 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

REQUEST FOR PROPOSAL – CUL 03/2025

**PUBLIC CATERING SERVICES AT THE DURBAN EXHIBITION CENTRE AT OUTER LIMITS
FOR THE INDABA TRAVEL & TOURISM SHOW 2025**

1. Background

The Durban ICC is one of the most advanced conferencing facilities in the world and hosts a variety of events including conferences, meetings, exhibitions, concerts and private events both on a national and international level.


2. Legislation

This proposal will be evaluated on administrative compliance, mandatory requirements, price and preference points in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and Preferential Procurement Regulations of 2022 where 80/20 points system will be applied wherein 80 points are for price and 20 for specific goals and for this purpose the enclosed forms must be scrutinized, completed and submitted together with your detailed proposal.

3. Purpose

The Durban ICC calls for interested service providers who meet the specified requirements, to submit proposals for the provision of a food services (Public Catering) specific to the upcoming AFRICA TRAVEL INDABA 2025 scheduled to take place at Durban International Convention Centre.

Build up	: 05th May 2025 12th May 2025
Live Dates	:
Day 1	: 13th May 2025
Day 2	: 14th May 2025
Day 3	: 15th May 2025
Break down	: 16th to 17th May 2025

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

4. Mandatory Requirements

Does the service provider comply with the minimum requirements? Please acknowledge as illustrated	Yes	No
	✓	X
<ul style="list-style-type: none"> The service provider must have requisite experience in servicing large events which attracted a minimum pax of three thousand (3000). Attach proof. 		
<ul style="list-style-type: none"> The service provider must pay ten percent (10%) commission to the Durban ICC, based on total sales generated during the event (VAT incl.) For food only. 		
<ul style="list-style-type: none"> The service provider is required to submit a proposed menu offering, together with pricing, for the purposes of evaluation. 		
<ul style="list-style-type: none"> The Menu offerings should consist of local cuisine and healthy food options. 		

Please Note: Failure to meet all of the stipulated mandatory requirements will result in the service provider being deemed non-responsive and will not be considered for state two of the evaluation. The bidder must complete the final column above stating whether they can complete the task or not.

NB: Durban ICC agree that they will comply with Protection of Personal Information (POPI) Act regulations and process all the information and/or personal data in respect of the services being rendered in accordance with the said regulation and only for the purpose of providing the Services set out in the agreement to provide services.

5. Two Stage evaluation process

Stage 1: Bid submissions will be evaluated based on compliance with mandatory requirements detailed above

Stage 2: Price and Preference


The procedure for the evaluation of responsive tenderer is **PRICE AND PREFERENCE** in accordance with the Entity's current SCM Policy, the Preferential Procurement Policy Framework Act (5 of 2000), and the Preferential Procurement Policy Framework Act Regulations (2022).

The **80/20** preference points system will be applied. The Formula used to calculate the **Price Points (max. 80)** will be according to that specified Regulation 4.1.

Preference Point System and Specific Goals

The definitions as per the SCM Policy are applicable.

Preference Points (either 20 or 10) will be derived from points claimed on Returnable Document **MBD 6.1: "Preference Points Claim Form"** for the **Specific Goal(s)** as indicated on the table(s) below, and according to the specified **Goal Weightings**.

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

Should the municipal entity apply a combination of specific goals, the points for the individual goals will be weighted according to the goal weightings specified in the bid document to arrive at the final points for Preferential Points for Specific Goals

RDP Goal: The promotion of South African owned enterprises

The tendering entity's **Address** (as stated on the National Treasury Central Supplier Database (CSD) or on the eThekweni Municipality Vendor Portal) is to be used in the determination of the tenderer's claim for **Preference Points** for this Specific Goal.

Specific Goal: Promotion of South African owned enterprises	Criteria	80/20
South African, Provincial and Locally Owned Enterprises	Not in South Africa	0
	South Africa	5
	KZN	10
	EThekweni Municipality	20

Proof of claim as declared on MBD 6.1(The following will be used to verify the bidder's status):

- **CSD report**


6. Specifications

Public Catering Areas

*Public (Risk) Catering Services will be based at the Durban Exhibition Centre at **Outer limits** located in Hall 1*

7. Submissions

- 7.1. Catering Service Providers may submit proposals on a single catering service or all catering services.
- 7.2. The Durban ICC reserves the right to appoint one of more service provider/s, to the areas listed above as well as the authority to appoint one service provider to multiple outlets.
- 7.3. The most successful bidder/s will be required to submit a proposed menu, specific to the shows catering requirements.
- 7.4. The most successful bidder will be required to provide samples of selected meals. If accepted, the standard and quality showcased will be documented in a Service Level Agreement which will include a penalty clause and possible future blacklisting should the show catering standard differ from what was presented during the tender phase.
- 7.5. Branding opportunities will be discussed with the appointed Catering Service Provider/s.

