



**MHLONTLO LOCAL MUNICIPALITY**

**TENDER DOCUMENT FOR DEVELOP WALL TO WALL LAND USE SCHEME**

**BID NOTICE NO: LED/WAL/2019-20/MHLM**

Issued by: The Municipal Manager

MHLONTLO LOCAL MUNICIPALITY

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**CSD NO.** \_\_\_\_\_ **SARS PIN** \_\_\_\_\_

**NAME OF BIDDER:** \_\_\_\_\_

**TENDER AMOUNT:** \_\_\_\_\_

**BBBEE LEVEL:** \_\_\_\_\_

\_\_\_\_\_

## **Project Details**

<b>PROJECT NAME</b>	<b>Contract number</b>	<b>ADVERT DATE</b>	<b>CLOSING DATE</b>
Develop wall to wall land use scheme	LED/WAL/2019-20/MHLM	26/02/2020	18/03/2020 at 12:00pm

### **TERMS OF REFERENCE FOR DEVELOPEMENT OF A SINGLE WALL TO WALL LAND USE MANAGEMENT SCHEME FOR MHLONTLO LOCAL MUNICIPALITY**

#### **1. 1. LEGISLATIVE CONTEXT**

- 1.1 Mhlontlo Local Municipality in terms of Spatial Planning and Land Use Management Act (SPLUMA) No 16 of 2013 section 24(1) intends to develop a single land use Scheme (Wall to Wall) .
- 1.2 The Spatial Planning and Land Use Management Act 16 of 2013 (hereafter noted as SPLUMA) notes that as per Section 24 (1), *“a Municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this Act”*. As such, Each municipality must have adopted a single land use scheme by the year 2020.
- 1.3 Land Use Schemes are tools used by municipalities to guide and manage development and building use and land use in accordance with the vision, objectives and broad strategic focus of the IDP, SDF and its associated Strategic Environmental Assessment (SEA).
- 1.4 The Mhlontlo Local Municipality requires the development of a single Land Use Scheme for the entire municipal area. The planning scheme will focus on detailed management controls (clauses and maps) for the entire municipality. The appointed Service Provider will need to take cognisance of the existing Scheme documents,
- 1.5 Two areas of importance which need to be addressed during the scheme preparation are:
  - 1.5.1 There are areas that are subject to the Subdivision of Agricultural Land Act 70 of 1970 these will need to be managed with the necessary wisdom and will also have management controls which will need the necessary approval from the National Department of Agriculture. The management controls must provide appropriate management guidance for the Municipality's area of jurisdiction.
  - 1.5.2 Public participation and consultation is a critical task taking place in different phases of the project (at least in the Inception/Interim phase, Pre-Draft Phase, Final Draft Phase and Post adoption phase) and involves the introduction and purpose of a scheme and way forward, the development of a single land use scheme with public participation, the adoption of the single land use scheme and implementation of a single land use scheme, and the necessary logistics (advertising, loud hailing, bussing of people to meetings, catering, securing venues, speaker systems, the necessary copies of maps and documents for participation), and it will involve;

- 1.5.2.1 Participation with 26 wards 52 Councilors).
- 1.5.2.2 18 Traditional Council areas.
- 1.5.2.3 Residents of areas.
- 1.5.2.4 Key Stakeholders (parastatals and Departments).

- 1.6 In addition to the requirements of legal compliance and sustainability, basic to the drafting of such, is the need to provide for the local incorporation into such, of national and provincial sector-specific policies and guidelines. Central to this process is the drive toward redressing imbalances.
- 1.7 In this regard, proposals are requested from suitably qualified and experienced service providers in order to develop these documents, with the participation of stakeholders, with and for this Municipality.

## **2. LOCATIONAL CONTEXT**

Mhlontlo Local Municipality is a B4 rural Municipality incorporating Qumbu and Tsolo rural towns. It lies on the North East side of the Eastern Cape Provincial border alongside the N2 route between Mthatha and Mt. Frere and R396 between Tsolo and Maclear. It is bordered by King Sabata Dalindyebo Local Municipality to the South, Nyandeni Local Municipality to the East; both under OR Tambo District Municipality, Umzimvubu Local Municipality to the North and Ntabankulu on the North East, both are under the Alfred Nzo District Municipality and Elundini Local Municipality to the West which is under the Joe Gqabi District Municipality. The Municipal departments are located in Qumbu with satellite offices in Tsolo. Mhlontlo Local Municipality was established in terms of section 12 of the Local Government: Municipal Structures Act (Act 117 of 1998). As a result of this act, two Transitional Local Council, Qumbu TLC and Tsolo TLC and their respective Transitional Council were integrated to form one Municipality-Mhlontlo Local Municipality. It is one of the five municipalities that constitute OR Tambo District Municipality which falls under the Province of the Eastern Cape. The municipal area covers 2,826km<sup>2</sup> and has a population density of 66, 6 people per km<sup>2</sup>

## **3. BACKGROUND**

### **3.1 Single Land Use Schemes**

The Spatial Planning and Land Use Management Act 16 of 2013 (hereafter noted as SPLUMA) notes that as per Section 24 (1), *“a Municipality must, after public consultation, adopt and approve a single land use scheme for its entire area within five years from the commencement of this Act”*.

Furthermore, Section 2(2) of SPLUMA notes: *“except as provided for in this Act, no legislation not repealed by this Act may prescribe an alternative or parallel mechanism, measure, institution or system on spatial planning, land use, land use management and land development in a manner inconsistent with the provisions of this Act”*.

Accordingly, SPLUMA in essence replaces the abovementioned Township Ordinance Timeframe requirements for schemes. The key implication on the ground is that within 5 years of SPLUMA coming into operation, municipalities are required to prepare and adopt land use schemes which will replace the current zoning/town planning schemes. SPLUMA comes into effect on 01 July 2015, as per Government Gazette dated 27 May 2015. **Specifically, this therefore implies that all Local Municipalities will be required to have single Land Use Schemes by the 01 July 2020.**

SPLUMA at its promulgation now provides for the adoption of municipal land use schemes, including their **purpose, content, status, review, enforcement** and relationship with existing land use schemes. It also provides for the amendment of land use schemes and alignment of authorizations in terms of other applicable legislation.

### **3.2 Traditional Settlement Masterplans (TSMPs)**

In addition and with specific regard to traditional land, SPLUMA requires an adopted Single Land Use Scheme that must:

- a) Include appropriate categories of land use zoning and regulations for the entire municipal area, **including areas previously not subjected to a land use scheme** i.e. traditional land;
- b) **Include provisions that permit the incremental introduction of land use management and regulation in areas under traditional leadership**, rural areas, informal settlements, slums, and areas not previously subjected to a land use scheme.

The Traditional Master Plan (TSMP) which is required as deliverables/products of this project, as mentioned below is seen as the appropriate conduct in which to address the above mentioned and furthermore should be used to address the settlement patterns in traditional areas and bring

about forward planning in order to overcome infrastructural challenges. They are informed by the recommendations of both the Municipal IDP and SDF by translating the intentions of these broader plans into a greater level of detail that is specific to that particular TC and thereby informing the preparation of a future Land Use Management Scheme for the Municipality. (COGTA: *Suite of plans*)

#### **4. THE OBJECTIVES OF THE PROJECT**

**4.1** Central to this project is the imperative to provide clear developmental and regulatory land and building management based on a new generation of single land use schemes that will encompass the following SPLUMA objectives:

4.1.1 Include appropriate categories of land use zoning and regulations for the entire municipal area, including areas not previously subject to a land use scheme;

4.1.2 Take cognisance of any environmental management instrument adopted by the relevant environmental management authority, and must comply with environmental legislation;

4.1.3 Include provisions that permit the incremental introduction of land use management and regulation in areas under traditional leadership, rural areas, informal settlements, slums and areas not previously subject to a land use scheme;

4.1.4 Include provisions to promote the inclusion of affordable housing in residential land development;

4.1.5 Include land use and development incentives to promote the effective implementation of the spatial development framework and other development policies;

4.1.6 Include land use and development provisions specifically to promote the effective implementation of national and provincial policies; and

4.1.7 Give effect to municipal spatial development frameworks and integrated development plans.

4.1.8 A land use scheme may include provisions relating to:

4.1.8.1 The use and development of land only with the written consent of the municipality;

4.1.8.2 Specific requirements regarding any special zones identified to address the development priorities of the municipality; and

4.1.8.3 The variation of conditions of a land use scheme other than a variation which may materially alter or affect conditions relating to the use, size and scale of buildings and the intensity or density of land use.

- 4.2 The Single Land Use Scheme must give effect to the development principles contained within SPLUMA, including:
- 4.2.1 Spatial Justice;
  - 4.2.2 Spatial Sustainability;
  - 4.2.3 Efficiency;
  - 4.2.4 Spatial Resilience; and
  - 4.2.5 Good Administration
- 4.4. The products must comply with the prevailing legislation and the legal processes, be it the SPLUMA and/or Municipal bylaws or any other legislation that comes into effect.

