



# agriculture, land reform & rural development

Department:  
Agriculture, Land Reform and Rural Development  
REPUBLIC OF SOUTH AFRICA

KZN: Provincial Shared Service Centre, P/Bag X 9132, 270 Jabu Ndlovu Street, Pietermaritzburg 3200  
Tel (033) 264 9500

ENQUIRIES: Ms B. Mchunu / Ms T. Dlungwana

BID NO: SS-KZN 7/1/6/3 (6595) 3SP

The Managing Director  
.....  
.....

Dear Sir / Madam

## THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP A SINGLE LAND USE SCHEME(LUS) FOR ENDUMENI LOCAL MUNICIPALITY (KZN 241), UMZINYATHI DISTRICT MUNICIPALITY (DC 24), THE PROVINCE OF KWAZULU -NATAL FOR A PERIOD OF TWELVE (12) MONTHS

1. Bid No: **SS-KZN 7/1//6/3 (6595) 3SP**
2. Closing Date: **22 September 2022 at 11h00**. Quotations submitted after this date will not be Accepted. Please note that vat vendors must include VAT at 15%
3. **Compulsory Briefing Session: 08 September 2022 at 10.30am 270 Jabu Ndlovu Street**
4. The conditions contained in Supply Chain Management (General Conditions and Procedures) and the attached SBD 1, SBD 2, SBD 3.3, SBD 4, SBD 6.1, SBD 8 and SBD 9, Terms of Reference, Supplier Maintenance form and as well as any other conditions accompanying this request are applicable. Document are to be completed, signed and witnessed (this is of utmost importance) and submitted with your proposal. Proof of delegation of authority to sign the Bid documents must be included in your proposal
5. If you are a shareholder or joint venture, it is essential that you indicate your percentage commission or profit before tax in order that the reasonableness of your bid price may be gauged. This information will be treated as strictly confidential. It is of utmost importance that the bidder should attach to the proposal, certified copies of shareholders certificates and identity documents.
6. **(If a valid Tax Clearance Certificate/ Tax compliance pin/ CSD report is not attached to your bid document, your proposal will not be considered**
7. Please contact on **Mr Stephan Viljoen on 071 605 3674** for any technical queries related to the project
8. All the documents accompanying this bid invitation must be completed and signed in detail where applicable and returned with your bid. Emailed copies will not be accepted. Use of correctional fluid is strictly prohibited on the document
9. The appointed service provider must sign a contract within 2 days from receipt of the appointment letter at the KwaZulu-Natal Shared Service Centre at 270 Jabu Ndlovu Street, Pietermaritzburg before commencement of project
10. Please ensure that your bid reaches this office before closing date and time
11. When submitting your bid the following information must appear on the sealed envelope:  
Name and address of the bidder  
Bid number  
Closing date
12. The envelope must be placed in the bid box on the first floor at 270 Jabu Ndlovu (Loop) Street, Pietermaritzburg  
OR If posted, place the aforementioned envelope in a covering envelope addressed as follows: Bids, Department of Agriculture, Land Reform & Rural Development, Private Bag X 9132, Pietermaritzburg, 3200

Kind regards

DIRECTOR: FINANCE AND SUPPLY CHAIN MANAGEMENT, KZN: PSSC  
FOR DIRECTOR -GENERAL: AGRICULTURE, LAND REFORM & LAND REFORM

DATE: 01/09/2022

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (AGRICULTURE, LAND REFORM &amp; RURAL DEVELOPMENT)</b>					
BID NUMBER:	SS-KZN 7/1/6/3 (6595) 3SP	CLOSING DATE:	22 SEPTEMBER 2022	CLOSING TIME:	11.00 am
DESCRIPTION	<b>THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP A SINGLE LAND USE SCHEME(LUS) FOR ENDUMENI LOCAL MUNICIPALITY (KZN 241), UMZINYATHI DISTRICT MUNICIPALITY (DC 24), THE PROVINCE OF KWAZULU -NATAL FOR A PERIOD OF TWELVE (12) MONTHS</b>				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
270 Jabu Ndlovu Street					
Pietermaritzburg					
3201, First Floor					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Mr Bongani Magudulela		CONTACT PERSON	Mr Stephan Viljoen	
TELEPHONE NUMBER	033 264 9500		TELEPHONE NUMBER	071 605 3674	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	Bongani.magudulela@dalrrd.gov.za		E-MAIL ADDRESS	Stephanus.viljoen@dalrrd.gov.za	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.					

**PART B**  
**TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)

DATE:

.....

## TAX CLEARANCE CERTIFICATE REQUIREMENTS

**It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.**

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website [www.sars.gov.za](http://www.sars.gov.za).
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za).



### Application for a Tax Clearance Certificate

**Purpose**

Select the applicable option  Tenders  Good standing

If "Good standing", please state the purpose of this application

[Empty text box for purpose of application]

**Particulars of applicant**

Name/Legal name (Initials & Surname or registered name)			
Trading name (if applicable)			
ID/Passport no	Company/Close Corp. registered no	PAYE ref no	7
Income Tax ref no		SDL ref no	L
VAT registration no	4	UIF ref no	U
Customs code			
Telephone no		Fax no	
E-mail address			
Physical address			
Postal address			

**Particulars of representative (Public Officer/Trustee/Partner)**

Surname			
First names			
ID/Passport no	Income Tax ref no		
Telephone no		Fax no	
E-mail address			
Physical address			

**Particulars of tender** (If applicable)

Tender number

Estimated Tender amount R ,

Expected duration of the tender  year(s)

**Particulars of the 3 largest contracts previously awarded**

Date started	Date finalised	Principal	Contact person	Telephone number	Amount
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**Audit**

Are you currently aware of any Audit investigation against you/the company? ..... YES NO  
If "YES" provide details

**Appointment of representative/agent (Power of Attorney)**

I the undersigned confirm that I require a Tax Clearance Certificate in respect of  Tenders or  Goodstanding.

I hereby authorise and instruct  to apply to and receive from SARS the applicable Tax Clearance Certificate on my/our behalf.

Signature of representative/agent  Date

Name of representative/agent

**Declaration**

I declare that the information furnished in this application as well as any supporting documents is true and correct in every respect.

Signature of applicant/Public Officer  Date

Name of applicant/Public Officer

**Notes:**

1. It is a serious offence to make a false declaration.
2. Section 75 of the Income Tax Act, 1962, states: Any person who
  - (a) fails or neglects to furnish, file or submit any return or document as and when required by or under this Act; or
  - (b) without just cause shown by him, refuses or neglects to-
    - (i) furnish, produce or make available any information, documents or things;
    - (ii) reply to or answer truly and fully, any questions put to him ...As and when required in terms of this Act ... shall be guilty of an offence ...
3. **SARS will, under no circumstances, issue a Tax Clearance Certificate unless this form is completed in full.**
4. Your Tax Clearance Certificate will only be issued on presentation of your South African Identity Document or Passport (Foreigners only) as applicable.

6.

**PRICING SCHEDULE**  
(Professional Services)

NAME OF BIDDER: .....	BID NO.: <b>SS-KZN 7/1/6/3 (6595)3SP</b>
CLOSING TIME <b>11:00 am</b>	<b>CLOSING DATE: 22 SEPTEMBER 2022</b>

OFFER TO BE VALID FOR ...**90** DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY
		INCLUSIVE OF VAT AT 15%

**DESCRIPTION: THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP A SINGLE LAND USE SCHEME(LUS) FOR ENDUMENI LOCAL MUNICIPALITY (KZN 241), UMZINYATHI DISTRICT MUNICIPALITY (DC 24), THE PROVINCE OF KWAZULU -NATAL FOR A PERIOD OF TWELVE (12) MONTHS**

1. The accompanying information must be used for the formulation of proposals.
2. Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of VAT at 15% for the project.

R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

-----	R-----	-----
-----	R-----	-----
-----	R-----	-----
-----	R-----	-----
-----	R-----	-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days
-----	R-----	----- days

Bid No.: .....

Name of Bidder: .....

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- 5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
TOTAL: R.....			

- 5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
.....	.....	.....	R.....
TOTAL: R.....			

6. Period required for commencement with project after Acceptance of bid .....  
 7. Estimated man-days for completion of project .....  
 8. Are the rates quoted firm for the full period of contract? .....  
 9. If not firm for the full period, provide details of the basis on which Adjustments will be applied for, for example consumer price index. Please note that your proposal will be evaluated on the following: .....  
 10. Adherence to Time Frame as per terms of reference (yes/no) .....  
 10.1 Adherence to time frame (12 months) .....