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

8. Conditions of contract


8.1. Service Methodology

8.1.1. Public Catering

- Catering Service Provider/s will be required to outline their methodology specific to set-up / layout of the catering area (front and back-of-house), the flow and service specific to the catering service they are tendering for.
- The Catering service provider will need to prove and ensure the highest quality food operations will be co-ordinated and managed on a professional level, ensuring efficient service and optimal turnover. They will need to indicate that they have the necessary equipment and staff incl. refrigeration required to hold stock for such a large event.
- Different methodologies will be considered for the different catering services. This methodology will be heavily weighted for the evaluation process to ensure there are no / limited service lapses and the risk of substandard food offering is eliminated.
- The Catering Service Provider/s will be required to provide their own POS / tills within their outlets. Any cash / stock shortages will remain the Catering Service Provider/s responsibility and will in no way affect the 10% calculation on revenue paid to the Durban ICC.
- The Catering Service Provider appointed to the Outer Limits will be required to provide their own furniture, preferably restaurant style of smaller tables seating 4 / 6 pax at their own cost. The style and layout to be approved by the Durban ICC to ensure the area accommodates maximum capacity, it is aesthetically pleasing and compliments the African theme of the show in that area.

8.1.2. Pricing and Cost

- The successful Catering Service Provider/s will need to ensure their meals and beverages remain in line with the Durban ICC pricing structure to avoid any discrepancies between the ICC and DEC Offerings.
- The Catering Service Provider/s will pay **10% (VAT Incl.)** of its revenue to the Durban ICC. A Z-reading will be documented at the end of each day, where post show the Durban ICC will invoice the Catering Service Provider for the full amount.

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System		Approval	
			Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template		Doc No: SR-277	
			Issue Date: 19/11/2024	Rev: 3

8.2. Compulsory Requirements

- All products to comply with the consumer protection act.
 - All premises where the products are to be prepared must be HACCP certified or have a food safety program in place.
 - All food suppliers need to be audited by Registered Food Safety Accredited Auditor. ICC will validate all the credentials of auditors and compliance.
 - The Food suppliers need to have their operation site certified by health department with a certificate of acceptability provided by the appointed service provider for the duration of the show.
 - The prices for all beverages (including alcoholic) will be mutually agreed upon between the service provider and the Durban ICC. A Liquor Licence will need to be obtained by the service provider for the duration of the event.
 - For audit purposes all ingredients need to be traceable, thus the Catering Service Provider will need to guarantee traceability and submit all supporting documentation for this purpose.
-
- Food must be kept on site in freezers / fridges to allow stock quantities to be replenished according to demand of items. Items to be stored at own risk.
 - Catering Service Providers must ensure they have sufficient till points and have relevant spare equipment on site to handle emergencies.
 - Catering Service Providers must ensure they have sufficient till points and have relevant spare equipment on site to handle emergencies.
 - The Catering Service Provider/s will pay 10% of its revenue to the Durban ICC. A Z-reading will be documented at the end of each day, where post show the Durban ICC will invoice the Catering Service Provider for the full amount.

8.3. Delivery Requirements

- All drivers' identification documents and delivery vehicle registration must be submitted 5 working days prior to build-up.


8.4. Packaging Requirements

- All items to be packaged in 100% recyclable and/or 100% biodegradable packaging.
- No polystyrene is to be used.
- No cling wrap is to be used.

Budget

The service providers must ensure the menu offerings are priced within the range of R20 – R150; hence the catering proposal should be creative and designed to provide value for money.

Kindly note: Failure to comply with the conditions of contract as illustrated above will result in the bid submission being deemed non-responsive and not evaluated further.

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

9. Preconditions

A written proposal/quotation will not be considered unless the service provider who submits the proposal provides the following with their proposal/quotation:

- 9.1 Full name
- 9.2 Identification or company or other registration number
- 9.3 Tax reference number and VAT number, if any
- 9.4 Valid original Tax clearance pin from South African Revenue Services which proves that the service provider's tax matters are in order
- 9.5 For construction contracts only those tenderers who are registered (as "Active") with the CIDB at time of tender closing in a contractor designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations for a CE class of construction work, are eligible to have their tenders evaluated.
- 9.6 Valid BBBEE Certificate
- 9.7 MBD 4 Declaration of Interest form must be completed
- 9.8 MBD 6.1 Preference points claim must be completed
- 9.9 MBD8 Declaration of past supply chain management practices must be completed
- 9.10 MBD9 Certificate of Independent bid determination must be completed
- 9.11 Declaration of municipal fees must be completed
- 9.12 Declaration with respect to the Occupational Health and Safety Act must be completed.
- 9.13 The service provider must be registered on the CSD database and EThekwini Vendor Portal. Proof of registration needs to be submitted. Failure to be registered on these databases will adversely affect the awarding process and may result in the service provider being deemed non-responsive.