## 5. A SUMMARY OF THE SCOPE OF WORK

- 5.1 The project shall follow the following phases:

Phase	Description
Phase 1	<p>Project initiation and <b>Project Inception Report</b> with Work Plan developed in keeping with the Terms of Reference (ToR). The work plan must clarify key project management questions such as; what, when, where, who, why and how. This report must specify the technical details of the datasets to be used and reference material to be used. A process plan showing the mapping logic to be provided which should include the data to be used and the systematic mapping of the data from informants and constraint maps leading to composite maps.</p> <p>As part of finalising the inception report there needs to be an introduction of the Single Land Use scheme, the team and scheme preparation and adoption process to key stakeholders and the Municipal Council.</p> <p>Communication Plan is critical because it will need to unpack the when, how, why, who, where, what of participation and consultation. Participation and consultation is a critical task taking place in different phases of the project (at least in the Inception/Interim phase, Pre-Draft Phase, Final Draft Phase and Post adoption phase) and involves the introduction and purpose of a scheme and way forward, the development of a scheme with public participation, the adoption of the scheme and implementation of a scheme, and the necessary logistics (advertising, loud hailing, bussing of people to meetings, catering, securing venues, speaker systems, the necessary copies of maps and documents for participation), and it will involve;</p> <p>(1) Participation with 26 wards (52 Councilors).</p>

	<p>(2) Participation with 18 Traditional Council areas.</p> <p>(3) Participation and consultation with residents of areas.</p> <p>Participation and Consultation in this or the next phase will involve 26 wards (52 Councillors), 18 Traditional Council area and interested and affected stakeholders/ role players with the purpose of introducing the purpose and role of a scheme and the way forward as well as establishing the needs and desires at an early stage.</p> <p>The role of the Service Provider in regard to the Subdivision of Agricultural Land Act 70 of 1970 is to be clearly specified.</p> <p>Traditional Settlement Master Plans are expected for each of the 18 Traditional Council areas. Service Provider to demonstrate how Traditional Settlement Master Plans will conceptualised, developed and envisaged end products</p> <p><b>Five hard copies and five electronic copies of the product must be submitted of which one set is for COGTA Spatial Planning.</b></p>
Phase 2	<p><b>Interim Report</b> for a Land Use Management Framework /Policy Position for the Municipality. A Spatial concept, initial Spatial (mapping) representation of the matter and key elements of the project to be provided.</p> <p>A refined process plan showing the mapping logic to be provided which should include the data to be used and the systematic mapping of the data from informants and constraint maps leading to composite maps (Map key).</p> <p>Data collection and logical and systematic application on how the data will be used is to be provided.</p> <p>Participation and Consultation as per the communication plan.</p> <p>Land use survey maps showing each property in the urban setting and key rural settings need to identify the following:</p> <p>(1) What is the existing property being used for as seen by the eye eg Henry's Panel Beater.</p>

	<p>(2) What is the approximate size of the structure/ structures on the property in terms of coverage? 25%, 50%, 75% or 100% coverage</p> <p>(3) What is the height of the structure on the property?</p> <p>These maps and schedule of information will need to be shown in the Interim report.</p> <p>Traditional Settlement Master Plans – Status Quo Components are expected for each of the 18 Traditional Council areas.</p> <p><b>Five hard copies and five electronic copies of the product must be submitted of which one set is for COGTA Spatial Planning.</b></p>
Phase 3	<p><b>Draft Report for a Land Use Management Framework and Policy Position</b> for the Municipality. This report takes the interim report further and deals with the <b>Context: Data collected, analysis and synthesis drawing conclusions and recommendations</b> – including the Land Audit (title deed, servitude and ownership restrictions) and Land Rights Inquiry (development rights). Informant maps to be logically and systematically (build on one another) linked to one another culminating in maps with clearly synthesized information.</p> <p>Existing land uses are to be mapped as a product at this stage.</p> <p>Participation and Consultation with 26 wards (52 Councillors), 18 Traditional Council area and interested and affected stakeholders/ role players will be required and a summary of issues and resolutions reflected in this report.</p> <p>Traditional Settlement Master Plans 18 Draft Land Use Frameworks and Policy Positions are expected for each of the 18 Traditional Council areas.</p> <p><b>Five hard copies and five electronic copies of the product must be submitted of which one set is for COGTA Spatial Planning.</b></p>
Phase 4	<p><b>1. Draft Scheme Map and Clauses</b> (Land use and development parameters) for the municipal area.</p> <p>The areas subject to the Subdivision of Agricultural Land Act 70 of 1970 will have maps and clauses packaged as a separate entity for ease of submission to the relevant departments. The Service Provider will be</p>



	<p>responsible for the dissemination of the scheme to the Department of Agriculture Forestry and Fisheries (National) and obtaining permission for areas to be released from Act 70 of 1970 and approval from the said department in regard to acceptable controls for areas of agricultural value.</p> <p>Traditional Settlement Master Plans 18 Draft Plans are expected for each of the 18 Traditional Council areas.</p> <p><b>2. Draft Companion Document</b>  This document will provide the background to the development of the scheme, the justification for the manner in which the scheme was developed, a set of application forms relevant for the scheme, address procedures that maybe necessary and will be translated into the appropriate language for public usage.</p> <p>Once the public participation processes (Phase 5 and Phase 7 have been completed this document will include synthesized participation and consultation report of comments made by the public and interested and affected parties.</p> <p>The Service provider will need to consult and align with the existing scheme documents to ensure that at the end of the project a single scheme is development for the municipality</p> <p><b>Five hard copies and five electronic copies of the product must be submitted of which one set is for COGTA Spatial Planning.</b></p>
Phase 5	<p><b>Participation and Consultation Report.</b> This involves participation and consultation with communities and role players who are affected by the proposal. Records of participation and consultation with interested and affected parties and role players will be required. Records of Workshops, agenda, minutes and resolutions. This report will result in the amendment of the following reports:</p> <ol style="list-style-type: none"> <li>(1) Draft Land Use Management Framework and Policy Position for a single Land Use scheme.</li> <li>(2) Draft Single Land Use Scheme Clauses (Land use and Development parameters) for the municipality.</li> </ol>

	<p>(3) Draft Single Land Use Scheme Maps for the municipality.  (4) Draft Companion Document.</p> <p>The areas subject to the Subdivision of Agricultural Land Act 70 of 1970 will have maps and clauses but will have to be packaged for ease of submission to the relevant department.</p> <p>Participation and consultation with 26 wards (56 Councillors) and 18 Traditional Council areas and key stakeholders presenting the design and outcome of the draft reports.</p> <p><b>Five hard copies and five electronic copies of the product must be submitted of which one set is for COGTA Spatial Planning.</b></p>
Phase 6	<p><b>Final Draft Products:</b></p> <ol style="list-style-type: none"> <li>(1) Final Draft Land Use Management Framework and Policy Position for the municipality.</li> <li>(2) Final Draft Scheme Maps for the municipal area.</li> <li>(3) Final Draft Scheme Clauses for the municipal area.</li> <li>(4) The areas subject to the Subdivision of Agricultural Land Act 70 of 1970 to be packaged with the Department of Agriculture, Forestry and Fisheries requirements.</li> <li>(5) Traditional Settlement Master Plans are expected for each of the 07 Traditional Council areas: <ol style="list-style-type: none"> <li>a. 1 x TC Zoning Plan endorsed by respective Amakhosi</li> <li>b. 1 x Final TSMP document inclusive of development vision, strategies, projects and programmes endorsed by respective Amakhosi</li> <li>c. 1 Development Controls per TC endorsed by respective Amakhosi</li> </ol> </li> <li>(6) Companion Document (background to the development of the scheme, justification for the manner in which the scheme was developed, include synthesized participation and consultation report of comments made by the public and interested and affected parties. A set of application forms relevant to the scheme are developed and translated into the appropriate language for public usage).</li> </ol> <p>The Final Draft products to reflect a single land use scheme for the municipality which addresses Act 70 of 1970 and outcomes of Public participating and consultation.</p>

	<p>Participation and consultation with 26 wards (52 Councillors) and 07 Traditional Council areas and key stakeholders on the final products developed for adoption by council.</p> <p><b>Five hard copies and five electronic copies of the product must be submitted of which one set is for COGTA Spatial Planning.</b></p>
Phase 7	<p><b>Application procedures and Adoption</b></p> <p>The Service Provider to package the scheme according to the relevant and prevailing legislation (SPLUMA and or By-laws) to which would ensure Single Land Use Scheme adoption.</p> <p>The service provider to ensure that the Application is SPLUMA compliant.</p> <p>Relevant documents to be advertised (inclusive of the informant information) by the Service Provider in consultation with the Municipality/ Project Management Team.</p> <p>Comments received in regard to the scheme to be synthesized by the Service Provider and presented to the Project Steering Committee for agreement on inclusion/ amendment of the Clauses and Maps.</p> <p>The final documents are then submitted to Council for its consideration and final adoption. The Municipal Manager needs to then subsequently certify and sign/ date the documents and Scheme Mapping adopted by Council. The final approved documents shall include the following:</p> <ol style="list-style-type: none"> <li>(1) The Land Use Management Framework and Policy Position;</li> <li>(2) The Single Land Use Scheme Clauses for the entire municipal area;</li> <li>(3) The Single Land Use Scheme Mapping and Overlays for the entire municipal are.</li> <li>(4) The companion document (The Final participation and consultation Report [inclusive of the comments by the public in regard to the PDA advertising period] to be combined with this document, this document should also make reference to the data sets used, the background to the scheme and justification for the manner in which the scheme was developed);</li> <li>(5) Traditional Settlement Master Plans are expected for each of the ____ Traditional Council areas.</li> <li>(6) The Skills Transfer Report; and</li> <li>(7) The GIS Data sets.</li> <li>(8) Certified copy of the adopting resolution</li> </ol> <p>The areas subject to the Subdivision of Agricultural Land Act 70 of 1970 will have approval from the Department of Agriculture, Forestry and Fisheries by this stage and maps and clauses reflect and evidence will be included in the</p>

	<p>companion document comprising the participation and consultation report.</p> <p><b>Five hard copies and five electronic copies of the product must be submitted of which one set is for COGTA Spatial Planning.</b></p>
Phase 8	<p><b>Handover Process</b></p> <p>The final approved documents need to be approved by Council and endorsed by the Municipal Manager (including the maps). The Municipal Manager will sign, date and noted adoption date on the following :</p> <ol style="list-style-type: none"> <li>(1) The Land Use Management Framework and Policy Position;</li> <li>(2) The Single Land Use Scheme Clauses for the entire municipality;</li> <li>(3) The Single Land Use Scheme Mapping and Overlays for the entire municipality;</li> <li>(4) The companion documents (inclusive of the Final participation and consultation Report, and PDA comments, amongst other matters);</li> <li>(5) Traditional Settlement Master Plans are expected for each of the ____ Traditional Council areas.</li> <li>(6) The Skills Transfer Report; and</li> <li>(7) The GIS Data sets.</li> <li>(8) Certified copy of the adopting council resolution.</li> </ol> <p><b>Five hard copies and five electronic copies of the product must be submitted of which one set is for COGTA Spatial Planning.</b></p>
Phase 9	<p><b>Close out Report and Process</b></p> <p>The close out report encompasses a thorough reflection on:</p> <ol style="list-style-type: none"> <li>(1) The extent to which the objectives of the project have been achieved;</li> <li>(2) The challenges experienced and how they were / were not resolved;</li> <li>(3) Recommendations on the process improvements to the process.</li> <li>(4) Budget aspects.</li> </ol>

	<p>(5) Areas of the scheme that will need to be addressed in a review.</p> <p><b>Five hard copies and five electronic copies of the product must be submitted of which one set is for COGTA Spatial Planning.</b></p>
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5.2 The scope of work for each phase shall pay strict attention to the objectives of the project as detailed above.