Any enquiries regarding bidding procedures may be directed to the –

**Mr Bongani Magudulela**  
 Tel: 033 264 9500/ 9587  
 270 Jabu Ndlovu (Loop) Street  
 Pietermaritzburg  
 3201

**Or for technical information Provincial office**  
**Mr Stephanus Viljoen**  
 Tel: 071 605 3674  
 Email: stephanus.viljoen@dalrrd.gov.za



## DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

2.1 Full Name of bidder or his or her representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

<sup>1</sup>"State" means –

- (a) 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);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

<sup>2</sup>"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member: .....

Name of state institution at which you or the person connected to the bidder is employed : .....

Position occupied in the state institution: .....

Any other particulars:  
.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:  
.....  
.....  
.....

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

2.9.1 If so, furnish particulars.

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

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

2.10.1 If so, furnish particulars.  
 .....  
 .....  
 .....

2.11 Do you or any of the directors / trustees / shareholders / members YES/NO  
 of the company have any interest in any other related companies  
 whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:  
 .....  
 .....  
 .....

**3 Full details of directors / trustees / members / shareholders.**

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

**4 DECLARATION**

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT. I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

May 2011

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL  
PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

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

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the ...80/20..... preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

	<b>POINTS</b>
<b>PRICE</b>	80
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	20
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 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

- (a) "**B-BBEE**" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) "**B-BBEE status level of contributor**" means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) "**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 goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) "**Broad-Based Black Economic Empowerment Act**" means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) "**EME**" means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) "**functionality**" means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) "**prices**" includes all applicable taxes less all unconditional discounts;
- (h) "**proof of B-BBEE status level of contributor**" means:
  - 1) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) "**QSE**" means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) "**rand value**" means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

Where

- $P_s$  = Points scored for price of bid under consideration
- $P_t$  = Price of bid under consideration
- $P_{\min}$  = Price of lowest acceptable bid

## 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

**5. BID DECLARATION**

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

**6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1**

6.1 B-BBEE Status Level of Contributor: \_\_\_\_\_ = \_\_\_\_\_ (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 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 or QSE

*(Tick applicable box)*

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		

Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
<b>OR</b>		
Any EME		
Any QSE		

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**8.6 COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 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 contributor indicated in paragraphs 1.4 and 6.1 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 paragraphs 1.4 and 6.1, 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 contributor 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) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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 BIDDERS(S)

DATE: .....

ADDRESS .....

.....

.....

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

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions 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 disregarded if that bidder, or any of its directors have-
  - a. abused the institution's supply chain management system;
  - b. committed fraud or any other improper conduct in relation to such system; or
  - c. failed to perform on any previous contract.
- 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	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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>To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445.</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 outside of 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:		
4.4	Was any contract between the bidder and any 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"/>
4.4.1	If so, furnish particulars:		

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME).....  
CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION  
FORM IS 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**

J8365bW

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Standard Bidding Document (SBD) 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 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD 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 (SBD 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 Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<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.

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

Js914w 2



**agriculture, land reform  
& rural development**

Department:  
Agriculture, Land Reform and Rural Development  
REPUBLIC OF SOUTH AFRICA

Directorate: Spatial Planning and Land Use Management, KwaZulu-Natal, Branch SPLUM,  
83 Peter Kerchhoff (Chapel) Street, Pietermaritzburg, Private Bag X9000, Pietermaritzburg, 3200.  
Tel (033) 264 1400, Fax (033) 264 1413.

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**TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO DEVELOP A SINGLE LAND USE SCHEME (LUS) FOR ENDUMENI LOCAL MUNICIPALITY (KZN 241), UMZINYATHI DISTRICT MUNICIPALITY (DC 24), THE PROVINCE OF KWAZULU-NATAL FOR A PERIOD OF TWELVE (12) MONTHS**

**1. INTRODUCTION**

- 1.1. The Department of Agriculture Land Reform and Rural Development (DALRRD / the Department) seeks to enlist the services of an experienced and suitably qualified, competent, professional service provider to undertake the development of a Single Land Use Scheme (LUS) of the whole municipal area for Endumeni Local Municipality, uMzinyathi District Municipality, the province of KwaZulu-Natal.

**2. LEGISLATIVE CONTEXT**

- 2.1. The Department of Agriculture Land Reform and rural Development is the custodian of the Spatial Planning and Land Use Management Act No. 16 of 2013 (SPLUMA). The Act provides for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and aim to redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.
- 2.2. The SPLUMA notes in Section 24 (1) that "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 LUS by 1 July 2020.
- 2.3. SPLUMA further states in Section 27.(1) that "*A municipality may review its land use scheme in order to achieve consistency with the municipal spatial development framework, and must do so at least every five years.*"
- 2.4. The Endumeni municipality already met the SPLUMA requirement of adopting a single land use scheme for its area of jurisdiction but acknowledged that they identified some gaps based on using the Land Use Scheme.
- 2.5. Furthermore, the municipality compiled a new SDF for the new 5-year IDP cycle, which necessitates a review of the LUS to ensure alignment.



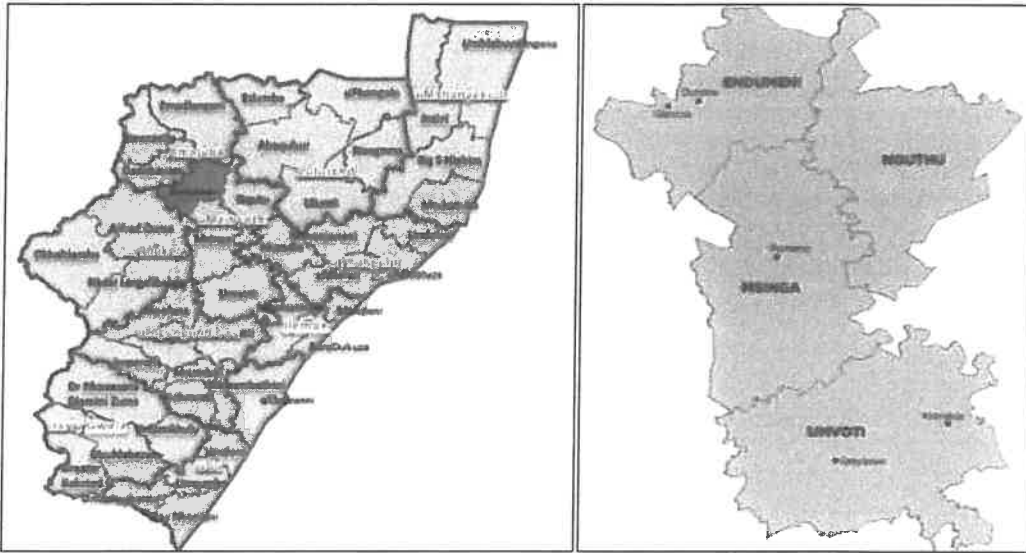
- 2.6. A LUS is a tool used by municipalities to guide and manage development according to the vision, strategies and policies of the Integrated Development Plan (IDP) and Spatial Development Framework (SDF), and in the interests of the general public to promote sustainable development and quality of life.
- 2.7. Two areas of importance which need to be addressed during the LUS preparation are:
- 2.7.1. There are areas that are subject to the Subdivision of Agricultural Land Act 70 of 1970 which needs 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 Land Reform and Rural Development. The management controls must provide appropriate management guidance for the Municipality's area of jurisdiction and be aligned to the updated areas identified by the DALRRD as Protected Agricultural Land.
  - 2.7.2. 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 LUS and way forward, the development of a single LUS with public participation, the adoption of the single LUS and implementation of a single LUS, 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;
    - 2.7.2.1. Participation with 7 wards (13 Councillors).
    - 2.7.2.2. Residents of areas, both in the urban and rural components.
    - 2.7.2.3. Key Stakeholders (parastatals and Departments).
- 2.8. In addition to the requirements of legal compliance and sustainability, basic to the drafting of the LUS, is the need to provide for the incorporation of national and provincial sector-specific policies and guidelines. Central to this process is the drive toward redressing imbalances which is still prevalent.
- 2.9. 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.