CSD registration website: <https://secure.csd.gov.za>


EThekwini Vendor Portal registration: <https://ethekwinivendor.durban.gov.za>

Or contact 031 322 7011 / 7154

Fatima.milazi@durban.gov.za / phumla.mdabe@durban.gov.za

10. Terms and Conditions

- 10.1 The service provider will hereby quote to perform and complete all work required in this RFQ within the quoted amount. It will be deemed that they have checked all aspects of this work before quoting and therefore the price tendered should be inclusive of all required work.
- 10.2 The Durban ICC is entitled to cancel the Request for Proposal (RFP) at any time before the issue of the award. The Durban ICC shall, in no way, be liable for any damages whatsoever, including, without limitation, damages for loss of profit, in any way connected with the cancellation of this Request for Proposal (RFP).

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

11. Protection of Personal Information

11.1 By responding to this Request for Proposal you hereby consent to the Durban ICC processing your personal information as defined in the Protection of Personal Information Act 4 of 2013 (“POPIA”).

11.2 The Durban ICC shall take reasonable steps in terms of POPIA to protect the personal information supplied as part of this Request for proposal.

12. Contact Person

Name: Clinton Bonhomme
Tel: 031 3601049
Email: Clintonb@icc.co.za

13. Closing Date

Quotations/proposals, together with this document, marked for the attention of the Procurement Department and are to be placed in the Tender Box at the Durban ICC security entrance on the ground floor, 45 Bram Fischer Road Durban before **12:00 on 29^h April 2025**.

14. Past experience in similar assignments


Assignment Description	Key Elements	Date Completed	Contact Person and Telephone Number	Assignment Value

I.....being duly authorized thereto by..... do hereby confirm that the information contained herein is true and correct and acknowledge that, should it be established that any of the information contained herein is false and incorrect, my company may be disqualified from quoting to the Durban ICC.

Name: *(Block Capitals)* _____

Signature: _____

Date: _____

 DURBAN ICC <small>INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</small>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

15. Declaration of Municipals Fees

I, the undersigned, do hereby declare that the Municipal fees of

.....
(Full name of Company / Close Corporation / partnership / sole proprietary/Joint Venture)

(hereinafter referred to as the TENDERER) are, as at the date hereunder, fully paid or an Acknowledgement of Debt has been concluded with the Municipality to pay the said charges in instalments.

The following account details relate to property of the said TENDERER:

Account Account Number: to be completed by tenderer.

Consolidated Account No.

Electricity

Water

Rates

Other


Other

I acknowledge that should the aforesaid Municipal charges fall into arrears, the Municipality may take such remedial action as is required, including termination of any contract, and any payments due to the service provider by the Municipality shall be first set off against such arrears.

- Where the TENDERER'S place of business or business interests are outside the jurisdiction of eThekweni Municipality, a copy of the accounts/agreements from the relevant municipality must be attached (to the back inside cover of this document).
- Where the tenderer's Municipal Accounts are part of their lease agreement, then a copy of the agreement, or official letter to that effect is to be attached (to the back inside cover of this document).

NAME (Block Capitals)
SIGNATURE : DATE:

(of person authorised to sign on behalf of the Tenderer)

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

16. MBD4 Declaration of Interest

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

16.2 Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority.

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

16.3.1 Full name of bidder or his/her representative

16.3.2 Identity number:

16.3.3 Position occupied in the Company (director, trustee, shareholder²):

.....

16.4.4 Company Registration Number:

16.4.5 Tax Reference Number:

16.4.6 VAT Registration Number:

16.4.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

References:

¹ MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- any municipal council
- any provincial legislature
- the National Assembly or the National Council of Provinces

(b) a member of the board of directors of any municipal entity;


(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity;

(f) an employee of parliament or a provincial legislature.