5.3 The project will engage other state and parastatals stakeholders as specified in the inception report.

## 6. SCOPE OF WORK: DELIVERABLES

### 6.1 PHASE 1: A Project inception report.

**A Project inception report to include, amongst other things:**

- 6.1.1 The proposed method to be followed, timelines, associated budgets and milestones.
- 6.1.2 The presentation of the Inception Report to the Project Steering Committee must include the key elements mentioned hereunder.
- 6.1.3 The inception report should include:
  - 6.1.3.1 The overall project Work Plan which must clarify key project management questions such as; what, when, where, who, why and how.
  - 6.1.3.2 The inception report to outline of the format and structure of the final report, a method, methodology and data requirements report, in order to obtain approval to proceed with the task.
  - 6.1.3.3 The report to specify the Datasets and shape files to be used and to what
  - 6.1.3.4 The Project Communication Plan (who, what , when, why, how and where) which needs to identify Interested and Affected parties, communities, interest groups, Departments, Organisations and Service Providers of water, electricity and amongst others and the relevant peoples names and contact numbers. Public participation and consultation is a critical task taking place in different phases of the project (at least in the Inception/Interim phase, Pre-Draft Phase, Final Draft Phase and Post adoption phase) and involves the introduction and purpose of a scheme and way forward, the development of a scheme with public participation, the adoption of the scheme and implementation of a scheme, and the necessary logistics (advertising, loud hailing, bussing of people to meetings, catering, securing venues, speaker

systems, the necessary copies of maps and documents for participation), and it will involve:

- 6.1.3.4.1 Participation with 26 wards (52 Councilors).
- 6.1.3.4.2 18 Traditional Council areas.
- 6.1.3.4.3 Residents of areas.
- 6.1.3.4.4 Key Stakeholders (Departments and Parastatals and Non-governmental organisations).

- 6.1.3.5 The Service Provider is required to hold meetings with the following groups of people and will there explain the intention of the project and how it will impact upon, and benefit, those who reside within the municipal area. These meetings will ensure an understanding of what the planning documents and will achieve the sufficient capacitation of key role players to be able to participate meaningfully in the public participation process later in the project period. Key participants include:
- (i) Councillors
  - (ii) Affected local communities
  - (iii) Affected government departments (eg National and Provincial Departments of Agriculture, Environmental Affairs, Transport, Water and Sanitation ect)
  - (iv) Ward councillors
  - (v) Ward committees
  - (vi) Business and community organisations
  - (vii) O R Tambo District Municipality (eg Planning, Water and Sanitation bulk Departments).
  - (viii) Adjacent municipalities in respect of their actual or intended schemes which will abut or could influence, or be influenced by, the Schemes developed in this project.
- 6.1.3.6 There are areas that are subject to the Subdivision of Agricultural Land Act 70 of 1970 these will need to be managed with the necessary wisdom and will also have management controls which will need the necessary approval from the National Department of Agriculture. The management controls must provide appropriate management guidance for the Municipality's area of jurisdiction. When and how this will happen is to be reflected in the inception report.
- 6.1.3.7 Traditional Settlement Master Plans are expected for each of the \_\_\_\_ Traditional Council areas.
- 6.1.3.8 The Skills Transfer Process Plan;
- 6.1.3.9 The stages of Council involvement to be identified. Where applicable, an item needs to be prepared, explaining why the scheme is prepared and what the background to the project is. This should include a brief overview of current Schemes applicable to the Municipal area, if applicable.
- 6.1.3.10 The number of hard copies and digital copies to be identified and submitted per deliverable.
- 6.1.3.11 The GIS format of Shapefiles, MXD and Metadata is to be specified in the inception report that will be provided to the Department and municipality on completion (Handover).

6.1.3.12 The project programme to clearly outline:

- (i) Dates that Deliverables will be submitted to the Project Steering committee (PSC) members for familiarization prior to the PSC meeting and presentations (Products need to be submitted 1 week before the PSC meeting).
- (ii) Dates that Project Steering committee (PSC) members need to comment on the products presented at the PSC meeting (comment to be provided 1 week after PSC meetings).
- (iii) Dates of Project Steering Committee meetings.
- (iv) Dates of Project Management meetings.
- (v) Dates per deliverable when corrections will be finalised.
- (vi) Dates per deliverable that invoices are to be submitted to the department.
- (vii) The budget of the project and payment tranches.

6.1.4 As part of finalising the inception report there needs to be an introduction of the scheme, the team and scheme process to key stakeholders and to Council.

6.1.5 It is desirable that a Single Land Use Scheme is development for the municipality.

6.1.6 Five hard copies and five electronic copies of the product must be submitted one set is for COGTA Spatial Planning.

## **6.2 PHASE 2: Interim Report for a Land Use Management Framework and Policy Position for the municipality**

Interim Report should address the following:

- 6.2.1 This report should be built on clear planning principles, concepts and ideas which should be shown in diagrams and tables.
- 6.2.2 This report should identify the strategic and key elements and questions for developing a scheme that cover areas of conservation (wild/wilderness), rural and urban contexts within the Mhlontlo Municipality.
- 6.2.3 The report should identify the key policy informants and constraints to be considered when developing a Single Land Use scheme in the Mhlontlo Municipality bearing in mind the different landscapes and characteristics.
- 6.2.4 The report should also specify the informants and constraints and data required per context within the Mhlontlo Municipality leading to composite maps.

- 6.2.5 The Interim Report should specify a process plan showing the logical approach used in the information and mapping (informants and constraints) leading to composites and outcomes.
- 6.2.6 The following data (amongst other data) will need to be sourced and used in a logical systematic planning manner to inform the development of the planning scheme:
  - 6.2.6.1 Topography and slope analysis;
  - 6.2.6.2 Data on Biodiversity, climate corridors, Provincial list of threatened ecosystems and species, amongst others;
  - 6.2.6.3 Environmental Studies eg Environmental Management Framework, SEA factors and strategic interventions (sound environmental analysis);
  - 6.2.6.4 National Biodiversity Framework;
  - 6.2.6.5 Bioregional Plans and Provincial Biodiversity Management Plans.
  - 6.2.6.6 Catchment areas;
  - 6.2.6.7 Registered Protected Areas, Provincial Protected Areas, Nature Reserves, World Heritage Sites, Protected Forest Areas, Mountain Catchment Areas;
  - 6.2.6.8 Mapping of Important view landscape areas, Water Plans, dams and rivers.
  - 6.2.6.9 Cultural heritage and sites of cultural or ecological significance (AMAFA);
  - 6.2.6.10 Protection of Agricultural resources and other (Agriculture data 2015).
  - 6.2.6.11 Sourcing and application (mapping) of Aerial photography and other important mapping;
  - 6.2.6.12 Sourcing and application (mapping) of key elements of the IDP, SDF, SEA and Linking Elements;
  - 6.2.6.13 Demographic projections and trends;
  - 6.2.6.14 Urban edge, settlement edges or urban growth boundary delineation;
  - 6.2.6.15 ESKOM data of GPS points of all Imizi located within the rural areas;
  - 6.2.6.16 Cadastral and Land tenure;
  - 6.2.6.17 Urban areas and settlement spatial data sets (DRLDR 2009 and 2015);
  - 6.2.6.18 Identification and mapping of Areas affected by the Subdivision of Agricultural Land Act 70 of 1970;
  - 6.2.6.19 Mapping of Areas affected by Land Reform and restitution (DRDLR);
  - 6.2.6.20 Current land uses, building uses and existing Scheme/s;
  - 6.2.6.21 Typology of utility services (water, sewer, refuse, power, roads etc) current capacity based on current threshold, capacity for growth, future threshold capacity for expansion;
  - 6.2.6.22 Levels of services, demand, current capacity based on current threshold, capacity for growth, future threshold capacity for expansion;
  - 6.2.6.23 Risk elements including *inter-alia*: 1:50 year and 1:100 year flood lines;
  - 6.2.6.24 Various local knowledge practices and land use designations (e.g. lightning prone areas and cattle dipping stations etc.);
  - 6.2.6.25 Proposed housing projects (funded by the Provincial Department of Human Settlement), Community Service Centres (CSCs) and the requirement of social facilities in relation to the available bulk infrastructure, including roads; and



- 6.2.6.26 Any other locally specific information as may be called for.
- 6.2.7 Aspects to address, amongst other matters, include:
  - 6.2.7.1 Setting out the legal requirements, rights and obligations;
  - 6.2.7.2 Linking elements from the SDF;
  - 6.2.7.3 Application of National and Provincial and municipal policy;
  - 6.2.7.4 Defining Performance criteria,
  - 6.2.7.5 A key questions to be addressed include; "What should be managed by the scheme? And "What should not be managed by the scheme?"
  - 6.2.7.6 This policy document should start to address the range of land uses and their impacts on a continuum from high impact to low impact. What impacts need to be managed?
  - 6.2.7.7 Broad zones should be recommended and their Statements of intent should be developed.
  - 6.2.7.8 A range of land uses and land use types are to be specified, which have to be managed.
  - 6.2.7.9 A Spatial concept and initial Spatial (mapping) representation of the matter above to be provided.
- 6.2.8 The interim report should also provide a gap analysis of the work undertaken previously on the scheme in addition to being strategic in addressing the following questions:
  - 6.2.8.1 *What have been the benefits/failings of the existing Scheme?*
  - 6.2.8.2 *What pressures/opportunities does the area face?*
  - 6.2.8.3 *What is the type/character of area that we collaboratively designing for?*
  - 6.2.8.4 *What are the key aspects / elements that should be translated from the SDF into the scheme?*
  - 6.2.8.5 *What needs to be managed, by whom and why?*
  - 6.2.8.6 *What are the benefits of a Scheme for this area and for the groups of people?*
- 6.2.9 The interim report will start to provide the linkage "step to translate the SDF into more detailed broad land use areas, before commencing the detailed formulation of zones".
- 6.2.10 The reference material mentioned below is to be used and applied in the framework and policy position.
- 6.2.11 Traditional Settlement Master Plans are expected for each of the 18 Traditional Council areas.
- 6.2.12 Land use survey maps showing each property in the urban setting and key rural settings need to identify the following:
  - 6.2.12.1 What is the existing property being used for as seen by the eye eg Henry's Panel Beater.
  - 6.2.12.2 What is the approximate size of the structure/ structures on the property in terms of coverage? 25%, 50%, 75% or 100% coverage.
  - 6.2.12.3 What is the height of the structure on the property?
 These maps and schedule of information will need to be shown in the Interim report.
- 6.2.13 Public Participation and Consultation at the end of this stage should have included at least :

- 6.2.13.1 Informed and elicited responses from the Council, Traditional leadership and Traditional Councils and members of the public.
- 6.2.13.2 Introduction of the scheme and purpose.
- 6.2.13.3 Identification of needs per community and key strategies for the development of the scheme.
- 6.2.13.4 Establishing desirable outcomes for the communities and leadership.
- 6.2.13.5 Sourcing of relevant information from communities and leadership.
- 6.2.13.6 Consulted Departments on key issues in the municipality to be accommodated in the scheme.
- 6.2.14 Five hard copies and five electronic copies of the product must be submitted one set is for COGTA Spatial Planning.