### **3. LOCATIONAL CONTEXT - PROJECT AREA**

- 3.1. Endumeni is a category B municipality as described in section 155 (1) (b) of the constitution of the Republic of South Africa 1996, and it falls within uMzinyathi District Municipality (DC 24). The municipality has its administrative seats in its two main towns; Dundee and Glencoe, located at the base of the Endumeni Mountain, it also comprises of Wasbank town, together with a number of farms astride MR33, MR 68 and DR602. The municipality is generally accessed by turning off the N3 highway onto the N11 then proceeding onto the R68 into the Municipal area.
- 3.2. The Endumeni Local Municipality's administrative structure consist of 7 wards and 13 Councillors.

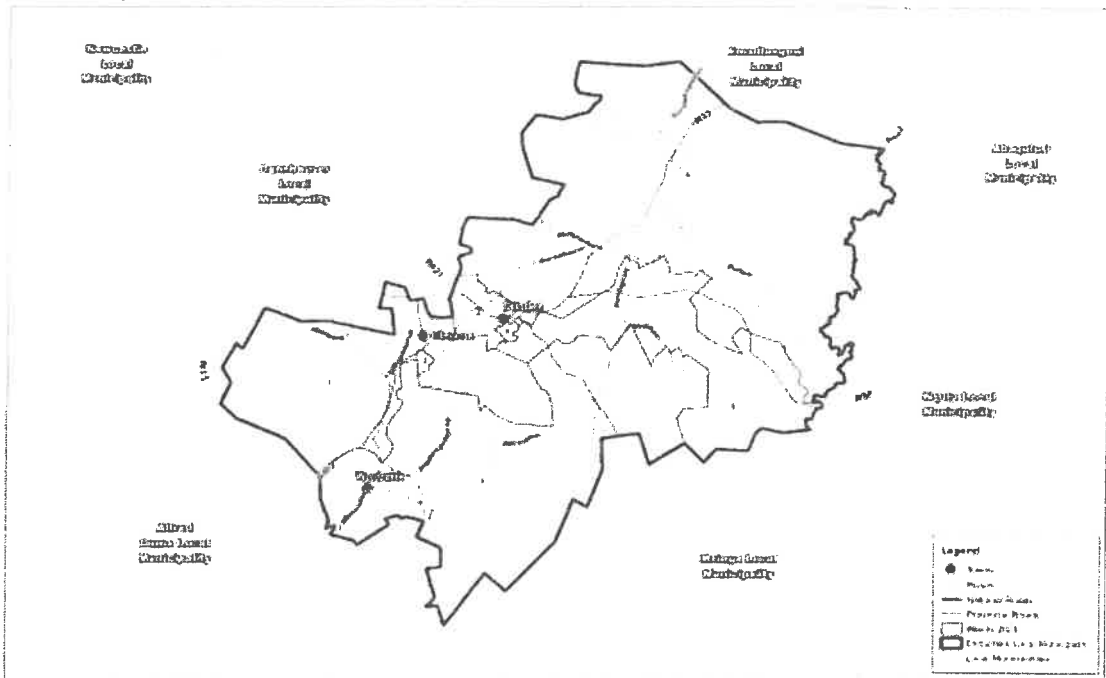
- 3.3. There is no Ingonyama Trust land nor traditional authority within the municipal jurisdiction area. Endumeni is located on the northern edge of the uMzinyathi DM and is bordered by the Amajuba DM to the north (Dannhauser & Emadlangeni LMs), the uThukela DM to the southwest (eMnambithi LM), and Msinga LM to the south and Nqutu LM to the east. It is 1,612km<sup>2</sup> in extent, 55km wide from north-east to south-west on the R33/ R602 and 30km on the R33/ R602 southeast to north-west. It is situated 360 kilometres southeast of Johannesburg and 290 kilometres north of Durban.
- 3.4. Endumeni has the smallest population however dominates the district economy as it serves as the key administrative, educational and economic centre for the entire district. Endumeni has a diversified economy ranging from retail and trade, tourism, farming, industrial (processing), coal mining and administrative centres. The municipality is positioned within a well-developed commercial agricultural region and hence, it functions as an important regional rural service centre serving the agricultural vicinity. Dundee is the primary node. It exists with multipurpose business, administrative, social service and intermodal transportation terminal centre that services the surrounding urban and rural communities of Endumeni, it is a centre from which tourism is based on the cultural heritage of the Zulu Kingdom and 'battlefields' is emphasized and managed to some extent. Cultural assets in the area include; Monuments and Museums (e.g. Talana Museum); Battlefields sites (Talana and Lennox Hills); Other cultural sites i.e. Talana Zulu Cultural Villafem Iron Age smelting sites; Riflemans Road and Red Soldiers March Battlefield Routes; and Maria Ratschitz Mission.
- 3.5. The municipality further has an existing Land Use Scheme which needs to be updated to ensure alignment with the new Spatial Development Framework.
- 3.6. Glencoe is the secondary node and serves as a secondary centre to Dundee. This node is strategically located with high potential of being a regional node as it is located near Dannhauser LM, Wasbank and is along the route linking Endumeni and N11. Together with Amajuba, the area is branded the 'custodian' of the battlefields region which has international and regional significance. The area is in the Biggarsberg valley in the foothills of Drakensburg. The municipality only comprises of seven (7) wards. Land cover of Endumeni municipality is clustered into;
  - 3.6.1. Urban/ Built-up areas;
  - 3.6.2. Mountain areas, Natural grasslands; and
  - 3.6.3. Surface water.
- 3.7. Whereas the land ownership within Endumeni can be clustered into;
  - 3.7.1. Privately owned land;
  - 3.7.2. Municipal land;
  - 3.7.3. State-owned land; and
  - 3.7.4. Land owned by Community Property Associations.
- 3.8. Land ownership within Endumeni is diverse but the dominant owner is Private Ownership (88%). This is followed by Government (11%), Municipal (1,2%) and Transnet (0,1%). The other minimal land owners are State Enterprise and Telkom.

Figure 1: Provincial Context – Endumeni



Source: DALRRD

Figure 2: Municipal Context & Ward Delimitation – Endumeni



Source: Endumeni LM Spatial Development Framework 2022

#### 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 LUSs 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 LUS;

- 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 Community Property Associations / Community Trusts, rural areas, informal settlements, slums and areas not previously subject to a LUS;
  - 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 LUS 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 LUS 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 LUS 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
- 4.3. 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.
- 4.4. The process must be guided by the following studies developed by the DALRRD:
- 4.4.1. National LUS Guidelines
  - 4.4.2. National Model Land Use Scheme
  - 4.4.3. National Informal Land Use Register
  - 4.4.4. KZN Rural Settlements and Urban Edges Project
- 4.5. The process must be guided by the following studies developed by the KwaZulu-Natal:
- 4.5.1. KZN Norms & Standards
  - 4.5.2. KZN Telecommunication
  - 4.5.3. Agricultural Categories
  - 4.5.4. Ezemvelo KZN District Bio-diversity Studies
  - 4.5.5. KZN Spatial Equity Tool

## **5. LAND USE SCHEME PROCESS (CRITICAL MILESTONES)**

The development of the LUS should ideally follow the phases and steps outlined below. The process is fairly detailed and shows quite clearly what is expected from the service providers. The information below is the minimum requirements. Bidders may improve and add to this proposal.

### **PHASE 1: DETAILED INCEPTION REPORT AND COMMUNICATION PLAN (2 weeks)**

#### ***Step 1: Inception Report and Communication Plan***

- On appointment, the service providers will prepare a detailed project work plan and Gantt chart, in the form of an Inception Report, detailing the specific actions and date-specific time frames of the project. The report will include the proposed actions and steps to be undertaken during the whole of the project and by whom.
- The role of the Service Provider in regard to the Subdivision of Agricultural Land Act 70 of 1970 is to be clearly specified.
- A Communication Plan will be developed detailing the stakeholders (i.e. people, organisations, interested and affected parties, including Ward committees) to be engaged while preparing the LUS, both during the drafting phases, and once the draft LUS has been developed, to ensure buy-in from all stakeholders. The communication plan also needs to indicate reporting lines, contact details, and PSC dates to monitor progress.

#### ***Step 2: Presentation to Project Steering Committee***

- Presentation of Inception Report and consultative process to be followed, resulting in consensus being reached and the Department giving written acceptance of the Inception Report.

#### ***Step 3: Presentation to Municipal council***

- A presentation of the project should be conducted to the Full Municipal council to obtain a council resolution to prepare a LUS.

