<table>
<thead>
<tr>
<th>ADVERTISEMENT DATE:</th>
<th>13 JANUARY 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFQ NUMBER:</td>
<td>157/2019/20</td>
</tr>
<tr>
<td>DESCRIPTION OF GOODS/SERVICES:</td>
<td>REQUEST FOR PROPOSAL FOR THE LEASING OF A PORTION OF ERF 1003 (THE OLD GAOL), KNYSNA</td>
</tr>
</tbody>
</table>
| RFQ DOCUMENTS ARE OBTAINABLE FROM: | Supply Chain Management Section  
Clyde Street  
Knysna  
or  
Knysna Municipality website: www.knysna.gov.za (Information centre>SCM>QUOTATIONS) |
| CLOSING DATE:      | 23 JANUARY 2020 |
| TIME:              | 12H00           |
| SUBMISSIONS:       | Sealed quotations clearly marked, “RFQ157/2019/20: REQUEST FOR PROPOSAL FOR THE LEASING OF A PORTION OF ERF 1003 (THE OLD GAOL), KNYSNA”, can be submitted:  
By hand to:  
Supply Chain Management Section  
Knysna Municipality  
Clyde Street  
Knysna  
By fax to:  
086 650 1415  
By email to:  
nombulelo@knysna.gov.za |
| COMPULSORY REQUIREMENTS: | Viewing of premises can be done by appointment with Mr. Hardnick. Appointments can be made from Tuesday 14 January 2020 until Friday 17 January 2020 for viewing |
| TECHNICAL ENQUIRIES: | Contact Person:  
Renwill Hardnick  
Email:  
rhardnick@knysna.gov.za  
Tel:  
044 302 6459 |

The following conditions will apply:  
- Price(s) quoted must be firm and must be inclusive of VAT when applicable.  
- Attached KMBD6.1 must be completed to qualify for B-BBEE Status Level of Contribution.  
- Tax Clearance Certificate or Sufficient Evidence that Tax matters are raised with SARS must be attached.  
- An original or certified copy of B-BBEE Certificate must be attached to qualify for points.  
- Price must include all related expenses, i.e. transport etc.  
- Attached KMBD 4 document must be completed.  
- Status of Municipal accounts must be submitted.  
- More than 1 supplier could be appointed.  
- Invoices must be submitted to jcordier@knysnan.gov.za and will be paid within 30 days of delivering the service.
EVALUATION

Points allocation for functionality

1. In possession of a trading license (20);
2. In possession of a food preparations license (20);
3. Experience in restaurant/coffee shop business (20);
4. Latest audited financial statements (20); and
5. Realistic projected cash flows for duration of this project (20).

EVALUATION SCHEDULE

*** (Your pricing schedule will not be considered if proof relating to this table is not attached to this document)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Scoring criteria</th>
<th>Points Claimed</th>
</tr>
</thead>
</table>
| In possession of valid trading license | Yes = 20 points (submit certified copy)  
No = 05 points | |
| In possession of valid food preparation license | Yes = 20 points (submit certified copy)  
No = 05 points | |
| Provide company (individual) profile, history, years of experience in restaurant/coffee shop. Years of experience must be clearly indicated in the company profile or CV | Years  
1 to 5 years = 10 points  
6 or more years = 20 points | |
| Provide latest audited financial statements | Yes = 20 points (submit copy)  
No = 00 points | |
| Provide realistic projected cash flow for the duration of this project. | Yes = 20 points (submit copy)  
No = 00 points | |
| **Total** | **100** | |

Bidders must achieve a minimum of 80 points in order to qualify for further evaluation on price and preference points.
PRICING SCHEDULE

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Monthly rental</th>
<th>Rental period of 12 months.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rental R value per month</td>
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<td>SUB TOTAL</td>
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<tr>
<td></td>
<td>15% VAT</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PAYMENT FOR RATES, TAXES, AND SERVICES

In addition to the above amount, the lessee will be required to pay all municipal charges including rates and taxes levied on the property. The rates and taxes will be levied by Knysna Municipality in accordance with approved tariffs and will become payable from the date the lessee takes possession of the site.