### **6.3 PHASE 3: Draft Land Use Management Framework (LUMF) and Policy Position report for a single scheme for the Mhlontlo Local Municipality**

- 6.3.1 The planning principles, concepts and ideas should be refined and lead to a clear suite of framework plans. This Land Use Management Framework and Policy Position report for the municipality should provide a clear link from the SDF to the Scheme.
- 6.3.2 This Land Use Management Framework and Policy Position report for the municipality should provide the necessary information to be used in developing the scheme. This LUMF and Policy Position should serve as the overall informant to developing the scheme.
- 6.3.3 Informant and constraint maps are to be logically and systematically (build on one another) linked to one another culminating in maps with clearly synthesized information. The text and maps, diagrams are to be clear, logically and systematically linked to one another culminating in clearly synthesized conclusion and resolutions.
- 6.3.4 Building on Phase 2, this report will deal with the Context. Having identified the data to be collected and analysed. This phase includes the further systematic analysis, and synthesis of additional informants and constraints providing for guidelines and direction together with conclusions and recommendations.
- 6.3.5 This phase encompasses the undertaking of a Land Audit (title deed, ownerships, servitudes, restrictions) and Land Rights Inquiry (development rights inclusive of Traditional areas) and the collection of key data which has been analysed and mapped in the form of a set of base maps which are to be used as the foundation to developing the scheme.
- 6.3.6 It is envisaged that the following aspects would be addressed and refined, namely:
  - 6.3.6.1 Setting out the legal requirements, rights and obligations and linking elements from the SDF;

- 6.3.6.2 Application of National and Provincial and municipal policy;
  - 6.3.6.3 Defining Performance criteria;
  - 6.3.6.4 A key question to be addressed is “What should be managed by the scheme? And secondly “What should not be managed by the scheme?”
  - 6.3.6.5 This policy document should address the range of land uses and their impacts on a continuum from high impact to low impact. What impacts need to be managed?
  - 6.3.6.6 Broad zones should be recommended and their Statements of intent should be developed.
  - 6.3.6.7 A range of land uses and land use types are to be specified that have to be managed.
  - 6.3.6.8 A Spatial concept and initial Spatial (mapping) representation of the matter above to be provided.
- 6.3.7 Having used the following information in the interim report it is expected that further refinement of the information/ spatial representation below would lead to the Draft LUMF and Policy Position together with the other informants mentioned below:
- 6.3.7.1 Topography and slope analysis;
  - 6.3.7.2 Data on Biodiversity, climate corridors, Provincial list of threatened ecosystems and species, amongst others;
  - 6.3.7.3 Environmental Studies eg EMF, SEA factors and strategic interventions (sound environmental analysis);
  - 6.3.7.4 National Biodiversity Framework;
  - 6.3.7.5 Bioregional Plans and Provincial Biodiversity Management Plans.
  - 6.3.7.6 Catchment areas;
  - 6.3.7.7 Registered Protected Areas, Provincial Protected Areas, Nature Reserves, World Heritage Sites, Protected Forest Areas, Mountain Catchment Areas;
  - 6.3.7.8 Mapping of Important view landscape areas, Water Plans, dams and rivers.
  - 6.3.7.9 Cultural heritage and sites of cultural or ecological significance (AMAFA)
  - 6.3.7.10 Protection of Agricultural resources and other (Agriculture data 2015).
  - 6.3.7.11 Sourcing and application (mapping) of Aerial photography and important mapping;
  - 6.3.7.11 Sourcing and application (mapping) of key elements of the IDP, SDF, SEA and Linking Elements;
  - 6.3.7.12 Demographics and projection and trends
  - 6.3.7.13 Urban edge, settlement edges or urban growth boundary delineation;
  - 6.3.7.14 ESKOM data of GPS points of all Imizi located within the rural areas
  - 6.3.7.15 Cadastral and Land tenure,
  - 6.3.7.16 Urban areas and settlement spatial data sets (DRLDR 2009 and 2015);
  - 6.3.7.17 Identification and mapping of Areas affected by the Subdivision of Agricultural Land Act 70 of 1970;

- 6.3.7.18 Mapping of Areas affected by Land Reform and restitution (DRDLR);
  - 6.3.7.19 Current land use, building uses, Existing Scheme/s;
  - 6.3.7.20 Typology of utility services (water, sewer, refuse, power etc) current capacity based on current threshold, capacity for growth, future threshold capacity for expansion;
  - 6.3.7.21 Levels of services, demand, current capacity based on current threshold, capacity for growth, future threshold capacity for expansion;
  - 6.3.7.22 Risk elements including inter-alia: 1:50 year and 1:100 year flood lines;
  - 6.3.7.23 Various local knowledge practices and land use designations (e.g. lightning prone areas and cattle dipping stations etc.);
  - 6.3.7.24 Proposed housing projects (funded by the Provincial Department of Human Settlement), Community Service Centres (CSCs) and the requirement of social facilities in relation to the available bulk infrastructure, including roads; and
  - 6.3.7.25 Any other locally specific information as may be called for.
- 6.3.8 The LUMF and Policy Position will need to use the following to inform the development of the scheme. In this regard it would be expected that these elements would be mapped as part of the LUMF:
- 6.3.8.1 Using Core indigenous/local knowledge and land use practices;
  - 6.3.8.2 Land Use Survey and mapping showing the land uses on each parcels.
  - 6.3.8.3 Land Rights Inquiry (Development Rights).
  - 6.3.8.4 Land Audit (title deeds, ownership, servitudes and restrictive conditions);
  - 6.3.8.5 Requirements for social facilities;
  - 6.3.8.6 Development opportunities and constraints, transportation planning requirements (corridors, nodes, modal transfer points, non-motorized transport, ingress and egress requirements, car free areas, parking standards);
  - 6.3.8.7 Economic development (strategic investment areas, areas where economic growth should be discouraged, spatial implications of Local Economic Development strategies);
  - 6.3.8.8 Current land use and building uses (which information will draw the distinction between those non-residential uses which have been formally approved by a competent authority, and therefore do enjoy existing use rights status in terms of the Ordinance and those which have no such competent authority and thus do not enjoy existing use rights status in term of the Ordinance), and the Existing Scheme/s;
  - 6.3.8.9 Areas where the harvesting of indigenous vegetation may or may not occur;
  - 6.3.8.10 Land use Map to be shown in this Document and a table of land uses and properties.
  - 6.3.8.11 This phase will include the delineated Urban Edge/s, settlement edges, and Urban Services Edge/s, and detail the under-pinning logic/ reasons thereof.

6.3.9 *The Policy Position should provide answers to the following questions:*

- 6.3.9.1 *What is the design population of the area?*
- 6.3.9.2 *What is the planning horizon?*
- 6.3.9.3 *When should this prior to future revision?*
- 6.3.9.4 *How much public open space is needed and where (bearing in mind the provincial policy requirements of 2.8 Ha per 1000 people in the ratio of 1.4ha Active: 1.0ha Passive: 0.4 Play lots)?*
- 6.3.9.5 *What social facilities are needed to support the population?*
- 6.3.9.6 *Where should the different sets of zones be located?*
- 6.3.9.7 *What types of land are suitable and appropriate for each type of zone?*
- 6.3.9.8 *What types of land uses are appropriate for the different zones?*
- 6.3.9.9 *What should be the physical relationships between various types of zones?*
- 6.3.9.10 *Where should the exact boundary lines of each zone run, bearing in mind that some zones are separated by street pattern, some by the mid-block line, and some are narrow bands of transition from one zone to the next?*
- 6.3.9.11 *Treatment and alignment with an 'Urban Edge', settlement edges and 'Urban Growth Boundary'?*
- 6.3.9.12 *Alignment with Act No. 70 of 1970 in terms of obtaining permission for change of land use or subdivision of land in agricultural areas?*
- 6.3.9.13 *Is there an existing Scheme/s and what have been the benefits/failings of that Scheme/s?*
- 6.3.9.14 *What pressures/opportunities does the area face?*
- 6.3.9.15 *What type/character of area are we collaboratively designing for? What is the interpretation/application/ translation of the SDF" in this collaborative process (if any)?*
- 6.3.9.16 *What needs to be managed, by whom and why?*
- 6.3.9.17 *What are the benefits of a Scheme for this area" and these groups of people?*
- 6.3.9.18 *Who is going to implement and manage the Scheme?*

These questions should be spelled out and answered in a Scheme Companion Document.

- 6.3.9 Large townships which have been approved *via* legislation such as the DFA and Less Formal Township Establishment Act shall be included into the area for which the scheme will be proposed.
- 6.3.10 The Service Provider shall ensure that the necessary specialists are to be brought into advise on the development of the scheme, for example; agricultural, environmental, legal, engineering, social development, as necessary.
- 6.3.11 The reference material mentioned below is to be used and applied in the framework/policy position.
- 6.3.12 Consultation and participation is a key element and this phase will need to include:
  - 6.3.11.1 The identification of, and securing agreement amongst stake-holders on, the intended planning scheme controls.
  - 6.3.11.2 The service provider and stakeholders need to determine the appropriate level of management required, the resources needed, and the broad approach that should be adopted from the continuum of approaches (simple to complex, policy to prescriptive).
  - 6.3.11.3 The LUMF needs to be developed though a sound participation process so that the proposed Planning Scheme zone designations are validated and based on clear vision statements and statements of intent.
  - 6.3.11.4 It is important to note that stakeholder engagement must include the relevant Traditional Authority (TA) leaders.
- 6.3.13 Participation and Consultation approach with stakeholders, such as: communities, the general public, Traditional Leaders and their communities, Councillors and key organisations (Business community, Non-governmental organisations) and Departments should at this stage have;
  - 6.3.13.1 Establish and developed a relationship with stakeholders.
  - 6.3.13.2 Know the stakeholders and be able to communicate quickly and efficiently with the them to distribute information efficiently and effectively..
  - 6.3.13.3 Developed a clear picture of the needs, strategies, desires and key issues to be accommodated in the scheme.
  - 6.3.13.4 Developed a clear contact list of names and contacts of stakeholders and stakeholder groups.
- 6.3.14 Traditional Settlement Master Plans are expected for each of the 10 Traditional Council areas.
- 6.3.15 Five hard copies and five electronic copies of the product must be submitted one set is for COGTA Spatial Planning.