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

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

16.4.8 Are you presently in the service of the state?
If yes, furnish particulars:

YES	NO
-----	----

16.4.9 Have you been in the service of the state for the past twelve months? If yes, furnish particulars:

YES	NO
-----	----

16.4.10 Do you have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and/or adjudication of this bid?
If yes, furnish particulars:

YES	NO
-----	----

16.4.11 Are you aware of any relationship (family, friend, other) between any other bidder and any persons in the service of the state who may be involved with the evaluation and/or adjudication of this bid?
If yes, furnish particulars:

YES	NO
-----	----

16.4.12 Are any of the company's directors, trustees, managers, principal shareholders or stakeholders in service of the state?
If yes, furnish particulars:


YES	NO
-----	----

16.4.13 Is any spouse, child or parent of the company's directors, trustees, managers, principal shareholders or stakeholders in service of the state? If yes, furnish particulars:

YES	NO
-----	----

16.3.14 Do you or any of the directors, trustees, managers, principal shareholders or stakeholders of this company have any interest in any other company or business whether or not they are bidding for this contract? If yes, furnish particulars:

YES	NO
-----	----

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

17. Full details of directors / trustees / members / shareholders


Full Name	Identity Number	State Employee No.

Signature

Date

Capacity

Name of Bidder

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

18.

MBD 6.1: PREFERENCE POINTS CLAIM
In terms of THE PREFERENTIAL PROCUREMENT REGULATIONS (2022)

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1.0 GENERAL CONDITIONS

1.1 The following preference point system is applicable to invitations to tender:

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

1.2 **The 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the applicable system once tenders are received.

1.3 Preference Points for this tender shall be awarded for:

- **Price and Specific Goals:** 80 (price) and 20 (specific goals), in terms of 1.2 above.
- The total Preference Points, for Price and Specific Goals, is 100.

1.4 Failure on the part of the bidder to submit the required proof or documentation, in terms of the requirements in the (Special) Conditions of Tender for claiming **Specific Goal** preference points, will be interpreted that preference points for **Specific Goals** are not claimed.


1.5 The Durban ICC reserves the right to require of a bidder, either before evaluation or at any time subsequently, to substantiate any claim in regard of preferences, in any manner required by the entity.

2.0 DEFINITIONS

2.3 “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes.

2.4 “**tender for income-generating contracts**” means a written offer in the form determined by Municipality in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the Municipality and a third party that produces revenue for the Municipality, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions.

2.5 “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

3.0 FORMULA FOR CALCULATION OF PREFERENCE PRICE POINTS

3.1 PROCUREMENT OF GOODS AND SERVICES

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

<u>80 / 20 Points System</u>	OR	<u>90 / 10 Points System</u>
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$		$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$

Where:

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

4.0 POINTS AWARDED FOR SPECIFIC GOALS

- 4.1 In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the request for tender. For the purposes of this tender the tenderer will be allocated points based on the **points claimed** for the goal(s) stated in **Table 1** below, as supported by proof submitted.
- 4.2 In cases where the municipality intends to use Regulation 3(2) of the Regulations, which states that if it is unclear whether the 80/20 or 90/10 preference point system applies, the municipality must, in the tender documents, stipulate in the case of:
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system, or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the municipality must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.



 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

TABLE 1: Specific Goals for the tender and maximum points for each goal are indicated per the table below.

Tenderers are to indicate their points claim for each of the Specific Goals in the shaded blocks.

The Specific Goals to be allocated points in terms of this tender	Maximum Number of points ALLOCATED (80/20 system)	Maximum Number of points ALLOCATED (90/10 system)	Number of points CLAIMED (80/20 system)	Number of points CLAIMED (90/10 system)
RDP Goal: The promotion of South African owned enterprises.	20	n/a		n/a
Total CLAIMED Points (20 Maximum)				n/a

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, certify that the points claimed, based on the specific goals as specified in the tender, qualifies the tendering entity for the preference(s) shown.

I acknowledge that:

- 1) The information furnished is true and correct.
- 2) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form.
- 3) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct.
- 4) If the specific goals have been claimed or obtained on a fraudulent basis, or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have:
 - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

Date


NAME (Block Capitals):

SIGNATURE:

.....

.....

.....

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System		Approval	
			Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template		Doc No: SR-277	
			Issue Date: 19/11/2024	Rev: 3

19. AUTHORITY OF SIGNATORY

Indicate the status of the tenderer by ticking the appropriate box hereunder.

COMPANY	<input type="checkbox"/>	CLOSE CORPORATION	<input type="checkbox"/>	PARTNERSHIP	<input type="checkbox"/>	JOINT VENTURE	<input type="checkbox"/>	SOLE PROPRIETOR	<input type="checkbox"/>
Refer to Notes at the bottom of the page									

I / We, the undersigned, being the Chairperson (Company), Member(s) (Close Corporation), Partners (Partnership), Sole Owner (Sole Proprietor), Lead Partner (JV), in the company / business trading as:

.....

hereby authorise Mr/Mrs/Ms

acting in the capacity of


to sign all documents in connection with the tender for Contract No. **CUL 03/2025** and any contract resulting from it on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Notes

Tenderers are to include, at the back of their tender submission document, a printout of the following documents:

- If a Company : a "Resolution of the Board" in this regard.
- If a Joint Venture : a "Power of Attorney" signed by the legally authorised signatories of all the partners to the Joint venture.