Conditions upon which the Knysna Municipality Invites Bidders for the lease of the property described hereunder:

1. INTRODUCTION / BACKGROUND

The Old Gaol complex is currently housing the Art Gallery and some office space for the Municipalities Heritage Section with space available for a Restaurant/coffee shop. New applications to operate a restaurant in the space are called for. The previous Restaurant has obtained a liquor licence and served breakfast, lunch and snacks during working hours. It is essential that the restaurant will be open during office hours.

2. INTENTION OF THE TERMS OF REFERENCE

The main intention of these terms of reference is to provide relevant information in order to appoint a suitable tenant to operate a restaurant in the building. The aim with the operation of a restaurant in the building is to co-exist with the Art Gallery in the sense that the restaurant will draw people to the complex, which will assist with security in the building. On the other hand, the Art Gallery can support the restaurant in the form of staging exhibitions and other promotions.

3. REQUIRED SERVICES

It is envisaged that only two concerns will be accommodated in the Old Gaol Complex, namely the Art Gallery and a Restaurant. There will also be other rooms in the Complex that will stage permanent exhibitions.

It is only the premises that will be made available and the tenant will be required to install own equipment, furniture and other utensils. Although the hours of business will not be prescribed it will be required that the Restaurant/coffee shop will be open during normal business hours.
Although the restaurant will provide its own menu it is a requirement that it must at least provide breakfast, lunch and snacks.

4. **BID REMAIN OPEN**

This bid shall remain open for acceptance by the Knysna Municipality for 90 (ninety) days and the Bidder shall not be entitled to withdraw there from and shall remain bound thereto until the said time and date and if not accepted by the Municipality by the said time and date, shall fall away and be of no force and effect whatsoever.

5. **ACCEPTANCE OF BID**

Upon written acceptance of the Bid by the Municipality, the Tender shall constitute a binding contract between the Knysna Municipality and the Tenderer on the basis and subject to the terms and conditions of the Pro Forma Lease Agreement annexed hereto.
<table>
<thead>
<tr>
<th><strong>Contact Details of Tenderer</strong></th>
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<tbody>
<tr>
<td>Knysna Municipality Supplier number</td>
</tr>
<tr>
<td>CSD Supplier number</td>
</tr>
<tr>
<td>CSD Unique Registration Reference Number</td>
</tr>
<tr>
<td>The name of the Tenderer:</td>
</tr>
<tr>
<td>The name of the contact person:</td>
</tr>
<tr>
<td>The address of the Tenderer:</td>
</tr>
<tr>
<td>Telephone:</td>
</tr>
<tr>
<td>Facsimile:</td>
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<tr>
<td>E-mail:</td>
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<tr>
<td>Address (physical):</td>
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<tr>
<td>Address (postal):</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
</tbody>
</table>
This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB:**
BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. **GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:
   - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
   - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated not to exceed R200 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:
   (a) Price; and
   (b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

<table>
<thead>
<tr>
<th>POINTS</th>
</tr>
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<tbody>
<tr>
<td>1.3.1.1 Price</td>
</tr>
<tr>
<td>1.3.1.2 B-BBEE status level of contribution</td>
</tr>
<tr>
<td><strong>Total points for Price and B-BBEE must not exceed</strong></td>
</tr>
</tbody>
</table>

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. **DEFINITIONS**

2.1 “all applicable taxes” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 “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;

2.4 “bid” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 “comparative price” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 “consortium or joint venture” 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;

2.8 “contract” means the agreement that results from the acceptance of a bid by an organ of state;

2.9 “EME” means any enterprise with an annual total revenue of R5 million or less
“Firm price” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

“functionality” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

“non-firm prices” means all prices other than “firm” prices;

“person” includes a juristic person;

“rand value” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

“total revenue” bears the same meaning assigned to this expression 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 and promulgated in the Government Gazette on 9 February 2007;

“trust” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

“trustee” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

3.1 The bidder obtaining the highest number of total points will be awarded the contract.

3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;

3.3 Points scored must be rounded off to the nearest 2 decimal places.

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

\[
Ps = 80 \left(1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}}\right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}}\right)
\]

Where
- \(Ps\) = Points scored for comparative price of bid under consideration
- \(Pt\) = Comparative price of bid under consideration
- \(P_{\text{min}}\) = Comparative price of lowest acceptable bid

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

5.1 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:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>14</td>
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<td>4</td>
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<td>5</td>
<td>4</td>
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<td>6</td>
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<td>6</td>
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<tr>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered
Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs 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.