#### 6.4 **PHASE 4A: draft scheme Maps and draft scheme Clauses: land use and development parameters and maps for the MHLONTLO MUNICIPALITY**

##### **PHASE 4B: Draft Companion Document**

##### **Scheme clauses (draft and Final)**

- 6.4.1 Draft an appropriate set of General Definitions and Land Use Definitions. The General definitions will apply to the Planning Scheme These definitions and clauses shall be affirmed by legal experts with experience in planning law, Schemes, appeals and local/indigenous knowledge land use practices;
- 6.4.2 The collaborative development of land uses and associated user-friendly set of tables and within the Planning Scheme, which set out the uses which should be freely permitted, permitted by consent or prohibited, together with the additional development parameters/Scheme controls relevant for each zone; and
- 6.4.3 Prepare appropriate Management Overlays where necessary;
- 6.4.4 Develop relevant planning and environmental policies, procedures and additional controls (e.g. restricted land access places, gender-based land practice encouraging safety for vulnerable children and people, parking policies, guidelines relating to urban agriculture, preservation of grazing lands, Township Establishment on Traditional land i.e. via Lease Agreements) and decide which should be included in the Planning Scheme and/ or which should located in the companion document.
- 6.4.5 The Service Provider, on behalf of the municipality shall apply for approval and endorsement from the National Department of Agriculture, Forestry and Fisheries in terms of Subdivision of Agricultural Land Act (Act 70 of 1970) for :
- 6.4.5.1 Apporval to release of certain agricultural properties from the Act.
- 6.4.5.2 Approval for the scheme controls (clauses and maps) for properties which would remain subject to Act 70 of 1970 but be protected, managed and controlled via a planning scheme in order to ensure valuable agricultural land is protected.
- 6.4.5.3 Approval to advertise/issue a notice in regard to developing a planning scheme.
- In this regard the Service provider will need to motivate and submit maps and clauses to the relevant department.
- 6.4.6 Traditional Settlement Master Plans are expected for each of the 07 Traditional Council areas.

#### **Scheme Maps (draft and Final)**

- 6.4.6 Concurrently while designing the scheme clauses the scheme maps should be designed.
- 6.4.7 The maps must contain the following:
- North indicator.
  - Up to date Cadastral.
  - A clear legend.
  - Use standard zone colours.
  - Clear labelling.
  - Date map was designed.

- All data uses must reflect a source and a date for the information, for example; Cadastral Data sourced from Surveyor-General's office on 19 February 2014. The vintage of the data is important.
- Any data and matter that needs to be recorded

6.4.8 The scale of maps is critical and will be based on visual suitability (Scale recommendations made in Paragraph 8: Standards ... ).

#### **Companion Document (draft and Final)**

6.4.8 The purpose of the companion document is to provide a history, a background to the scheme, justification for the manner in which the scheme was developed, address procedures, a policy perspective for the scheme. This document will summarise the salient matters during the development of the scheme until finalisation.

6.4.9 The companion document provides for a set of application forms relevant to the Planning Scheme and be translated into the appropriate language for public usage. Such documents may include application forms required for:

- 6.4.9.1 Consent applications;
- 6.4.9.2 Development applications;
- 6.4.9.3 Subdivision applications;
- 6.4.9.4 Appeals
- 6.4.9.5 Closure of POS and Road
- 6.4.9.6 Submission of building plans; and
- 6.4.9.7 A register for the different application types for record purposes.

6.4.11 Develop relevant planning and environmental policies, procedures and additional controls (e.g. restricted land access places, gender-based land practice encouraging safety for vulnerable children and people, parking policies, guidelines relating to urban agriculture, preservation of grazing lands, Township Establishment on Traditional land i.e. via Lease Agreements) and decide which should be included in the Planning Scheme and/ or which should located in the companion document.

6.4.12 The document is to address key procedures that maybe necessary and will need to be translated into the appropriate language for public usage, for example; how to deal with the areas Subject to the Subdivision of Act 70 of 1970 and Environmental procedures.

6.4.13 The companion document was envisaged to serve as a concise document which amongst the above matters, also included a scheme policy for the scheme as developed in the LUMF / policy perspective document. For example; the scheme clauses would not explain the reason for the controls around Nature Reserves, riverine areas and steep slopes or Mountain tops but the companion document should.



6.4.14 Further in the project and once the public participation processes (Phase 5 and Phase 7) have been completed this document will include synthesized participation and consultation report of comments made by the public and interested and affected parties.

6.4.15 Five hard copies and five electronic copies must be submitted of the different reports (Scheme clauses, Companion document and maps) one set is for COGTA Spatial Planning.

## **6.5 PHASE 5: Participation and Consultation Report and review of the Draft Products for the Mhlontlo Municipality.**

6.5.1 The Draft Documents are to be presented to the public for input and allow for public participation, ensuring refinement of the planning scheme.

6.5.2 The Service provider is to present a participation and consultation approach /plan (who will be consulted when and in what manner) to the municipality who will guide on the most appropriate approaches to follow. The parties to participate and consulted should include; local agricultural communities, environmental communities, NGO's, ward councillors, ward committees, traditional authorities, towns, settlement cluster and affected people of the municipality.

6.5.3 Records of participation and consultation with interested and affected parties will be required. Records include; attendance registers, workshop agenda, minutes, concerns and resolutions.

6.5.4 Circulate the draft Planning Scheme (Land Use Management Framework Plan, Draft Scheme clauses and Draft Scheme Maps/overlays, and the companion document), together with their respective maps and overlays to those authorities which have approval/ refusal responsibilities and which are concerned with social justice (e.g.: the Gender Commission, the Department of Agriculture, the Department of Agriculture and Environmental Affairs, the Department of Rural Development and Land Reform, the Department of Transport, the Department of Water Affairs, the Department of Social Development, and the NGO sector promoting barrier-free access for people with disabilities) amend where appropriate.

- 6.5.5 It is anticipated that the Draft Scheme Documents will be submitted to the Department of Agriculture, Forestry and Fisheries to obtain the release of certain agricultural land and also the approval/endorsement of the management controls of agricultural land that will not be released from the Subdivision of Agricultural Land Act 70 of 1970 but would be covered by a planning scheme (maps and clauses and overlays).
- 6.5.6 On review, by the Steering Committee, of the inputs from the parties consulted (in respect of the first draft), and the Service Provider's analysis thereof, and its development of revised documents in the light thereof, the Steering Committee may direct amendments thereto and the Service Provider shall give effect to such amendments as the Steering Committee may require, so as to create a revised set of Planning Scheme draft documents.
- 6.5.7 The Service Provider shall collate and analyse all responses submitted in response to such public consultation process, and shall revise such draft documents, and draft a memorandum and compile a presentation, to the satisfaction of the Steering Committee, for Council's consideration.
- 6.5.8. Participation and consultation will require the amendment of the following:
- (1) Draft Land Use Management Framework and Policy Position for a Single Land Use Scheme for the Mhlontlo municipality.
  - (2) Draft Single Scheme Clauses (Land use and Development parameters) for the municipality.
  - (3) Draft Single Scheme Maps for the municipality.
  - (4) The maps and clauses relating to the areas subject to the Subdivision of Agricultural Land Act 70 of 1970 and the Department of Agriculture, Forestry, Fisheries approval for areas to be released and approval of the scheme controls and procedures to managed valuable agricultural land in the planning scheme.
  - (5) Traditional Settlement Master Plans are expected for each of the 07 Traditional Council areas explanation and approach.
  - (6) Draft Companion Document.
  - (7) Participation and Consultation Report.
- 6.5.9 The Draft products are to be substantially complete.

6.5.10 Five hard copies and five electronic copies of the product must be submitted one set is for COGTA Spatial Planning.

## **6.6 PHASE 6: FINAL Draft PRODUCTS**

6.6.1 The final products for the Single Land Use Scheme include:

- (1) Final Draft Land Use Management Framework and Policy Position for a Single Land Use Scheme.
- (2) Final Draft Scheme Maps for the entire municipality (including overlays).
- (3) Final Draft Scheme Clauses for the municipality.
- (4) Final Draft Companion Document (This document should include the Final participation and consultation Report, inclusive of the consultation and participation of areas subject to the Subdivision of Agricultural Land Act 70 of 1970 as a separate chapter. This document should also make reference to the data sets used and applicable);
- (5) Traditional Settlement Master Plans for each of the 07 Traditional Council areas.

All the above products are to be packaged.

6.6.2 The definitions and clauses shall be affirmed by a legal expert with experience in planning law, Schemes, appeals and local/indigenous knowledge land use practices

6.6.3 The package / suite of Final Draft documents must be in the form of written reports (text, tables, diagrams and maps in AO for a scheme) in hardcopy and electronic format.

6.6.4 The importance of this stage cannot be underestimated as the suite of products will require sufficient time for the relevant interested and affected parties to vetted and commented on the composite suite of scheme documents.

6.6.5 On review, by the Steering Committee, of the Final Draft Suite of Documents, the Steering Committee may direct amendments thereto and the Service Provider shall give effect to such amendments as the Steering Committee may require, so as to create a revised set of Final Draft Planning Scheme (including framework) documents.

6.6.9 All existing and created shapefiles to be provided on 10 DVDs as well as the metadata and MXD files.

6.6.10 Five hard copies and five electronic copies (one set for COGTA Spatial Planning) of Suite of Draft Final Reports with Maps in AO, unless a smaller size is suitable must be presented and submitted to the PSC members.

**6.7 PHASE 7: Planning application packaged, procedures and Planning Scheme Adopted**

6.7.1 The Service Provider to package an application in terms of the most appropriate legislation available (, SPLUMA or By-Laws) for the single land use schemes to be adopted.

6.7.2. The service provider ensures that all the core scheme based criteria of SPLUMA are addressed.

6.7.3 The Service Provider is to advertise for public comment on the Single Land Use Scheme documents (inclusive of the informant information) in consultation with the Municipality/ Project Management Team.

6.7.4 The Service Provider shall collate and analyse all responses submitted in response to such public consultation process, and presented to the Project Steering Committee for agreement on inclusion/ amendment of the Clauses and Maps. Thereafter the Service provider shall revise such Final Draft documents, and draft a memorandum and compile a presentation, to the satisfaction of the Steering Committee, for Council's consideration.