**Deliverable: Inception Report detailing the process to be followed with a Gantt Chart, inclusive of a Communication Plan with internal and external stakeholders.**

### **PHASE 2 - DATA COLLECTION AND STATUS QUO ASSESSMENT (1 Month)**

#### ***Step 1 - Collect Data & Documents***

- The service provider will be required to undertake a wealth of research and analysis to understand the existing status of the study area.
- The responsibility for collecting information necessary for the successful execution of the project remains entirely with the service provider.
- 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 LUS:
  - Topography and slope analysis;
  - Ezemvelo KZN wildlife data on Biodiversity, climate corridors, Provincial list of threatened ecosystems and species, amongst others;

- Environmental Studies e.g. Environmental Management Framework, SEA factors and strategic interventions (sound environmental analysis);
- National Biodiversity Framework;
- Bioregional Plans and Provincial Biodiversity Management Plans, stewardship sites - it will be necessary to meet with KwaZulu-Natal Ezemvelo Wildlife to understand the data bases and obtain necessary information;
- Catchment areas;
- Registered Protected Areas, Provincial Protected Areas, Nature Reserves, World Heritage Sites, Protected Forest Areas, Mountain Catchment Areas;
- Mapping of Important view landscape areas, Water Plans, dams and rivers.
- Cultural heritage and sites of cultural or ecological significance (AMAFA);
- Protection of Agricultural resources and other (Agriculture data 2015).
- Sourcing and application (mapping) of Aerial photography and other important mapping;
- Sourcing and application (mapping) of key elements of the IDP, SDF, SEA and Linking Elements;
- Demographic projections and trends;
- Urban edge, settlement edges or urban growth boundary delineation;
- ESKOM data of GPS points of all Imizi located within the rural areas;
- Cadastral and Land tenure;
- Urban areas and settlement spatial data sets (DRDLR 2009 and 2015);
- Identification and mapping of Areas affected by the Subdivision of Agricultural Land Act 70 of 1970;
- Mapping of Areas affected by Land Reform and restitution (DRDLR);
- Current land uses, building uses and existing LUSs;
- Typology of utility services (water, sewer, refuse, power, roads etc.) current capacity based on current threshold, capacity for growth, future threshold capacity for expansion;
- Levels of services, demand, current capacity based on current threshold, capacity for growth, future threshold capacity for expansion;
- Risk elements including inter-alia: 1:50 year and 1:100 year flood lines;
- Various local knowledge practices and land use designations (e.g. lightning prone areas and cattle dipping stations etc.);
- 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
- Any other locally specific information as may be called for.
- Aspects to address, amongst other matters, include:
  - Setting out the legal requirements, rights and obligations;
  - Linking elements from the SDF;
  - Application of National and Provincial and municipal policy;
  - Defining Performance criteria,
- Key questions to be addressed include; "What should be managed by the LUS? And "What should not be managed by the LUS?"
- 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?

- Broad zones should be recommended and their Statements of intent should be developed.
  - A range of land uses and land use types are to be specified, which have to be managed.
  - A spatial concept and initial spatial (mapping) representation of the matter above to be provided.
- The project will require that not only freely available data be used, but the most recently updated specialised datasets be acquired from the specialised data custodians especially data linked to economic, social and environmental activities.
  - Information as outlined above needs to be obtained from the following entities:
    - Local Municipality
    - Provincial Departments (There is a critical need for alignment between sector departments, parastatals and the municipal development agenda in ensuring integrated and sustainable development)
    - District Municipalities

**Step 2 – Existing LUS (if applicable)**

- The service provider will be required to analyse the existing LUS for Endumeni Local Municipality and provide a report on the existing challenges of the existing LUS.

**Step 3 - Land Use Survey and a land ownership audit**

- The service provider must conduct a land use survey of the study area to establish existing activities and establish trends to inform the development of the land use framework.
- The Land Audit is mainly aimed at the Urban Areas, as the remainder of the municipality consists of large farm portions.
- The purpose of the land audit is to establish how much of land is owned by whom and to establish a database of all registered land portions in the municipal jurisdiction.

**Step 4 - Interim Land Use Management Framework**

- The interim land use management framework should consider but not limited to the following:
  - Possible distinction between conservation, agriculture, peri-urban and urban areas,
  - Boundary definition for LUS and Policy Areas,
  - Identification of areas where land use intensification is envisaged,
  - Broad Land Use categories envisaged within the municipality.

**Step 5: Presentation to PSC**

- Presentation of a combined set of for approval by PSC.

**Deliverable: A report displaying results from analysis; Data collected with accompanying Metadata; Results from consultation with stakeholders.**

**Phase 3: Land Use Management Framework (1 Month)**

***Step 1 – Principles and concepts***

- Should be refined and lead to a clear suite of framework plans. Translate SDF into more detailed land use areas to provide a clear link from the SDF to the LUS.

***Step 2 – Informants and constraints***

- Informants such as bio-physical, socio economic and infrastructure to be logically and systematically 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.

***Step 3 – Draft Land Use Management Framework***

- A draft Land use Management framework should be prepared to deal with but not limited to the following:
  - the benefits/failings of the existing LUS.
  - Pressures/opportunities does the area face.
  - Type/character envisioned for the area.
  - Setting out the legal requirements, rights and obligations and linking elements from the SDF.
  - What needs to be managed under the LUS?
  - The benefits of a LUS for this area and for the groups of people.

***Step 4: Presentation to PSC***

- Presentation of a combined set of for approval by PSC.

**Deliverable: A Land Use Management Framework with proof of consultation**

**Phase 4: Draft LUS Document and Maps (2 Months)**

***Step 1: Draft LUS Clauses***

- Draft an appropriate set of General Definitions and Land Use Definitions. The General definitions will apply to the LUS These definitions and clauses shall be affirmed by legal experts with experience in planning law, LUSs, appeals and local/indigenous knowledge land use practices;
- The collaborative development of land uses and associated user-friendly set of tables and within the LUS, which set out the uses which should be freely permitted, permitted by consent or prohibited, together with the additional development parameters/LUS controls relevant for each zone; and
- Prepare appropriate Management Overlays where necessary;
- 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, and decide which should be included in the LUS and/ or which should located in the companion document.



- 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 :
- Approval to release of certain agricultural properties from the Act.
- Approval for the LUS controls (clauses and maps) for properties which would remain subject to Act 70 of 1970 but be protected, managed and controlled via a LUS in order to ensure valuable agricultural land is protected.
- Approval to advertise/issue a notice in regard to developing a LUS.

**Step 2: Draft LUS Maps**

- Concurrently while designing the LUS clauses the LUS maps should be designed.
- 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. The vintage of the data is important.
  - Any data and matter that needs to be recorded
  - The scale of maps is critical and will be based on visual suitability

**Step 3: Companion Document**

- The purpose of the companion document is to provide a history, a background to the LUS, justification for the manner in which the LUS was developed, address procedures, a policy perspective for the LUS. This document will summarise the salient matters during the development of the LUS until finalisation.
- The companion document provides for a set of application forms relevant to the LUS and be translated into the appropriate language for public usage.

**Step 4: Presentation to PSC**

- Submit deliverables to the PSC prior to the meeting and ensure enough time is given for perusal of deliverables.
- Presentation of information for approval by PSC.

**Deliverable – Draft LUS Document and Maps with proof of engagement**

**Phase 5: Consultation (3 Months)**

- The service provider will advertise in two local newspapers (one in English and one in isiZulu) and call for comments on the proposed Land Use Scheme.
- The Draft Documents are to be presented to the public for input and allow for public participation, ensuring refinement of the LUS. Records of participation and consultation with interested and affected parties will be required. Records include attendance registers, workshop agenda, minutes, concerns and resolutions.

- It is anticipated that the Draft LUS 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 LUS (maps and clauses and overlays).
- 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.

**Deliverable – Report containing proof of consultation with various stakeholders.**

**Phase 6: Final LUS (2 Month)**

***Step 1: Amendments***

- Based on the outcome of the Consultation process, the service provider shall carry out the necessary amendments.

***Step 2: Presentation to PSC***

- The service provider to present the final LUS to the PSC members for approval and attend to any amendments that are necessary.

**Deliverable – Final LUS document with maps and proof of consultation**

**Phase 7: Planning Application and Consideration for Adoption (2 months)**

- The Service Provider to package an application in terms of the most appropriate legislation available (SPLUMA or By-Laws) for the single LUSs to be adopted.
- The service provider ensures that all the core LUS based criteria of SPLUMA are addressed.
- The Service Provider is to advertise for public comment on the Single LUS document in consultation with the Municipality/ Project Management Team.
- 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.
- The final documents are then submitted to Council for its consideration and final adoption.
- The Service Provider will not be held responsible for indecision by Municipalities, and although every effort needs to be made to obtain adoption, final payment will not be dependent on a Council Resolution.

