAL NUMBER OF YEARS THE COMPANY HAS BEEN IN BUSINESS? _____

h. I/we, the undersigned, who is/are duly authorized to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I/we acknowledge that:

- (i) The information furnished is true and correct;
- (ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- (iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser, being the Umzimvubu Municipality, may, in addition to any other remedy it may have -
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

UMZIMVUBU LOCAL MUNICIPALITY
SUBMISSIONS OF PROPOSALS FOR INTERESTED CATERES ON INCUBATOR PROGRAMME
BID NO.: UMZ / 2017- 18 / LED& EM/ 003

WITNESSES:

1. _____

2. _____

SIGNATURE(S) OF SERVICE PROVIDER

DATE: ____ / ____ 20 ____

ADDRESS: _____

User Name :

Bonga. Yanga

Job Name : ACFrOgBX1Y8-1babkRUE0v17ncXoIglpQUB9wYRqqZk2459Pul54qk2XRpFHL3QS

Start Page

Adultery is when husband or wife has an affair with the third person. There has been discussion around its cause as many would allege that it emanates from the time married couple starts to lose consortium. Under common law the aforementioned conduct was a wrongful act and it was subjected to delictual claim would it be proven. In the modern South Africa Adultery or extra-marital relationship does not constitute delictual liability, in other words, in South Africa the married spouse cannot sue third party for having an affair with his or her spouse. The married spouse can successfully institute delictual claim against third party in the event of either enticement or harboring or abduction of his spouse. In order to substantiate the above discussion I will refer case (RH v DE) which was decided in South African Constitutional Court.

The issue in this case was that, does the extra-marital or Adultery constitute delictual liability or not.

The Constitutional Court had to hand down the judgment in an appeal concerning the continued existence of a spouse's right to claim damages for adultery against a third party. The applicant, Mr DE, sued the respondent, Mr RH, in the North Gauteng High Court, Pretoria for damages on the basis that Mr RH had an extra-marital affair with Mr DE's former wife, Ms H. Mr DE had launched an action based on the general remedy for the infringement of personality rights, specifically claiming for insult to his personality and the loss of comfort and society of his spouse. Mr DE was successful in respect of the claim for insult but the High Court found that the loss of comfort and society of his spouse could not be proved because there was no evidence to show that the adultery had caused the breakup of Mr DE's marriage.

The arguments between parties were as follows;

Mr DE averred that the breakdown of the marriage was due to the adulterous relationship. He maintains that the marriage relationship was a happy one until 2010.

Ms H claims that the marriage began to deteriorate in late 2008. By late 2009 the seriousness of the marital problems caused her to consult a marriage counsellor. She admits that she and the respondent became romantically involved after she left the marital home and that they only had sex much later, at a time when the marriage relationship had broken down irretrievably.

In a judgment written by Madlanga J, this Court recognised that, when developing the common law, courts must have regard to societal values which are based on constitutional norms. The central question in this case, then, was whether society would still regard it as legally unacceptable for a third party to commit adultery with someone's spouse. A concurring judgment by Mogoeng CJ (Cameron J concurring) emphasised that marriage hinges on the commitment by the parties to sustain it, rather than the continued existence of a claim for damages for adultery by an "innocent spouse". In the result, leave to appeal was granted, but the appeal was dismissed.

The reason for this judgement;

The judgment found that the global trend was moving towards the abolition of civil claims based on adultery. Even in South Africa, it is clear that attitudes towards the legal sanction of adultery have been softening. Marriages are founded on love and respect, which are not legal rules, and are the responsibility of the spouses themselves. In this case court figured out that the breakdown of the marriage was as a result of a failure by the spouses themselves to sustain their marriage and thus it would be inappropriate for the courts to intervene.

By contrast, maintaining the claim in our law would infringe various rights of adulterous spouses and the third parties, including the rights to dignity and privacy. Accordingly, adultery should no longer be punished through a civil damages claim against a third party.