5.4 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.

5.5 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 bid.

5.6 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.

6. BID DECLARATION

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

6.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

6.1.2.1 B-BBEE Status Level of Contribution as reflected on the B-BBEE Certificate

6.1.2.2 Points claimed in respect of Level of Contribution (maximum of 10 or 20 points)

Points claimed in respect of paragraph 6.1 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.

7. SUB-CONTRACTING

7.1. Will any portion of the contract be sub-contracted? (Tick applicable box) YES NO

7.1.1. If yes, indicate:

7.1.1.1. what percentage of the contract will be subcontracted? %

7.1.1.2. the name of the sub-contractor?

7.1.1.3. the B-BBEE status level of the sub-contractor?

7.1.1.4. whether the sub-contractor is an EME? (Tick applicable box) YES NO

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of Company / Firm

8.2 VAT Registration number

8.3 Company Registration number

8.4 Type of Company / Firm (Tick Applicable Box)

8.5 Describe Principal Business Activities

8.6 Company Classification (Tick Applicable Box)

8.7 TOTAL NUMBER OF YEARS THE ENTERPRISE HAS BEEN IN BUSINESS
9. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE 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 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

<table>
<thead>
<tr>
<th>NAME OF BIDDER</th>
<th>DATE</th>
</tr>
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<tbody>
<tr>
<td>SIGNATURE</td>
<td></td>
</tr>
<tr>
<td>WITNESS 1</td>
<td>DATE</td>
</tr>
<tr>
<td>WITNESS 2</td>
<td></td>
</tr>
<tr>
<td>WITNESS 1</td>
<td></td>
</tr>
<tr>
<td>DATE</td>
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</table>
**MBD 4\**

**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state¹.

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, shareholder²):

   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:

   3.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved 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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

3.14.1 If yes, furnish particulars:
_______________________________________________________________________________________
_______________________________________________________________________________________

³ 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.

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.

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

<table>
<thead>
<tr>
<th>Full Name</th>
<th>Identity Number</th>
<th>State Employee Number</th>
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5. I, the undersigned (name) __________________________________________, certify that the information furnished in paragraphs 3 and 4 above is correct.

I accept that the state may act against me should this declaration prove to be false.

<table>
<thead>
<tr>
<th>Name of Bidder</th>
<th>Date</th>
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<table>
<thead>
<tr>
<th>Signature</th>
<th>Capacity</th>
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<tbody>
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</tr>
</tbody>
</table>
NAME OF THE BIDDER: ________________________________

FURTHER DETAILS OF THE BIDDER’S; Director / Shareholder / Partners, etc:

<table>
<thead>
<tr>
<th>Director / Shareholder / partner</th>
<th>Physical address of the Business</th>
<th>Municipal Account number(s)</th>
<th>Physical residential address of the Director / shareholder / partner</th>
<th>Municipal Account number(s)</th>
</tr>
</thead>
<tbody>
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NB: Please attach certified copy (ies) of ID document(s)

I, ________________________________, the undersigned, certify that the information furnished on this declaration form is correct and that I / we have no undisputed commitments for municipal services towards a municipality in respect of which payment is overdue for more than 90 days.

If the value of the transaction is expected to exceed R10 million (VAT included) I certify that the bidder has no undisputed commitments for municipal services towards a Municipality in respect of which payment is overdue for more than 30 days;

THUS DONE AND SIGNED for and on behalf of the Bidder, at ________________________________ , on the ________________________________ day of ________________________________ 20______.

Number of sheets appended by the tenderer to this schedule (If nil, enter NIL)

SIGNATURE: ____________________________  
NAME (PRINT): ________________________  
CAPACITY: ____________________________  
NAME OF FIRM: ________________________  

For office use (comments):