**Deliverable: Written report on the application process.**

**Phase 8: Hand over and Close out (2 weeks)**

- The final delivery consists of:
- Council Resolution (If taken by council within the timeframes of the project)
- Close out report outlining:
  - Overview of process followed
  - Summary of meetings dates
  - Summary of Payment dates
  - Challenges & Lessons learned
  - Actions required in obtaining final Council Resolution adopting the LUS, if council did not take any decision.
- PSC meeting to conclude the project.

**Deliverable: Close-out report with final submission documents including final deliverables as per Section 7.**

***N.B. It should be noted that the timeframes for the phases are to be used as a guideline (except phase 1) within the overall period of twelve (12) months for the development of the LUS.***

**6. OUTCOMES**

- 6.1. The LUS should respond to the government strategic priorities (NDP, PGDS, PGDP and PSEDS). The end product must contribute positively towards local economic development, sustainable livelihoods in rural areas and poverty alleviation.
- 6.2. All objectives of the project as stipulated in this Terms of Reference should be met. A document with clear deliverables is expected. The LUS documents should indicate all cross border issues, challenges and alignment of programmes shared with neighbouring municipalities, provinces and countries.
- 6.3. The LUS should also take cognizance of existing strategies such as Local Economic Development Strategies intended to alleviate poverty as it is regarded as second economy as well as well-established businesses which are regarded as first economy.
- 6.4. Submissions should be in the form of both hard and electronic versions of the LUS. All spatial information collected should be submitted in GIS capable file format for use in a GIS environment. The shapefiles must have clear attribute information that differentiates each LUS layer and its purpose. The project steering committee (including municipality and DALRRD officials) will comment on the LUS and send them to the service provider for amendment purposes.
- 6.5. It is recommended that more visual representation (maps, graphics and photographs) form the bulk part of the spatial analysis/current reality and the conceptual framework section of the LUS. A text box or other mechanisms may be used to provide an explanation, relevant information or analysis.

- 6.6. Required copies of the LUS document for consultation purposes shall be prepared by the service provider. The copies shall be distributed a week prior to the meeting taking place.

## **7. FINAL DELIVERABLES**

- 7.1. The service provider would be expected to submit a final consolidated report which consists of:
- 7.1.1. LUS document including zoning register, maps, tables and figures in both hardcopy (printed) and softcopy (electronic as MS word document);
  - 7.1.2. A0 LUS Map;
  - 7.1.3. A separate Executive Summary Document;
  - 7.1.4. A public participation report;
  - 7.1.5. All maps contained in the LUS textual document as electronic image files (e.g. JPEG, windows Bitmap, GIF, etc.);
  - 7.1.6. All spatial information used to generate the LUS maps must be provided in the correct GIS format, and map packages viewable in a user-friendly open source GIS Viewer.
  - 7.1.7. All zoning information used to generate the LUS maps must be provided in the correct GIS format, and map packages viewable in a user-friendly open source GIS Viewer.
  - 7.1.8. Application Forms for each type of application, e.g. Rezoning, Subdivision, Consent use
  - 7.1.9. Application Checklist for each type of application, e.g. Rezoning, Subdivision, Consent use
- 7.2. The format of the submission will be as follows:
- 7.2.1. 3 x Hardcopies of the LUS document.
  - 7.2.2. 3 x Hard Copies of the Composite LUS Maps (A0 size).
  - 7.2.3. 3 x DVDs with Electronic Copies of the maps and documents in the following formats:
    - 7.2.3.1. Maps – JPEG / TIFF & PDF
    - 7.2.3.2. Reports – MS Word & PDF Format
  - 7.2.4. 3 x DVDs with all maps in an ArcGis Map Package format. Metadata must be provided for all derivative data sets according to the applicable metadata standards of the Republic as published by the Committee for Spatial Information (CSI).

## **8. PROJECT TIME FRAME**

- 8.1. It is expected that the project will be completed within twelve (12) months from the date of appointment. All relevant documentation will be provided to the Service provider.

## 9. FORMAT OF GIS DATA

- 9.1. All GIS data used and created during the course of the project will be provided in a format which is compatible to the client's systems, but as a minimum be submitted as follow:
- 9.1.1. A GIS database (MS Access database, Geodatabase and Map file/package); and,
  - 9.1.2. Spatial data in a Geographic WGS84 (Hartebeesthoek 1994) spheroid.
  - 9.1.3. Metadata records must be captured in line with the South Africa National Standard (SANS -1878).
  - 9.1.4. Spatial information captured must be in line with Regulation 5(2) of the Spatial Data Infrastructure Act, 2003.
- 9.2. All works relating to spatial information remains the property of the state and shall be disseminated in line with the policy on pricing of spatial information products and services.

## 10. PROJECT DURATION AND COST

- 10.1. The development of the LUS should be completed within the stipulated timeframe from the date of appointment. The proposed target dates for each milestone (as well as the associated deliverable) and the amount of financial compensation for the work done is scheduled in Table 1 below:

Table 1: Project Time Frame & Payment Schedule

PHASES	% PAYABLE	TIMEFRAMES
PHASE 1 Detailed inception report & Communication Plan	5%	2 weeks
PHASE 2 Data Collection and status quo assessment	10%	1 month
PHASE 3 Land Use Management Framework	15%	1 month
PHASE 4 Draft LUS	20%	2 months
PHASE 5 Consultation	5%	3 months
PHASE 6: Final LUS	20%	2 Months
PHASE 7 Planning Application	10%	2 months
PHASE 8: Hand over and Close out	10%	2 weeks
Retention	5%	
<b>Total</b>	<b>100%</b>	<b>12 months</b>

- 10.2. Timeframes must be adhered to, failure of which financial implications will be imposed for any delay or non-compliance with time and quality requirements.
- 10.3. The amount for the final draft is payable upon approval of the document by the Project Steering Committee.
- 10.4. The tender amount should be inclusive of all disbursements (Travel and Accommodation / Phone Calls & Communications / Printing & Reproduction) as these will not be paid separately.

**11. FINANCIAL PENALTIES**

- 11.1. Financial penalties shall be imposed for agreed upon milestones, targets, and deadline not met without providing:
  - 11.1.1. Timely notification of such delays.
  - 11.1.2. Valid reasons for the delays.
  - 11.1.3. Supporting evidence that the delays were outside of the influence of the service provider.
- 11.2. Financial penalties will be imposed if the outputs produced do not meet the agreed upon deliverables criteria as stipulated in the General Conditions of Contract.

**12. UNDUE DELAY REMEDIES**

- 12.1. Should it be found that the delay of the project in terms of the agreed time period is unreasonable then for every 5 (five) days or other stipulated time frame there shall be a penalty in terms of percentages which will be deducted from the payment as indicated below:

Table 2: Undue delay remedies

Milestone	% Payment	5 days overdue	10 days overdue	15 days overdue	30 days overdue	More than 30 days overdue
PHASE 1 Detailed inception report & Communication Plan	5%	10%	25%	50%	75%	100%
PHASE 2 Data Collection and Status quo assessment	10%	10%	25%	50%	75%	100%

Milestone	% Payment	5 days overdue	10 days overdue	15 days overdue	30 days overdue	More than 30 days overdue
PHASE 3 Land use management framework	15%	10%	25%	50%	75%	100%
PHASE 4 Draft LUS	20%	10%	25%	50%	75%	100%
PHASE 5 Consultation	5%	10%	25%	50%	75%	100%
PHASE 6: Final LUS	20%	10%	25%	50%	75%	100%
PHASE 7 Planning application	10%	10%	25%	50%	75%	100%
PHASE 8: Hand over and close out	10%	10%	25%	50%	75%	100%
Retention	5%					
<b>Total</b>	<b>100%</b>					

### 13. PAYMENTS AND SUBMISSION OF INVOICES

- 13.1. Payments will be made on a work completed basis, i.e. on set milestones as per the project plan, and must be to the satisfaction of the Department of Agriculture Land Reform and rural Development (DALRRD). The Project Steering Committee will need to take a resolution concerning the work undertaken by the service provider. This resolution will then be reflected in the minutes of the meeting. The minutes will be submitted as part of the documentation required in order to process payment.
- 13.2. Original copies of invoices to substantiate costs must be provided. The service provider's invoices should include the Department's order number that will be provided to the selected service provider upon acceptance of the bid.
- 13.3. Payment will be made on the basis of approved work in progress with a ceiling of 95% of the project cost. The balance (5% retention) of the project cost will only be paid once all deliverables are checked and certified complete by Director SPLUM.