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

20. TAX COMPLIANCE STATUS PIN / TAX CLEARANCE CERTIFICATE

SARS has introduced a new Tax Compliance Status System. Tenderers can submit a Tax Compliance Status PIN (TCS PIN) instead of an original Tax Clearance Certificate. This TCS PIN can be used by third parties to certify the taxpayer’s real-time compliance status.

Separate Tax Clearance Certificates / TCS PINs are required for each entity in a Joint Venture.

Tenderers are to include, at the back of their tender submission document, a printout of their Tax Compliance Status PIN (TCS PIN) OR an original Tax Clearance Certificate.

Failure to include the required document will make the tender submission non-responsive.

*I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, Confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both true and correct, **and that the requested documentation has been included in the tender submission.***

NAME

Date


(Block Capitals):

.....

SIGNATURE:

.....

.....

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

21. DECLARATION WITH RESPECT TO THE OCCUPATIONAL HEALTH AND SAFETY ACT

Definitions

The Act: The Occupational Health and Safety Act No 85 of 1993 (as amended by the Occupational Health and Safety Amendment Act No 181 of 1993), and any associated / applicable Regulations.

Declaration by Tenderer

1. I, the undersigned, hereby declare and confirm that I am fully conversant with the Act.
2. I hereby declare that my company has the competence and the necessary resources to safely carry out the work / supply / services under this contract in compliance with the Act, and the Employer's / Purchaser's / Client's Health and Safety Specifications.
3. I hereby undertake, if my tender is accepted, to provide on request a suitable and sufficiently documented Health and Safety Plan which plan shall be subject to approval by the Employer / Purchaser / Client.
4. I hereby confirm that adequate provision has been made in my tendered rates to cover the cost of all resources, actions, training and all health and safety measures envisaged in the Act, and that I will be liable for any penalties that may be applied by the Employer / Purchaser / Client for failure to comply with the provisions of the Act.
5. I agree that my failure to complete and execute this declaration to the satisfaction of the Employer / Purchaser / Client will mean that I am unable to comply with the requirements of the Act and accept that my tender will be prejudiced and may be rejected at the discretion of the Employer / Purchaser / Client.

NAME

Date


(Block Capitals):

SIGNATURE:

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 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

22. MBD 8: DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

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

4.1 Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?

(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer / Authority of the institution that imposed the restriction after the audi alteram partem rule was applied.)

The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.

4.1.1 If YES, provide particulars.

.....

.....

Circle Applicable	
YES	NO

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)?


The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.

4.2.1 If YES, provide particulars.

.....

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YES	NO
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 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

4.3.1 If YES, provide particulars.

.....
.....

4.4 Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?

YES	NO
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4.4.1 If YES, provide particulars.

.....
.....

4.5 Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?

YES	NO
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4.5.1 If YES, provide particulars.

.....
.....


I, the undersigned, who warrants that they are authorised to sign on behalf of the Tenderer, confirms that the information contained in this form is within my personal knowledge and is to the best of my belief both 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.

NAME (Block Capitals):

Date

SIGNATURE:


 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

23. MBD 9: CERTIFICATE OF INDEPENDENT BID DETERMINATION

NOTES

- ¹ Includes price quotations/proposals, advertised competitive bids, limited bids and proposals.
- ² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.
- ³ 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.

- 1.0 This Municipal Bidding Document (MBD) must form part of all **bids**¹ invited.
- 2.0 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or **bid rigging**).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3.0 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.
- 4.0 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of **bid rigging**.
- 5.0 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid.

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)


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

I certify, on behalf of:

(Name of Bidder)

that:

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.
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.

 <p>DURBAN ICC INTERNATIONAL CONVENTION CENTRE INKOSI ALBERT LUTHULI ICC COMPLEX SOUTH AFRICA</p>	ISO Management System	Approval	
		Chief Financial Officer	
	Request for Proposal (RFP) Advertisement Template	Doc No: SR-277	
		Issue Date: 19/11/2024	Rev: 3

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices.
 - (b) geographical area where product or service will be rendered (market allocation).
 - (c) methods, factors or formulas used to calculate prices.
 - (d) the intention or decision to submit or not to submit, a bid.
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid.
 - (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.

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.

NAME (Block Capitals):

Date

SIGNATURE:

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.....

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