6.7.5 The final documents are then submitted to Council for its consideration and final adoption. The Municipal Manager certifies signs and dates the documents (policy, clauses, and companion document, amongst others) and Scheme Mapping adopted by Council. The set of application forms relevant to the scheme are developed and translated into the appropriate language for public usage. The criteria for the development of the application forms and other relevant application processing documents as may be suggested by the Service Provider, COGTA or the Municipality are developed.

6.7.6 The final approved documents (and any documents produced which will provide clarity for Council shall include

- (1) The Land Use Management Framework / Policy Position;
- (2) The Single Land Use Scheme Clauses for the entire municipality;
- (3) The Scheme Mapping and Overlays for the entire municipality;
- (4) Companion Document (This document should include the Final participation and consultation Report, inclusive of the consultation and participation of areas subject to the Subdivision of Agricultural Land Act 70 of 1970 as a separate chapter. This document should also make reference to the data sets used, applications forms and procedures);
- (5) Traditional Settlement Master Plans are expected for each of the 07 Traditional Council areas.
- (6) The GIS Data sets (All existing and created shapefiles to be provided on DVD and the metadata as well as MXD files).
- (7) It is desirable that a single scheme is development for the amalgamated municipality.

(All the above products are to be packaged).

6.7.7 At this stage the following would have been achieved;

6.7.7.1 Sound participation and consultation would have been achieved and evidence in this regard shown in the companion document

6.7.7.2 Approval from the Department of Agriculture, Forestry and Fisheries obtained for the release of some properties and approval for the management controls proposed (Clauses and Maps) and advertising to adopt a scheme.

6.7.7.3 Traditional Settlement Master Plans are expected for each of the 07 Traditional Council areas.

## **6.8 PHASE 8: Handover**

6.8.1 The final approved documents having been approved by Council and endorsed by the Municipal Manager (including the maps) are to be dated with the date of adoption and shall comprise of the following:

- (1) The Land Use Management Framework and Policy Position;
- (2) The Single Land Use Scheme Clauses for the entire municipality;
- (3) The Scheme Mapping and Overlays for the entire municipality;

- (4) The Areas subject to the Subdivision of Agricultural Land Act 70 of 1970 will have maps and clauses but packaged as a separate entity for ease of submission to the relevant departments.
- (5) The companion documents (inclusive of the Final participation and consultation Report, and PDA comments);
- (6) Traditional Settlement Master Plans are expected for each of the 07 Traditional Council areas.
- (7) The Skills Transfer Report; and
- (8) The GIS Data sets.
- (9) Certified copy of the adopting resolution
- (10) It is desirable that a single scheme is development for the amalgamated municipality.

6.8.2 Five hard copies and five electronic copies (Ms Word and PDF) of the products must be submitted one set is for COGTA Spatial Planning.

## **6.9 PHASE 9: Close out report**

6.9.1 The close out report encompasses a thorough reflection on and provides for:

- (1) The extent to which the objectives of the project have been achieved;
- (2) The challenges experienced and how they were / were not resolved;
- (3) Recommendations on the process and suggested improvements to the process.
- (4) A schedule of the GIS Data used.
- (5) A schedule of the mapping
- (6) A Schedule of the Reports produced as part of the deliverables to the municipality.

6.9.2 Five hard copies and five electronic copies of the product must be submitted one set is for COGTA Spatial Planning.

## 7. STANDARDS AND METHODS TO BE APPLIED

- 7.1 All maps and overlays generated in this project will be produced by the Service Provider and their information captured in ArcView GIS capable file format, for use in the GIS environments of the Municipality, the district and the Department. An appropriate “standard scales” (e.g. 1: 1250/ 2500/ 5000/ 7500/ 10000 etc) is to be used.
- 7.2 All metadata, MXD files and data layers used as well as shapefiles that are created by the Service Providers to produce the maps are to be provided to the Department and municipality on conclusion of the project (handover).
- 7.3 The mapping (informant maps/plans) and text need to be done in a logical progression (systematic step by step process) showing the build-up of arguments and information that is easily followed and culminates in a sound conclusion.
- 7.4 All mapping notation will align with the standards already established in the Scheme Guidelines (COGTA 2011) and in accordance with the collaborative processes undertaken throughout the project.
- 7.5 Technical details of the datasets must be specified in the inception report.
- 7.6 All contact sessions and resolutions with interested and affected parties (public, Departments, organisations, parastatals) need to be recorded (who, what, when, why and how) and these minutes and recommendations need to be included in a participation and consultation report for each of the critical milestones (interim report, Draft reports and final reports).
- 7.7 Critical milestone products (interim, draft and finals reports) are to be submitted a week before the scheduled meeting for discussion and formal comments to be provided after the scheduled meeting at an agreed upon deadline date.
- 7.8 Submissions and the reports (Inception Report, Interim Report, Draft Scheme Report, Final Scheme Report and Close-out report) should be in the form of both hard and electronic versions. Text is to be in Ms Word and PDF format. Maps are to be in PDF and Shapefile format. The maps (informants and Scheme maps) are to be in digital format and hard copy format and are to be in both A4 and A3 size while the Scheme maps should be AO. However if the data is such that AO size plans are necessary for presentation purposes then the Service Provider must accommodate for this.
- 7.9 The final, prepared Single Land Use Scheme must meet the requirements of the Spatial Planning and Land Use Management Act No. 16 of 2013 Chapter 5 Section 24 (2) whereby a land use scheme must:
  - 7.9.1 *Include appropriate categories of land use zoning and regulations for the entire municipal area, including areas not previously subject to a land use scheme;*
  - 7.9.2 *Take cognizance of any environmental management instrument adopted by the relevant environmental management authority, and must comply with environmental legislation;*
  - 7.9.3 *Include provisions that permit the incremental introduction of land use management and regulation in areas under traditional leadership, rural areas, informal settlements, slums and areas not previously subject to a land use scheme;*
  - 7.9.4 *Include provisions to promote the inclusion of affordable housing on residential land development;*

- 7.9.5 *Include land and development incentives to promote the effective implementation of the spatial development framework and other development policies;*
- 7.9.6 *Include land use and development provisions specifically to promote the effective implementation of national and provincial policies; and*
- 7.9.7 *Give effect to municipal spatial development frameworks and integrated development plans.*
- 7.10 Mapping should be submitted in Arc View GIS capable file format (shape-files, layer files, mxd files) for use in a GIS environment. All mapping notation should align with the standards already established in the Scheme Guidelines (CoGTA 2011) and in accordance with the collaborative processes undertaken throughout the project. The Service Provider should ensure that all GIS data and meta-data is fully compatible with that of the Provincial CoGTA GIS Unit and the District GIS Unit.
- 7.11 The document and communication media should be prepared well in advance of the stakeholder engagement process and should be to the satisfaction of the Project Steering Committee. Innovation and the use of isiZulu where appropriate will be encouraged during stakeholder engagements.

## **8. PROJECT DURATION AND BUDGET**

- 8.1 It is expected that the project be completed in 12 months effective from the date of appointment.

## **9. REFERENCE MATERIAL**

- 9.1 ensure alignment to SPLUMA and its associated regulations and guidelines :

## **10. PROJECT MANAGEMENT TEAM**

- 10.1 The Project Management Team (COGTA and O R Tambo District Municipality, Mhlontlo Municipality) to meet on a regular basis (bi-monthly) for the purpose of project management, monitoring progress and financial reporting requirements. The Service Provider to meet when required by the Project Management Team. The Project Management Team shall comprise of the following:
  - Representation from the Mhlontlo Municipality.
  - Representation from COGTA: Directorate: Spatial Planning
    - Representation from the District Municipality.

## **11. PROJECT STEERING COMMITTEE**



- 11.1 The project will be managed *via* a Project Steering Committee which will be appointed by the Municipality in consultation with the Department. The Steering Committee will comprise representatives of stake-holder and service organizations and will be chaired by the Municipality's appointed representative on this project, and on which Steering Committee the Department's appointed representative/s will sit
- 11.2 The project will be managed in accordance with the Inception Report, to be compiled by the Service Provider. The inception report will contain a Gantt chart which shall specify milestones and associated reports/ products in terms of which, and upon satisfactory performance of which, payment is to be made. The final amount shall be released after the Project Management Team/ Project Steering Committee are satisfied that the Terms of Reference have been met.
- 11.3 The Steering Committee is expected to meet a maximum of 15 times during the course of the project. These meetings will be held within the municipal area of Mhlontlo Municipality or such other venue as may be determined in close proximity thereto.
- 11.4 Monthly Progress Reports and Financial Reports are to be submitted as part of monitoring and evaluation of the project to the Project Steering Committee.
- 11.5 The function of the Project Steering Committee is to vet the products and if satisfied recommend payment. Progress and financial reports including spending/costs are to be submitted monthly by the Service provider.
- 11.6 It is envisaged that the Project Steering Committee will comprise of the following:
- 11.6.1 Representation from Mhlontlo Municipality.
  - 11.6.2 Representation from the OR Tambo District Municipality.
  - 11.6.3 Representation from the COGTA Directorate: Spatial Planning.
  - 11.6.4 And the following Departments or Organisations, as and when required:
    - Department of Agriculture, Environmental Affairs & Rural Development
    - Department of Rural Development and Land Reform
    - Department of Water Affairs & Forestry.
    - Any other relevant stakeholders decided by the Project Management team and Project Steering committee.

## **12. INSTITUTIONAL ARRANGEMENTS**

- 12.1 The service provider must be accountable to the Municipality Manager for Town Planning
- 12.2 The service provider must be under the direction of the Manager for Town Planning.
- 12.3 The Service Provider will institute a steering committee in consultation with the Municipality to assist in the management of the project.

### **13. INFORMATION GATHERING, PROVINCIAL AND NATIONAL GUIDELINES**

- 13.1 The successful Service Provider will liaise closely with the department's DIS/ GIS unit in sourcing project-required information.
- 13.2 The successful Service Provider is expected to make contact with all the relevant GIS, Planning and required officials and units within the local and other spheres of government and parastatals to obtain relevant information that is required for the project. Existing information on SDFs which are available within the municipality will be made available to the successful service provider.
- 13.3 The current National and Provincial Planning Documents and Scheme Development Guidelines need to be obtained and localised, where appropriate.
- 13.4 The Service Provider will be supplied with a letter from COGTA confirming appointment for it to use when requesting information. However, the responsibility for specifying and collecting the information necessary for the successful execution of the project remains entirely with the Service Provider.

### **14. SERVICE PROVIDER: RESPONSIBILITIES IN TERMS OF ACTIVITIES, REPORTING AND COSTS**

- 14.1 At least one project management meeting is to be held bi-monthly.
- 14.2 Once a month the Service Provider will submit a progress report to the Department which includes an activity plan (this plan must detail the anticipated programme and expenditure for the next month).
- 14.3 Payment is based on a product basis as per the Project Programme. Other costs which might arise must be built into the quoted price for items as set out in the Project Programme. Claims in respect of disbursements, data, acquisition, or recoverable and travelling costs must form part of that particular deliverable.

- 14.4 The service provider will be responsible for all matters relating to the deliverables, including; acquisition and processing of data, meetings and workshops, all matters pertaining to the production and submission of the reports, project management and secretarial support.
- 14.5 All secretarial services such as arranging meetings, setting of agenda's and minute taking shall be the responsibility of the Service Provider.
- 14.6 The service provider is to ensure all reports are clear and accessible and all data and datasets are compatible with the format used by the Municipality and the Department of Co-operative Governance and Traditional Affairs.
- 14.7 No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of the Municipality except where duly authorized to do so in writing by the Municipality.
- 14.8 The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not discloses such records or information to any third party without the prior written consent of the Municipality.
- 14.9 The Municipality will not reimburse the successful tenderer for claims for costs associated with travel and related matters.
- 14.10 All team members that will be directly involved in the project will be expected to attend all meetings as scheduled. The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the Department.

## 15. RELEVANT SKILLS AND EXPERIENCE

- 15.1 Below is a summary of Mandatory requirements:

The Project leader must hold a ***tertiary qualification in planning*** which is recognised for registration in the category of Professional Planner by the South African Council for Planners (SACPLAN) in terms of the Planning Profession Act 2002 ***and must be registered*** with SACPLAN as a Professional Planner. A Copy of valid registration

certificate is to be attached to the proposal and proof of payment of SACPLAN fees for 2018/2019.

15.2. Skills and abilities required in the team to execute the project include the following:

- 15.1.1 Town and Regional/Development Planning;
- 15.1.2 Planning Policy
- 15.1.3 Rural Planning experience;
- 15.1.4 Sound experience in working with Traditional Authorities.
- 15.1.5 Sound Participatory Planning experience;
- 15.1.6 Sound local/indigenous knowledge land use practices research experience;
- 15.1.7 Thorough understanding of IDP,SDF, SEA, Scheme Development, strategic planning process, and Design;
- 15.1.8 Proven Scheme Development, SDF, Precinct/Framework Plan compilation experience;
- 15.1.9 Sound understanding of Scheme inter-relationship with land legal issues, technical, indigenous/local knowledge, cadastral, social, economic, land use, transport, environmental, and regulatory data sets.
- 15.1.10 Sound GIS proficiency;
- 15.1.11 Project Management;
- 15.1.12 Facilitation and translation skills;
- 15.1.13 Research, analytical, writing and communication skills;
- 15.1.14 Ability to think strategically;
- 15.1.15 Legal drafting; and
- 15.1.16 Use of Development Communication Media and innovative approaches to land management in local contexts.

15.3 It is recommended that the Service Provider ensure that people with relevant skills are part of the project. A list of people containing, among other things, names, qualifications and experience and who will be directly involved in which parts of the project must be submitted. This should clearly indicate what roles each team member will play.

15.4 The Team Leader, Spatial Planner, Land Legal Expert, Indigenous/Local Knowledge Team Member and the Team Secretary will be attend all the Steering Committee meetings. Relevant team members that are directly involved in the particular project phase are be expected to attend progress report meetings. The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the Project Steering Committee.

## **16. MANDATORY CAPACITY BUILDING AND SKILLS TRANSFER**

16.1 Skills development is an integral part of the project. The process should ensure that skills development and skills transfer occurs within the project and is to be achieved with

Municipal Planning staff and COGTA planning staff. Proposals should indicate how skills development and transfer will be achieved, monitored and evaluated within each phase of the project. Skills transfer is not to be seen as that which might occur during councillor and stakeholder meetings and feedback sessions within the project. Genuine, hands-on planning work within the project is an essential aspect of this aspect of the ToR.

## **17. INFORMATION GATHERING, PROVINCIAL AND NATIONAL GUIDELINES**

- 17.1 The successful Service Provider is expected to make contact with all the relevant GIS, Planning and other officials and units within the various spheres of government to obtain information that is required for the project.
- 17.2 The current National and Provincial Planning Documents and Scheme Development Guidelines need to be obtained and localised where appropriate.
- 17.3 The Service Provider will be supplied with a letter from COGTA confirming appointment and requesting assistance with information. However, the responsibility for specifying and collecting the information necessary for the successful execution of the project remains entirely with the Service Provider.

## **18. TERMS AND CONDITIONS OF THE PROPOSAL**

### **18.1 General**

- 18.1.1 Staffing requirements will be confirmed during project initiation and shall remain unchanged for the duration of the project, unless prior written consent has been granted by the Project Steering Committee.
- 18.1.2 All secretarial services such as arranging meetings, setting of agenda's and minute taking shall be the responsibility of the Service Provider.
- 18.1.3 No material or information derived from the provision of the services under the contract may be used for any other purposes except for those of that the Municipality except where duly authorized to do so in writing by the Municipality.
- 18.1.4 The successful Service Provider agrees to keep all records and information of, or related to the project confidential and not disclose such records or information to any third party without the prior written consent of the Municipality.
- 18.1.5 The Municipality reserves the right to terminate the contract in the event that there is clear evidence of non-performance and non-compliance with the contract.

- 18.1.6 The short-listed service providers may be required to do a presentation in person and at their own cost should it be deemed necessary to do so.

## **19. REMUNERATION**

- 19.1 The Municipality shall remunerate the Service Provider in respect of its services in accordance with the following conditions:
- 19.1.1 The Service Provider agrees hereto that responsibility of payment for services rendered to the Municipality shall vest in the Service Provider, who shall submit a tax invoice to the Municipality for work completed and invoiced in accordance with the items set out in Appendix 1.
  - 19.1.2 The Municipality shall pay to the Service Provider the amount of such invoice within 30 (thirty days) of receipt of an agreed invoice. All supporting documents must be attached to all invoices submitted.
  - 19.1.3 In the event of the Municipality not being satisfied with the performance of the Service Provider, the Municipality shall give written notice to this effect to the Service Provider providing sufficient detail and a reasonable time frame to enable the Service Provider to rectify such performance.
  - 19.1.4 In the event of the entire amount or a portion of the invoice being disputed by the Department, only that portion in dispute shall be withheld from payment, until the dispute is resolved. The undisputed portion shall be paid to the Service Provider within the stipulated time frames.
  - 19.1.5 The Service Provider shall immediately give notice of any circumstances preventing it from completing its obligations in terms of the contract.

## **20 FEES AND DISBURSEMENTS**

- 20.1 Claims for recoverable costs will not be reimbursed.
- 20.2 The Municipality will not reimburse the successful tenderer for claims for costs associated with travel and related matters.
- 20.3 Because the basis of payment is on a phase-based product system, as set out in Appendix 1, all costs that may arise must be built into the proposal price *per* phase and be set out as *per* Appendix 1. All claims in respect of disbursements, incidental expenditure, workshop and travelling costs will not be reimbursed.

## **21 CONTRACT CONDITIONS**

### **21.1 Memorandum of Agreement:**

The successful Service Provider will be required to enter into a **contract with the Municipality**, in the form of a **Service Level Agreement**.

## **22. JOINT VENTURE/CONSORTIUM**

22.1 Tenderers who submit quotations as a Joint Venture or Consortium must include the following documentation as part of the Proposal Documentation:

22.1.1. An agreement entered into between all parties confirming the joint venture or consortium;

22.1.2. Proof of mandate of signatories to the agreement above;

22.1.3. Details of the percentage interest and participation held by members of the joint venture or consortium;

22.1.4. A mandate to the principal tenderer leading the joint venture or consortium;

22.1.5. A complete proposal document, which includes a valid original Tax Clearance Certificate in respect of each party in the joint venture or consortium.

22.1.6. Failure to submit any of the above-mentioned documentation will lead to a disqualification of the quotation.

## **23. EVALUATION PROCESS**

Step 1: Eligibility Criteria

Step 2: Functional Criteria

Step 3: Evaluation 80/20 Evaluation System

## **24. ELIGIBILITY CRITERIA:**

24.1 The following table provides organisational eligibility criteria and Service Providers will be assessed in relation to these eligibility criteria, provided that any proposals that do not meet any of the criteria above and in the table below, will be disqualified.

<b>Eligibility criteria</b>		<b>Method of verification (By Department)</b>
Organisational Requirements	Tenderers must provide a valid Tax Clearance Certificate from SARS/ SARS PIN	Tax Clearance Certificate provided

	Company profile and CVs of individuals allocated to this contract	CV and reference checks
	All subcontractors or partners making-up the consortium / team are to sign individual letters confirming and acknowledging they are part of the project.	CV with letters
Programme management experience	The Town and Regional Planner registered with SACPLAN as a Professional Planner	CV, certified copy of registration certificate and reference checks

## 25. FURTHER ELIGIBILITY CRITERIA:

Below is a summary of Mandatory requirements, based on the skills and expertise required for the execution of the project:

25.1 Project Leader- Qualified Professional Planner registered with SACPLAN;

25.2 Project Manager/Facilitator;

25.3 Environmentalist;

25.4 GIS Specialist;

25.5 Specialist applicable to the project: Economic/Agricultural/Design etc.; and

The following table (Schedule 1) consisting of the list of people containing names, qualifications and roles of team members who will be directly involved in the project must be completed and submitted:



### SCHEDULE 1: ELIGIBILITY CRITERIA

TABLE 1					
ELIGIBILITY ASSESSMENT					
ELIGIBILITY CRITERIA			METHOD OF VERIFICATION	YES	NO
Team member name and role		Qualification			
1	Project Leader	Professional Planner Registered with SACPLAN	Copy of registration as a Professional Planner		
2	Project Manager/ Facilitator	Team member with Project management/ public facilitation qualification	Copy of highest qualification in project management and public facilitation		
3	Environmentalism	Team member with an environmental qualification	Copy of highest qualification in environmental management or environmental science		
4	Specialist applicable to the project	Team member with qualification in either: Economics/ Agricultural studies/ Design etc. related to the project outcomes	Copy of highest qualification		
5	GIS Specialist	Team member with recognised GIS (Arc view and Arc Info) certification	Copy of GIS ArcView and ArcInfo certification		

## **26. MONITORING AND REPORTING**

- Monitoring pertaining to the progress of the project will be a joint effort involving the Mhlontlo, OR Tambo District and the Department of Cooperative Governance and Traditional Affairs (CoGTA) whereby a project steering committee will be established to monitor reports submitted by service provider on progress of the project through monthly meetings.
- The service provider will assist with the project execution and reporting to the steering committee;

## **27. DURATION OF THE PROJECT**

- The time period of the project will be one month from the date of signing of the project contract.