### 14. BUDGET

- 14.1. The service provider shall compile a detailed breakdown of costs and submit it together with the proposal. Competitive pricing and functional competence of the service provider will be major considerations in the evaluation of proposals.

**15. RETENTION**

- 15.1. The service provider shall forfeit the total payment per milestone in the case of the project being delayed for longer than 30 days after milestone due date.
- 15.2. The service provider may apply to the Department for an extension on the delivery date on any milestone – provided that the service provider gives valid reason(s) to the sole satisfaction of the Department.

**16. EXTRA WORK**

- 16.1. Any costs for extra work by the service provider, incurred over and above this bid which, in the sole opinion of the Chief Director: Integrated Spatial Planning are due to reasons attributable to the service provider during any phase of the project shall be borne by the service provider.

**17. PROJECT MANAGEMENT**

- 17.1. This project will be managed by the Department of Agriculture Land Reform and Rural Development, with the following representations but not limited to who may form but of the Project steering committee:
  - 17.1.1. National Departments with a Provincial Footprint.
  - 17.1.2. Department of Agriculture Land Reform and Rural Development (SPLUM & Regional Shared Services Centre Directors (RSSCs)).
  - 17.1.3. Representative from KZN COGTA (Spatial Planning).
  - 17.1.4. Representatives from other Provincial Departments.
  - 17.1.5. District Municipality.
  - 17.1.6. Local Municipality.
  - 17.1.7. Parastatals (Eskom, Ezemvelo KZN, etc.)

**18. MANDATORY REQUIREMENT FOR SUPPLY CHAIN MANAGEMENT**

Form of Offer and Acceptance
Valid Compliance Tax Status Pin / Central Supplier Database Report
Non-use of correctional fluid in the document
Compliance with specification (SBD 3.3) (Pricing Schedule per Phase plus Total)
Accreditation with the relevant Professional Board <ul style="list-style-type: none"> <li>• Project Leader – South African Council for Planners (SACPLAN)</li> <li>• GIS Practitioner – South African Geo-Science Council (SAGC, previously PLATO)</li> </ul>
Company Resolution and / or Letter of Authority to sign on behalf of the firm
Permanent Office in KZN – Rental Agreement / Municipal Account
Compulsory Briefing Session Attended



## **19. SKILL REQUIREMENTS FOR PROJECT TEAM**

- 19.1. The successful service provider will be expected to have an understanding of and experience in spatial planning legislation of the country. The service provider should have experience in auditing projects, ability to interact with a variety of stakeholders as well as good research and report writing skills.
- 19.2. The team leader must have knowledge and experience of Spatial Planning; Land Use Management; Land Development; Laws related to the previous mentioned.
- 19.3. The team leader must have expertise in managing and coordinating a multi-disciplinary project team (Project management skills).
- 19.4. The team must be experienced in Strategic Planning including scenarios and futures planning.
- 19.5. The team must have a thorough understanding of political environment and Intergovernmental Relations Framework.

## **20. HUMAN RESOURCES FOR THE PROJECT**

- 20.1. The service provider is expected to provide information on available human resource capacity that will be directly involved per project, including but not limited to a comprehensive curriculum Vitae (CV) for each of the team members, indicating relevant qualifications and experience as required by this Terms of Reference; full contact details (office, fax and cell phone, and email), and the role to be fulfilled in this project.
- 20.2. The team leader and 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 DALRRD.
- 20.3. It is expected that the team leader will be available for all meetings and engagements where he or she will present in detail the deliverables.
- 20.4. Where a firm or a person is found suitable to be contracted for more than one project and the projects are to run concurrently, the Department is entitled to undertake a risk assessment. The Department may request and require additional guarantees and information on finances, team composition and the firms' resources to be deployed to these projects to ensure sufficient capacity is available for handling the multiple projects.
- 20.5. All team members that will be directly involved in the project may, at the sole discretion of the Chief Director: Integrated Spatial Planning, be expected to attend all progress report meetings as scheduled. Due to the urgency of the project, time is of essence to this process and all work shall be submitted when due. Financial penalties will be imposed for any delay or non-compliance with time and quality requirements.

- 20.6. A key member of the team must be fluent in the official language of the area to enable communication with the community and traditional councils (if applicable).

## **21. CAPACITY BUILDING AND SKILLS TRANSFER**

- 21.1. The DALRRD consider skills development as an integral part of the out sourcing process. The process should ensure that skills development and transfer is achieved with the relevant DALRRD personnel. Proposals should indicate how skills development and transfer would be achieved in DALRRD throughout this project.

## **22. INFORMATION GATHERING**

- 22.1. NB!! The responsibility for collecting information necessary for the successful execution of the project lies entirely with the service provider.**

- 22.2. The successful Service Provider is expected to make contact with all the relevant GIS, Planning and required officials and units within the local and provincial spheres of government to obtain relevant information that is required for the project. Existing information on LUSs/SDFs which are available within the Spatial Planning and Land Use Management office will be made available to the successful service provider.

- 22.3. The report must include the source of information used in the various sections of the report with the date of this information being compiled to ensure credible information is used.

- 22.4. In the light of the event that the service provider needs a letter to confirm the motive for requesting information from the different spheres of government or parastatals, the Department will provide the requested letter.

## **23. TERMS AND CONDITIONS OF THE BID**

### **23.1. General**

- 23.1.1. The awarding of the bid will be subject to the Service Provider's express acceptance of the DALRRD Supply Chain Management general contract conditions.

- 23.1.2. The successful service provider will be expected to enter into a service level agreement with the Department in respect of the deliverables of the project and will be signed upon appointment.

- 23.2. Service providers may not be appointed for more than 2 projects from SPLUM KZN, DALRRD at any moment in time to ensure availability of capacity to undertake the volume of work.

- 23.2.1. Service Providers will be informed about the outcome of the bid in writing after the bid has been finalised / adjudicated.
  - 23.2.2. 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 DALRRD, except where duly authorised to do so in writing by the DALRRD.
  - 23.2.3. 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 DALRRD.
  - 23.2.4. The short-listed service providers may be required to do a presentation in person to the department; at their own cost should it be deemed necessary to do so.
- 23.3. The service provider should commence with the project immediately after receiving the letter of appointment and the service level agreement signed.
- 23.4. Any deviation from the project plan should be put in writing and approved by the Project Steering Committee and the department prior to any deviation taking place.
- 23.5. The overall project shall be completed within the time period as stipulated in this document or as otherwise agreed to in writing by the Department.
- 23.6. When DALRRD accepts the final product, the appointed service provider will be liable to correct errors and fill gaps that may be discovered in the data/project, at no charge to DALRRD. This condition will apply for a period of two months from the day the project was completed and submitted to DALRRD.
- 23.7. Format of Proposal
- 23.7.1. All proposals are to respond to requirements as per the Terms of Reference.
  - 23.7.2. All proposals should be clearly indexed and easy to read.
  - 23.7.3. The submission must:
    - 23.7.3.1. Be presented well and of a high quality
    - 23.7.3.2. Depicts a methodological approach
    - 23.7.3.3. Show a clear understanding of project purpose
    - 23.7.3.4. Properly outline of expected outputs;
    - 23.7.3.5. Contain indicators and means of verifying progress of the project.
    - 23.7.3.6. Demonstrate the team's ability to read interprets and understand a variety of spatial information and analysis.
    - 23.7.3.7. Demonstrate an understanding of relevant rural development policy and legislation.

## **24. VALIDITY OF THE BID / QUOTATION**

- 24.1. The bid / quotation must be valid for a period of 90 days.

## **25. REPORTING AND ACCOUNTABILITY**

- 25.1. During the execution of the project, the service provider must submit monthly progress reports and attend meetings at intervals as determined within the Inception Report and agreed upon by the Project Team or Steering Committee.
- 25.2. The monthly progress reports will be submitted to the DALRRD and the Municipality in electronic format, no later than noon on the 2nd day of each month reporting on the previous month.
- 25.3. The project will be signed off by the Director: Spatial Planning & Land Use Management (KZN) when:
- 25.3.1. All the end products (refer to list) have been delivered (all deliverables per phase to be provided per phase to be approved by the Project Steering Committee).
  - 25.3.2. The Director: Spatial Planning & Land Use Management (KZN) is satisfied that all requirements have been met.

## **26. OUT CLAUSE**

- 26.1. The Department of Agriculture Land Reform and Rural Development (DALRRD) reserves the right not to appoint a service provider if suitable candidates are not found, at the complete discretion of the Department.
- 26.2. The Department of Agriculture Land Reform and Rural Development (DALRRD) reserves the right to terminate the contract if there is clear evidence of non-performance, at the complete discretion of the Department.

## **27. OWNERSHIP OF INFORMATION**

- 27.1. The Department of Agriculture Land Reform and Rural Development (DALRRD) will assume ownership of all data and information, in both in electronic and hard copy format, obtained, captured and/or created to generate the outputs of this project.
- 27.2. DALRRD will retain copyright of the final document, annexures, derivatives, value-added data and datasets and all associated intellectual rights of the project outputs. All materials are and remain the property of the Department at all times and no document may be reproduced, copied, or distributed without prior written consent of the Department.
- 27.3. The Municipality will have the right to use the material without DALRRD approval.
- 27.4. The report and digital information will be supplied to the Department at the completion of the project in a format which can feed into the GIS systems of both the National and KwaZulu-Natal governments.

27.5. This document together with all agreements to be or reached during the course of the project become part of the contract.

## **28. CONTENTS OF THE PROJECT PROPOSAL**

28.1. A clear and concise project proposal covering the aspect listed below is required;

28.1.1. An executive summary.

28.1.2. A project plan.

28.1.3. The proposed methodology should indicate a detailed list of data to be gathered and how it will be processed. The methodology should also indicate the project milestones that will be used to measure the project progress.

28.1.4. The approach should be cost saving yet achieve the highest value for money.

28.1.5. The names and CV's containing detailed information on relevant experiences of all the persons who will be directly contributing to the project, and their roles thereof.

28.1.6. Evidential and documentary proof of professional qualifications, registration and affiliation. For instance, if a team member claims to be a Town Planner, a copy of the registration with the South African Council for Planners (SACPLAN) is required.

28.1.7. Any shortcomings in the study specifications, how these ought to be addressed and the cost implications thereof.

28.1.8. All-inclusive costing model.

28.1.9. The following technical information must be submitted with the Bid proposal:

28.1.9.1. Years of experience of each resource;

28.1.9.2. Relevant professional experience during the last five years;

28.1.9.3. Organisational, managerial and technical ability;

28.1.9.4. Key Personnel and Resources;

28.1.9.5. Technical backup;

28.1.9.6. Full CV's of all members of the Team;

28.1.9.7. Relevant Equipment and Software competence and capability;

28.1.9.8. Client References; and,

28.1.9.9. Associations and Professional Affiliations.

## **29. EVALUATION PROCEDURE**

29.1. The proposal documents will be evaluated in two phases, based on the 80/20 principle in terms of the Preferential Procurement Policy Framework Act.

29.2. In the first phase, the bid documents will be evaluated individually on separate score sheets for functionality, by a representative evaluation panel according to the evaluation criteria indicated in these Terms of Reference, being the evaluation criteria indicated below. All service providers who score less than seventy (70) out of the one hundred (100) points (70%) for functionality will not be considered further.

29.3. During phase 2, bidders will be further evaluated based on 80 points for price and 20 points for B-BBEE Status Level of Contribution (as indicated below).

## 29.4. Calculation of points for price:

29.4.1. The PPPFA prescribes that the lowest acceptable bid will score 80 points for price. Bidders that quoted higher prices will score lower points for price on a pro-rata basis. Thus, bidders who provide the lowest management fee will get full 80 points for price. Please refer to Form SBD 6.1 for more details.

29.4.2. A pricing schedule, submitted on a separate sheet from the technical proposal for ease of evaluation. The pricing schedule should include the following:

- 29.4.2.1. The names of the persons nominated to be used on the project.
- 29.4.2.2. The number of hours allocated to each nominated person for the duration of the project.
- 29.4.2.3. The hourly tariff applicable to each nominated person.
- 29.4.2.4. All monetary amounts must be in South African Rand.
- 29.4.2.5. VAT must be included.

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

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

29.6. Bidders must submit original and valid B-BBEE Status Level Verification Certificate or certified copies thereof, issued by accredited Verification Agencies by SANAS together with their bids, to substantiate their B-BBEE claims. The Exempted Micro Enterprise/QSE must submit a BBEE sworn affidavit

29.7. 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.

29.8. 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.

29.9. 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.

29.10. 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.

29.11. 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.

29.12. NB: Bidders who do not submit B-BBEE Status Level Verification Certificate or are non-compliant contributors to be B-BBEE do not qualify for preference points for B-BBEE.

### 30. EVALUATION CRITERIA

30.1. The following criteria will be used for appointment of the service provider based on functionality:

<p><b>1. PROJECT RESOURCES</b></p> <p><b>Experience and qualification of key personnel (submission of CV and certified copies of qualifications and professional registration certificates is mandatory for each professional person on the team)</b></p>	<p><b>Team Leader:</b></p> <ul style="list-style-type: none"> <li>-The Team Leader must be a registered Professional Town &amp; Regional planner with the South African Council for Planners (SACPLAN) in terms of the Planning Profession Act, 2002, and be in good standing with SACPLAN.</li> <li>-The Team Leader/Planner must have knowledge and experience of Spatial Planning; Statutory Planning; Spatial Development Frameworks, Land Use Schemes, and Laws related to the previous mentioned.</li> <li>-Preferable 10 years' experience or more</li> <li>-Proven Project Management Experience</li> </ul> <ul style="list-style-type: none"> <li>• 0 Points = 1-3 Years' Experience</li> <li>• 1 Points = 4-6 Years' Experience</li> <li>• 2 Points = 7-8 Years' Experience</li> <li>• 3 Points = 9 Years' Experience</li> <li>• 4 Points = 10 Years' Experience</li> <li>• 5 Points = 11 Years' or more Experience</li> </ul>	<p><b>10</b></p>	
	<p><b>GIS:</b></p> <ul style="list-style-type: none"> <li>-Key member of the team must have proven experience in Spatial Information Systems/Design (e.g. GIS); and accredited with the South African Geomatics Council (SAGC - Previously PLATO).</li> </ul>	<p><b>10</b></p>	

	<ul style="list-style-type: none"> <li>• 0 Points = 0-1'Years' Experience</li> <li>• 1 Points = 2-4 Years' Experience</li> <li>• 2 Points = 5-6 Years' Experience</li> <li>• 3 Points = 7-8 Years' Experience</li> <li>• 4 Points = 9-10 Years' Experience</li> <li>• 5 Points = 11 Years' or more Experience</li> </ul>		
	<p><b>Legal:</b></p> <p>–Key member of the team must be an admitted attorney registered with the Law Society of South Africa.</p> <ul style="list-style-type: none"> <li>• 0 Points = 0-1'Years' Experience</li> <li>• 1 Points = 2-4 Years' Experience</li> <li>• 2 Points = 5-6 Years' Experience</li> <li>• 3 Points = 7-8 Years' Experience</li> <li>• 4 Points = 9-10 Years' Experience</li> <li>• 5 Points = 11 Years' or more Experience</li> </ul>	<b>5</b>	
	<p><b>Composition of team</b></p> <p>Team with necessary resources &amp; capacity to address every aspect of the project, in the development of a SDF. The disciplines and skill sets include inter alia an Environmentalist, LED Practitioner, Rural Development Specialist, Land Surveyor, Civil Engineer.</p> <ul style="list-style-type: none"> <li>• 1 Point = Poorly Resourced Team</li> <li>• 3 Points = Adequately Resourced Team</li> <li>• 5 Points = Well Resourced Team</li> </ul>	<b>5</b>	
	<p><b>Communications Plan</b></p> <p>–A Comprehensive Communication plan with CPA's, Community Trusts, Rate Payers Association, Organised Business, Organised Agriculture, Mining Chamber, Ward Councillors, Ward Committees and Residents.</p> <p>–Key member to be fluent (Oral &amp; Written) in the official language of the area and must be able to prepare presentations, and present to the relevant stakeholders and communities as required for the duration of the project.</p>	<b>10</b>	