## **28. VALIDITY OF BID**

- Validity of the offer is ninety (90) days.

## **29. AWARDING OF POINTS FOR PRICE AND FUNCTIONALITY**

### **29.1 Functionality**

<b>COMPETENCE</b>	<b>SCORE</b>	<b>REQUIRED EVIDENCE</b>	<b>SCORE Allocation</b>
Qualifications of key personnel in Town and Regional Planning	30	Master's Degree in Town and Regional Planning	30
		Honors / Bsc/ B.Tech Degree	15
		National Diploma	10
		None	0

COMPETENCE	SCORE	REQUIRED EVIDENCE	SCORE Allocation
SACPLAN REGISTRATION	10	Registered as Professional Town and Regional Plan	10
		Technical Planner Registration	5
		Candidate Planner	2
Relevant experience in the above field with particular emphasis on Land Use Management	30	Five or more contacted references letters	30
		Three (3) contacted references letters	15
		Two contacted references letters	10
		One (1) contacted reference letters	5
		No contactable references	0
Quality of methodology relevant to assignment step by step with time frames	30	A fully detailed methodology aligned to the Terms of Reference with clear milestones and time frames.	30
		Basic methodology with time frames	10
		Unclear methodology with no time frames	0
<b>TOTAL</b>	<b>100</b>		

**NOTE: Only bidders who scored 70% and more on stage 1 to be evaluated further on price evaluation.**

**SUPPORTING DOCUMENTS NEEDED.**

1. CSD not later than one month
2. Tenderers are required to submit the Company Profile with contactable references.
3. Tenderers must submit certified copy for B-BBEE certificate SANAS Approved or Sworn Affidavit.
4. Proof of Municipal rates not later than one month/lease agreement.
5. SARS Tax compliance status pin.
6. Please sign All MBD 1-9 from the tender Document.

**METHOD OF PROCUREMENT**

It should be competitive bidding because of estimated budgeted amount.

**COMPALITION OF ADVERT**

The advert should be compiled by the SCM Officer after the approval of specification.

Bids submitted are to hold good for a period of 90 days and Must be deposited in the tender Box at the Mhlontlo Local Municipality 96 church Street Qumbu 5180, by no later than the closing date **18/03/20** at 12:00PM. Faxed or electronic submission of documents will not be accepted.

Mhlontlo Local Municipality reserves the right to withdraw any invitation to tender and/or to re-advertise or to reject any tender or to accept a part of it.

The Municipality does not bind itself to accepting the lowest tender or any tender

Enquire **Any** queries for further information relating to this advert must be directed to Mr L Keto on 047 553 7000 on Community Services and SCM queries to be forwarded to Ms B Yase at 047 553 7000.

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**MR T. P Mase**

**ACTING MUNICIPAL MANAGER**

**MBD 1**

**INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE MHLONTLO LOCAL  
MUNICIPALITY

BID NUMBER **LED/WAL/2019-20/MHLM**: DATE:**18/03/2020**

CLOSING TIME: **12:00**

**DESCRIPTION: DEVELOP WALL TO WALL LAND USE SCHEME**

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

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BID DOCUMENTS MAY BE POSTED TO:

**MHLONTLO LOCAL MUNICIPALITY**

**P.O. BOX**

**QUMBU**

**5180**

**OR**

DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*

**96 Church Street**

**Qumbu**

**5180**

**Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.**

The bid box is generally open 24 hours a day, 7 days a week.

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

THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT
--

**NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (as defined in Regulation 1 of the Local Government: Municipal Supply Chain Management Regulations)**

*THE FOLLOWING PARTICULARS MUST BE FURNISHED*

***(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)***

NAME OF BIDDER.....

POSTAL ADDRESS.....

STREET ADDRESS.....

TELEPHONE NUMBER

CODE.....NUMBER.....

CELLPHONE NUMBER.....

FACSIMILE NUMBER CODE.....

.NUMBER.....

E-MAIL ADDRESS.....

VATREGISTRATION

NUMBER.....

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

HAS A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE BEEN SUBMITTED? (MBD 6.1)  
YES/NO

IF YES, WHO WAS THE CERTIFICATE ISSUED BY? \_\_\_\_\_

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)  
☐

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN NATIONAL  
ACCREDITATION SYSTEM (SANAS) ☐

A REGISTERED AUDITOR  
☐

(Tick applicable box)

**(A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE MUST BE SUBMITTED IN ORDER  
TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE)**

ARE YOU THE ACCREDITED REPRESENTATIVE?  
IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED? YES/NO

(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER .....

DATE.....

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

TOTAL BID PRICE.....

TOTAL NUMBER OF ITEMS OFFERED.....



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**ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:**

**Municipality / Municipal Entity:** Mhlontlo Local Municipality

**Department:** COMMUNITY SERVICES

**Contact Person:** Ms B Yase (SCM)

**Tel:** 047 553 7000

**Fax:** 047 553 0189

**Email** [bjara@mhlontloim.gov.za](mailto:bjara@mhlontloim.gov.za)

**ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:**

**Contact Person:** MS T Ntobongwana (COMMUNITY SERVICES)

**Tel:** 047 553 700

**Fax:** 047 553 0189

**Email** [tntobongwana@mhlontloim.gov.za](mailto:tntobongwana@mhlontloim.gov.za)

**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

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.

.....

.....

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.

.....

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\* 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.

.....

...

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 particular

3.10 Are any of the company's directors, managers, principal  
**YES / NO**  
shareholders or stakeholders in service of the state?

3.10.1 If so, furnish particulars.....

.....

3.11 Are any spouse, child or parent of the company's directors, **YES**  
**/ NO**  
managers, principal shareholders or stakeholders in service  
of the state?

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 STATE MAY ACT AGAINST ME SHOULD THIS  
DECLARATION PROVE TO BE  
FALSE.**

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

**MBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2011**

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, 2011.**

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**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 to exceed/not exceed R50 000 000 (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:

	POINTS
1.3.1.1 PRICE	.....
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	.....
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 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.
- 2.10 **“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;
- 2.11 **“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;
- 2.12 **“non-firm prices”** means all prices other than “firm” prices;
- 2.13 **“person”** includes a juristic person;
- 2.14 **“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;
- 2.15 **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.16 **“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;

2.17 **“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

2.18 **“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:

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

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

$P_{min}$  = 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:

<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (80/20 system)</b>
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 5.2 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 Auditor. 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.

5.7 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.

5.8 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.

## **6. BID DECLARATION**

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

## **7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1**

7.1 B-BBEE Status Level of Contribution:..... = .....(maximum of 20 points)

**(Points claimed in respect of paragraph 7.1 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 Sworn Affidavit.**

## **8 SUB-CONTRACTING**

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

(i) what percentage of the contract will be subcontracted?.....%

(ii) the name of the sub-contractor?  
.....

(iii) the B-BBEE status level of the sub-contractor?.....

(iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9.1 Name of firm : .....

9.2 VAT registration number : .....

9.3 Company registration number  
..... :

9.4 TYPE OF COMPANY/ FIRM

☐ Partnership/Joint Venture / Consortium

☐ One person business/sole propriety

☐ Close corporation

☐ Company

☐ (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....  
.....  
.....

9.6 COMPANY CLASSIFICATION

☐ Manufacturer

☐ Supplier

☐ Professional service provider

☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 MUNICIPAL INFORMATION

Municipality where business is situated .....

Registered Account Number .....

Stand Number .....

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN  
BUSINESS?.....

9.9 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-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 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

**WITNESSES:**

- 1. ....
- 2. ....

.....  
SIGNATURE(S) OF BIDDER(S)

DATE:.....

ADDRESS:.....

.....

.....

.....

## MBD 6.2

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT**

This Municipal Bidding Document (MBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

#### 1. General Conditions

1.1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.

1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific bidding condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.



- 1.4. Where necessary, for bids referred to in paragraphs 1.2 and 1.3 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.5. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.6. The local content (LC) as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 201x as follows:

$$LC = 1 - \left( \frac{x}{y} \right) \times 100$$

Where

x        imported content

y        bid price excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by the South African Reserve Bank (SARB) at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid as required in paragraph 4.1 below.

- 1.7. A bid will be disqualified if:

- the bidder fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and.
- this declaration certificate is not submitted as part of the bid documentation.

## 2. Definitions

- 2.1. **“bid”** includes advertised competitive bids, written price quotations or proposals;
- 2.2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
- 2.3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

- 2.5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility(close corporation, partnership or individual).
- 2.6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
- 2.7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
- 2.8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
- 2.9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
3. **The stipulated minimum threshold(s) for local production and content for this bid is/are as follows:**

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
_____	_____ %
_____	_____ %
_____	_____ %

4. Does any portion of the services, works or goods offered have any imported content? YES / NO
- 4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by the SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the bid.

The relevant rates of exchange information is accessible on  
www.reservebank.co.za.

Indicate the rate(s) of exchange against the appropriate currency in the table below:

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER  
LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF  
EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY  
(CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID No.** .....

**ISSUED BY:** (Procurement Authority / Name of Municipality / Municipal Entity):  
.....

NB The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder  
entity), the following:

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286.

(c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

Bid price, excluding VAT (y)	R
Imported content (x)	R
Stipulated minimum threshold for Local content (paragraph 3 above)	
Local content % as calculated in terms of SATS 1286	

If the bid is for more than one product, a schedule of the local content by product shall be attached.

(d) I accept that the Procurement Authority / Municipality /Municipal Entity has the right to request that the local content be verified in terms of the requirements of SATS 1286.

(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286, may result in the Procurement Authority / Municipal / Municipal Entity imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
  - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p><b>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</b></p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>

4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?  <b>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

### CERTIFICATION

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

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS  
DECLARATION FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN  
AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....

**Signature**

.....

**Date**

.....

**Position**

.....

**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> 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).<sup>2</sup> Collusive bidding is a *pe se* 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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:

---

(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

## **MBD 9**

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<sup>3</sup> 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.

<sup>3</sup> 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.

**MBD 9**

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