	<ul style="list-style-type: none"> <li>• 0 Points = No Communication Plan</li> <li>• 1 Point = Poor Communication Plan</li> <li>• 2 Point = Poor Communication Plan &amp; have IsiZulu speaking person on team.</li> <li>• 3 Point = Adequate Communications Plan &amp; have IsiZulu speaking person on team.</li> <li>• 5 Point = Detailed Communications Plan &amp; have IsiZulu speaking person on team.</li> </ul>		
<b>2. BENEFICIAL EXPERIENCE</b>	<p><b><u>The following experience is beneficial to the team, and needs to be illustrated via submission of project examples.</u></b></p> <ul style="list-style-type: none"> <li>-Strategic Planning including scenarios and futures planning;</li> <li>-Thorough understanding of political environment and Intergovernmental Relations Framework;</li> <li>-Research, analytical, report writing, presentation and communication skills; (the way the tender document is compiled/written and other reports included in the tender documents will be taken into consideration); and</li> <li>-Proven experience in rural development planning.</li> <li>-Advanced understanding of three-dimensional form and space in cities and settlements, and the relationship of this form to land, context, society and history (Similar Urban Design / Local Area Plans / Precinct Plans to inform this)</li> <li>-Proven experience in the development of Land Use Scheme</li> </ul> <ul style="list-style-type: none"> <li>• 0 = Do not comply with requirements</li> <li>• 2= Partially Comply</li> <li>• 5 = Comply with requirements</li> </ul>	<b>5</b>	
<b>3. TEAM EXPERIENCE:</b>	<p><b>Proof of similar work (Land Use Schemes, Land Use Audits, Statutory Planning) done by Team (Examples AND Reference Letters, with traceable contacts for work in KZN Required):</b></p> <ul style="list-style-type: none"> <li>• 0 Points = 1st Project</li> <li>• 1 Points = 2 - 3 Projects</li> <li>• 2 Points = 3 - 5 Projects</li> <li>• 3 Points = 5 - 8 Projects</li> <li>• 4 Points = 8 - 10 Projects</li> <li>• 5 Points = 11 or more projects</li> </ul>	<b>10</b>	
Require a well-rounded team which covers all aspects of the project, and with proven experience of projects on similar scale.	<ul style="list-style-type: none"> <li>-Proven experience &amp; knowledge of KZN planning Policies (KZN PGDS / KZN DGDP;</li> </ul>	<b>10</b>	

	<p>KZN PSDF / KZN PSEDS) (Experience in working with SDFs, LUSs &amp; Development Applications will serve as proof).</p> <ul style="list-style-type: none"> <li>• 0 = Not Illustrated</li> <li>• 2 = Partially Illustrated</li> <li>• 5 = Well illustrated</li> </ul>		
<b>4. METHODOLOGY AND PROJECT MANAGEMENT</b>	<p>– <b>A well-structured methodology and implementation plan (linked to dates, timeframes &amp; outputs) which spells out the detailed aspects of the way the project is to be undertaken and reflected on a Gantt Chart. And a well compiled submission.</b></p> <ul style="list-style-type: none"> <li>• 0 = No Methodology</li> <li>• 1 = Poor Methodology</li> <li>• 3 = Adequate Methodology</li> <li>• 5 = Excellent (detailed submission)</li> </ul>	<b>20</b>	
	<p>– <b>Risk Management: Identifying possible problems that might hinder project delivery and indicate how they will overcome such problems.</b></p> <ul style="list-style-type: none"> <li>• 0 = Not Illustrated</li> <li>• 2 = Partially Illustrated</li> <li>• 5 = Well illustrated</li> </ul>	<b>10</b>	
<b>5. SKILLS TRANSFER</b>	<p>– <b>Level of commitment to skills transfer &amp; process to facilitate skills transfer depicted:</b></p> <ul style="list-style-type: none"> <li>• 0 = Not Addressed</li> <li>• 2= Adequate</li> <li>• 5 = Very Good</li> </ul>	<b>5</b>	
<b>TOTAL POINTS ON FUNCTIONALITY</b>		<b>100</b>	

30.2. The Bids that fail to achieve a minimum of 70 points for functionality will be disqualified.

### 31. CONTACT PERSONS

**Technical Enquiries:**

All technical enquiries related to this bid call must be forwarded to:

Directorate: Spatial Planning & Land Use Management  
Department of Agriculture Land Reform and Rural Development  
Private Bag X9000  
Pietermaritzburg  
3200

Attention: **Mr Stephan Viljoen**  
Tel: **033-264 1401**  
Fax: **033-264 1413**  
Email: **stephanus.viljoen@dalrrd.gov.za**

**Supply Chain Management:**

All supply chain management enquiries related to this bid call must be forwarded to:

Department of Agriculture Land Reform and Rural Development – KZN Shared Service  
Centre  
1st Floor,  
270 Jabu Ndlovu (Loop) Street  
Pietermaritzburg,  
KwaZulu-Natal  
3201

Attention: **Mr Bongani Magudulela**  
Tel: **033-264 9500**  
Email: **bongani.magudulela@dalrrd.gov.za**

**32. APPROVAL**

**Recommendation 1:**

It is recommended that the Terms of Reference be approved

**Recommendation 1: Approved / ~~Not Approved~~**

**Comment:**



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**Mr RJ Hoole (BSEC Chair)**

**Director: Spatial planning and Land Use Management**

Date: 31-08-2022

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**Recommendation 1: Endorsed / ~~Not Endorsed~~**

**Comment:**



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**Ms P Muller**

**Deputy Director: Supply Chain Management**

Date: 01/09/2022

BAS

LOGIS

Office

System User Only	
Captured By:	-----
Captured Date:	-----
Authorised By:	-----
Date Authorised:	-----
Safety Web Verification	
<input type="checkbox"/> YES	<input type="checkbox"/> NO

**The Director General: Department of Agriculture, Land Reform and Rural Development**

I/We hereby request and authorise you to pay any amounts, which may accrue to me/us to the credit of my/our account with the mentioned bank.

I/we understand that the credit transfers hereby authorised will be processed by computer through a system known as "ACB - Electronic Fund Transfer Service", and I/we understand that not additional advice of payment will be provided by my/our bank, but that the details of each payment will be printed on my/our bank statement or any accompanying voucher. (This does not apply where it is not customary for banks to furnish bank statements).

I/we understand that the Department will supply a payment advice in the normal way, and that it will indicate the date on which the funds will be made available on my/our account.

This authority may be cancelled by me/us by giving thirty days' notice by prepaid registered post. Please ensure information is valid as per required bank screens.

I/We understand that bank details provided should be exactly as per the records held by the bank.

I/We understand that the Department will not assume responsibility for any delayed payments, as a result of incorrect information supplied.

Company / Personal Details	
Registered Name	
Trading Name	
Tax number	
Vat Number	
Title	
Initials	
First Name	
Surname	

Address Detail	
Postal Address Line 1	
Postal Address Line 2	
Physical Address Line 1	
Physical Address Line 2	
Postal Code	

New Detail	
<input type="checkbox"/> New Supplier Information	<input type="checkbox"/> Update Supplier Information
Supplier Type	<input type="checkbox"/> Individual <input type="checkbox"/> Department    Department Number <input type="text"/> <input type="checkbox"/> Company <input type="checkbox"/> Trust <input type="checkbox"/> CC <input type="checkbox"/> Other    Other Specify <input type="text"/> <input type="checkbox"/> Partnership

### Supplier Account Details

(This field is compulsory and should be completed by a bank official from the relevant bank).

Account Name	
Account Number	
Branch Name	
Branch Number	

Account Type

Cheque Account

Savings Account

Transmission Account

Bond Account

Other (Please Specify)

ID Number	
Passport Number	
Company Registration Number	
*CC Registration	

\* Please include CC/CK where applicable

Practise Number	
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**When the bank stamps this entity maintenance form or provides an electronic bank stamp/letter attached to the entity maintenance form they confirm that all the information completed by the entity is correct.**

**Bank stamp**

It is hereby confirmed that this details have been verified against the following screens

- ABSA**-CIF screen
- FNB**-Hogans system on the CIS4
- STD** Bank-Look-up-screen
- Nedbank**- Banking Platform under the Client Details Tab

### Contact Details

	<i>Area Code</i>	<i>Telephone Number</i>	<i>Extension</i>
Business			
Home			
Fax			
Cell			
	<i>Cell Code</i>	<i>Cell Number</i>	
E-mail Address			

Contact Person	Supplier details	Departmental sender details
Signature		
Print Name		
Rank		
Date (dd/mm/yyyy)		

Address of Agriculture, Land Reform and Rural Development Office where form is submitted from: