CBE
COUNCIL FOR THE BUILT ENVIRONMENT

TERMS OF REFERENCE

APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE OFFICE ACCOMMODATION TO THE CBE FOR A PERIOD OF FIVE (5) YEARS

1. BACKGROUND

The Council for the Built Environment (CBE) is a Schedule 3A Public Entity which reports to the National Department of Public Works and Infrastructure. The entity is a statutory body established under the Council for the Built Environment Act (No. 43 of 2000) (the CBE Act). It is an overarching body that coordinates the six Councils for the Built Environment Professions (Architecture, Landscape Architecture, Engineering, Property Valuers, Project and Construction Management, and Quantity Surveying) for the purpose of instilling good conduct within the professions, transforming the professions and advising the South African Government on Built Environment related issues.

2. MAIN OBJECTIVE OF THIS PROJECT

The CBE is calling for proposals from experienced service providers to provide rented office accommodation for a period of five (5) years. The CBE's current rental lease ends on
31 March 2022. Hence, the new office must be ready for occupation on 1 April 2022, subject to negotiation on beneficial occupation for a period of 3 months. An amount of R1 540 000 has been fixed for the tenant installation. The tenant installation must be finalised in the beneficial occupation period. The appointment of a service provider to undertake the tenant installation will be the sole responsibility of the landlord. The CBE will not be involved in the appointment and subsequent contracting with such service provider.

3. SPECIFIC OBJECTIVES

The CBE is looking for a building which **MUST** have the following office space specifications, ***failing which your bid may be disqualified***:

a. Building:

(i) The building must be a cellular building (stand-alone) or multi-tenanted with one dedicated floor/wing

(iii) Building insurance is the responsibility of the landlord and must be kept up to date through the duration of the lease period

b. Size:

(i) The total lettable area must be sufficient to accommodate not less than 700m^2 and not exceed 800m^2 of assignable space, inclusive of non-assignable space. In addition, provision must be made for a minimum of 32 secure covered parking bays (including disabled persons parking bays); and access to visitors parking. ***Bid offers proposing assignable space of less than the 700m^2 will be disqualified***

(ii) Bidders are required to submit `a scaled drawing of their floor plan for the proposed leased premises as well as the building plans, clearly indicating universal access with respect to persons with disabilities.

c. Grading :
The building must be an A grade building.

d. Location:
The office accommodation must be in the Pretoria East area with a maximum radius of 5km from the current CBE office located at 169 Corobay Avenue, Waterkloof Glen. Please provide the GPS coordinates

e. Facilities:
(i) A boardroom large enough to accommodate 32 people
(ii) Ablution facilities for 1x male / 2x females / 1x physically disabled persons
(iii) Fully fitted kitchen (e.g. sink, drainage, taps and cupboards)
(iii) Provision for a server room with a minimum size of 10m2 (airconditioned, fire resistant [dry] walling, fire door, raised floors and surveillance camera)

f. Storage:
One (1) storeroom of 32m^2 partitioned into four (4) spaces of 8m^2 each.

g. Accessibility:
(i) Comfortable entry and exit for staff / visitors / disabled persons (wheelchair friendly)
(ii) Provision for access control for all persons who enter the building at the Main Gate.
(iii) Provision for "No touch access control system" within the proposed building with the ability to generate reports . This will form part of the tenant installation.
(iv) Easily accessible to common reliable public transport routes (at least 500m from such routes)

h. Signage:
(i) Provision for external signage (street signage and building exterior signage)
(ii) Tenant Listing Board in Lobby
(iii) Directional Signage on the level on which the CBE Office will be located
(iv) Anchor tenant listing in front of the building
(v) Standard health and safety signage
The cost of all signage must be included in the once-off tenant installation cost.

i. Lease:
(i) A five (5) year lease period
(ii) The lease agreement must provide for building maintenance by the lessor/landlord
(iii) Bids may be received from an agency or third party. The lease contract however must be signed with the landlord and **not** the agency or third party

j. Safety:
(i) Compliance with the National Building Regulations & Standards, Act 103 of 1977 Bidders must produce all relevant Certifications
(ii) Located in an area which is generally safe
(iii) 24-hour security must be provided -if a stand-alone building is proposed, 24hour security must be available at the main gate. If a shared building with multiple tenants is proposed, there should be a specific guard within the building.
(iv) CCTV surveillance cameras must be made available in both the leased premises and communal area.

k. Power:
(i) The building must have its own electric distribution board(s)

(ii) Back-up generator power supply must be available in the event of power failure of the entire building *at the landlord's expense.* Please provide the certificate of compliance.
(iii) LED light fixtures throughout the building, including the parking area

l. Water Supply:

(i) Clean and constant water supply and a hydroboil or geyser in the kitchen
(ii) Water saving measures such as low flushing toilet mechanisms, low pressure taps
(iii) Emergency water supply e.g. borehole, water reserve

m. Maintenance:

(i) The landlord shall be responsible for the normal day-to-day electrical / plumbing / general building repairs and maintenance of the common areas to ensure a safe and conducive working environment
(ii) Full-time building maintenance caretaker for general day- to-day building and garden maintenance
(iii) Communal area cleaning must be provided

n. Airconditioning and Ventilation:

The building must be fully airconditioned and ventilated. The intention is to have a centralised unit for the open plan area and split units for 4 closed offices and 2 boardroom facilities. Airconditioning units shall be maintained and serviced by the landlord.

o. Fire Prevention and Detection:

The bidder must submit compliance certificates with respect to fire safety, fire detection system and safe occupancy on an annual basis for the duration of the lease agreement. The logistics and cost of these processes is the landlord's responsibility.

p. Internet Fibre Ready:

The building must be Fibre Ready for the provision of Internet i.e. fibre access port etc.

4. LANGUAGE OF THE SPECIFIC CONTRACT

The language of this specific contract is English.

5. REQUIRED EXPERTISE

The service provider (either company or individuals within the company) must have a minimum of five (5) years of experience in leasing commercial property. Please provide a company profile in this regard.

6. DURATION

The lease period will commence on 1 April 2022 and expire on 31 March 2027.

7. PRICING AND PRICE ESCALATION

The bid price must be quoted per square metre (m^2). Bidders must take into account costs associated with the items mentioned under paragraph 3 above. Pricing must be inclusive of VAT (if VAT registered). Prices for this contract are firm for the first year, and subject to a maximum escalation rate of 5.0% for the next four (4) years. A lower escalation rate may also be proposed. Should a bidder propose a higher escalation rate, it will result in the disqualification of the bid. The 5.0% escalation is based on the current average three-year CPI forecast as per the latest MTEF National Treasury Guidelines. Contract price adjustments will be done annually on the anniversary of the lease start date.

No hidden/undeclared costs are to be included in the bid proposal.

8. EVALUATION PROCESS

The following evaluation process shall be followed:

Pre-qualification Criteria (Bidders must meet the following pre-qualification criteria. *Failure to meet these requirements shall result in the disqualification of your proposal)*:

- Potential service providers must be registered on the National Treasury Central Supplier Database (CSD). The CSD registration report must be submitted. Prospective bidders must be tax compliant. **This bid will not be awarded to any bidder who is not registered on the CSD, whose tax matters are not in order and is a restricted supplier.**
- Only B-BBEE Level 1 and 2 contributors must submit a response to this bid. A copy of a correct and valid B-BBEE certificate (only SANAS accredited certificates will be accepted) OR valid sworn affidavit (whichever is applicable) must be submitted to confirm your B-BBEE status. **Please take note of paragraph 8 (b) below**. Failure to submit a B-BBEE certificate or sworn affidavit will result in the disqualification of your bid. Failure to submit a correct and valid certificate or sworn affidavit will result in the disqualification of your bid. Any enquiries in respect of B-BBEE Status Level Verification Certificates may be directed to the B-BBEE Commission at 012-649 0918. Bidders must note that sworn affidavits must adhere to the requirements set out in The Broad Based Black Economic Empowerment Practice Guide 1 of 2018, Determining the validity of a Broad-based Black Economic Empowerment verification certificate, B-BBEE certificate and sworn affidavit, par 17 (attached). (Please ensure that your affidavit complies

with the requirements set out under this paragraph. If one or more requirements are not met, it will render the affidavit invalid).

- **<u>Special note</u>: Bidders must please ensure that affidavits indicate the title of the deponent i.e. director or member or owner (please circle/underline the relevant title applicable to you); and the full financial year must be stated i.e. date, month and year (not only the calendar year). Your empowering supplier status must also be indicated**.
- Bidders must submit proof of comprehensive liability insurance. **Validity during the lease period must be maintained.**
- Bidders must submit the following compliance certifications:
  - ✓ **Fire Safety**
  - ✓ **Fire Detection System**
  - ✓ **Certificate of occupancy**
  - ✓ **Certificate of Compliance with respect to the backup generator**
- Universal Access – the building must accommodate people with disabilities, internally and externally in compliance with National Building Regulations Act, Parts S & T. Documentary evidence must be provided. Please refer to section 3: Specific Objectives, (b) Size (iii) in this regard.
- Bidders must provide their latest audited annual financial statements. The statements must reflect an average current ratio of assets:liabilities as 1:1. Any ratio lower will render the bid disqualified. The liquidity ratio will also be determined from these statements. (Please clearly indicate the page numbers for the total rand value of the assets and liabilities; and financial stability status of the bidding company).
- In the event that an agency/third party submits a bid on behalf of a prospective landlord, documentary proof (signed and dated) must be submitted that such agency/third party has been given authority to act on behalf of the landlord.
- Bidders must provide proof that the proposed building has Fibre Ready Internet provision i.e. fibre access port. Please provide a Fibre link map as proof.
- A compulsory briefing session will be held on **7 September 2021 at 10:00**. Please use the following Zoom link:

https://cbe-org-za.zoom.us/j/91448187027?pwd=UWU4SGpnampweXp0S2dkNDBhS3h0QT09

Meeting ID: 914 4818 7027

Passcode: 699952

Bidders must complete the Attendance Register at the session at the following link. Failure to do so will result in the disqualification of your proposal.
https://docs.google.com/forms/d/e/1FAIpQLSet3QINJSKYoLIZIV59WrymcSFaHmgMFNsm-p9RES8T4hTBcw/viewform?vc=0&c=0&w=1&flr=0&usp=mail_form_link

**** The CBE reserves the right to verify the authenticity of the information submitted. The results of the verification will take precedence.**

a. Evaluation Phases:

i. Phase 1: Functionality Evaluation

The service provider's proposal will be evaluated against the set criteria indicated below. A form will be used which will reflect the name of the service provider, the different criteria, with space provided to record the points awarded and motivation for points awarded. The allocation of points will not be effected on a basis of consensus.

The following scoring matrix will be used:

Unable to evaluate	Does not comply with the requirements	Partial compliance with requirements	Full compliance with requirements	Exceeds requirements	Exceptionally exceeds requirements
0	1	2	3	4	5

The following formula will be used to convert the points scored against the weight:

$$Ps = \left(\frac{So}{Ms}\right) x100$$

Where:

Ps = Percentage scored for functionality by proposal under consideration

So = Total score of proposal under consideration

Ms = Maximum possible score

Service providers will be expected to achieve a minimum threshold score of 60% in order to proceed to the due diligence process.

A due diligence process will be conducted in respect of all short-listed bidders to determine the capability and ability of short-listed bidders to execute this contract.
The CBE reserves the right to utilise any one or more of the below due diligence methods:

- Presentation by bidders with pre-determined questions being posed by the CBE
- An investigation by the CBE of the bidder's previous contracts carried out, availability of skills or knowledge, existing workload
- Confirmation of the authenticity and content of the reference letters submitted (bidders must provide a minimum of **two** signed reference letters of the same work undertaken even if this method is not selected for due diligence).
- Site Inspection: Bidders will be evaluated in terms of compliance to the following criteria:

No.	Criteria	Comply (Yes/No)
1.	Size: Minimum 700m^2	
2.	Premises within Pretoria East	
3.	32 secure covered parking bays	
4.	Universal Access: • Wheelchair access ramps • Lifts (if applicable) • Ablution facilities	
5.	Back-up generator	
6.	Fibre Ready Internet provision i.e. fibre access port	

Should more than 20% of the responses be non-compliant to the CBE's requirement, the bid will be disqualified.

Should negative feedback be obtained from the aforementioned that will render the bidder unsuitable to execute the assignment, their proposal will be disregarded at this point and they will not proceed for further evaluation.

Should a presentation be required, a set of pre-determined questions based on the submitted proposal will be posed. This will be evaluated based on a grading scheme of either consistent or not consistent with the proposal. Should more than 20% of the responses not be consistent to the bidder's proposal their proposal will be disregarded.

It must be noted that if a service provider has previously undertaken work for the CBE to which a positive report is on record, such report may be used for the purpose of due diligence in the event that the selected method(s) above is/are unsuccessful.

Should the bidder meet the requirements of due diligence, their proposal will proceed to Phase 2.

ii. Phase 2: Calculation of points

Please note that the proposals will be evaluated using the 80/20 preference point system.

a) 80 points are allocated for price and 20 points are allocated for the service provider's B-BBEE Level of Contribution.

b) Only the shortlisted bidders at this Phase will be requested to submit the original or originally certified copy (**it must be fresh ink and not a copy**) of the B-BBEE certificate OR valid original sworn affidavit (whichever is applicable) that was already submitted for pre-qualification purposes. Failure to submit the certificate or affidavit within the required timeframe will result in the disqualification of your bid.

During phase 2, points for price will be calculated for all shortlisted service providers in accordance with the following formula:

$$Ps = 80\left(1 - \frac{Pt - P\min}{P\min}\right)$$

Where:

Ps	=	Points scored for price of bid under consideration
Pt	=	Rand value of bid under consideration
Pmin	=	Rand value of lowest acceptable bid

iii. The final points will be calculated as follows:

Points for price:	80 points
B-BBEE Status Level of Contribution:	20 points
Final points:	100 points

In accordance with section 2(1)(f) of the Preferential Procurement Policy Framework Act, 2000, the CBE reserves the right to apply the following objective criteria, based on current case law, in determining the final outcome of the award irrespective of which bidder scores the highest final points:

(1) the rotation of contracts amongst suppliers; following two (2) awards by the CBE to the same supplier within a period of 12 months
(2) protection of the environment
(3) the receipt of an abnormally low or high price i.e. more than 10% below the estimated price or more than 5% above the estimated price

A recommendation for award will then be formulated for approval by the relevant delegated authority.

8. EVALUATION CRITERIA

The following criteria and weights shall apply when considering the proposal:

CRITERIA FOR FUNCTIONALITY	WEIGHT	SCORING GUIDELINE
SIZE The total lettable area must be sufficient to accommodate not less than 700m^2 and not exceed 800m^2 assignable space, inclusive of non-assignable space	20	0 = below 700m^2 or above 800^{m2} 3 = 700 m^2 – 800^{m2}
PARKING BAYS A minimum of 20 secure covered parking bays (including disabled persons parking bays); and access to visitors parking.	5	0 = below 20 secure covered parking bays 3 = 20 secure covered parking bays 4 = 21 – 26 secure covered parking bays 5 = 27-32 secure covered parking bays
LOCATION The office accommodation must be in the Pretoria East area with a maximum radius of 5km from the current CBE office situated at 169 Corobay Avenue, Waterkloof Glen	25	0 = beyond 8km radius 1 = Pretoria east and 8km radius from current CBE office 2 = Pretoria east and 6 - 7km radius from current CBE office 3 = Pretoria east and 5km radius from current CBE office 4 = Pretoria east and 4km radius from current CBE office 5 = Pretoria east and 0 - 3km radius from current CBE office

CRITERIA FOR FUNCTIONALITY	WEIGHT	SCORING GUIDELINE
ACCESSIBILITY The building must be easily accessible to common reliable public transport routes (at least 500m from such routes).	20	0 = office building more than 1km from route 1 = office building 1km away from route 2 = office building 700m away from route 3 = office building 500m away from route 4 = office building 400m away from route 5 = office building 300m away from route
SIGNAGE Provision for external signage (street signage and building exterior signage) Tenant Listing Board in Lobby Directional Signage on the floor level that the office is located on Anchor tenant listing in front of the building	15	0 = no provision for tenant signage 1 = 1 – 2 requirements listed 2 = 3 – 4 requirements listed 3 = all requirements listed 4 = all requirements listed plus 1 -2 of the following additional requirements: • directions in the parking area • Flagpole • Banner wrap around the premise's boundary wall (conspicuous to the public) • Mural on exterior face of building wall • Lamp pole lightboxes 5 = all requirements listed plus 3 or more of the following additional external signage options: • directions in the parking area • Flagpole • Banner wrap around the premise's boundary wall (conspicuous to the public) • Mural on exterior face of building wall • Lamp pole lightboxes
EXPERIENCE The service provider (either company or	15	

CRITERIA FOR FUNCTIONALITY	WEIGHT	SCORING GUIDELINE
individuals within the company) must have a minimum of five (5) years of experience in leasing commercial property. Please provide a company profile.		5 = 10+ years 4 = 6-9 years 3 = 5 years 2 = 3-4 years 1 = 1-2 years 0 = no experience
Total	100	
Threshold Score	60	

9. IMPORTANT CONDITIONS

- Protection of Personal Information - All bidders agree that personal information of persons related to or linked with bidders or respondents to this request for quotations/request for proposals or tender document is/may be required to fulfil the requirements for submitting a bid. All bidders agree that the CBE may collect, keep and process such information provided that the aforesaid uses shall be for purposes of evaluating the bid submitted. Where the information is sought to be used for other purposes, further and specific consent shall be obtained.
- The appointment of a service provider to undertake the tenant installation will be the sole responsibility of the landlord. The CBE will not be involved in the appointment and subsequent contracting with such service provider.
- Service providers are required to submit a detailed breakdown of their pricing as per the pricing schedule provided.
- The price quoted must be inclusive of VAT (if applicable) and will be subject to a price adjustment from year 2. Please see paragraph 7 above on Pricing.
- All Supply Chain Management compliant (required) documents must be completed in full and submitted. These include SBD 1, 4, 6.1, 8 & 9.
- Bidders must submit the company registration documents (CIPC), share certificate and ID documents of all Directors.
- Any award made to a Bidder under this BID is conditional upon the Bidder accepting the terms and conditions contained in the General Conditions of Contract as the minimum terms and conditions upon which the CBE is prepared to enter into a contract with the successful Bidder.

- The General Conditions of Contract (GCC) are to be acknowledged and returned with your bid.
- All parties forming a joint venture or consortium for the purpose of this assignment must submit a separate CSD report for each party and all SBD forms and GCC must be completed by each party to the joint venture or consortium and submitted accordingly.
- The CBE reserves the right to disregard a bidders' proposal should it be found that work was previously undertaken for the entity to which poor performance was noted during the execution of such contract that subsequently led to the cancellation of said contract in the last five years. Documentary evidence of poor performance without a cancellation of the contract may also result in the disqualification of the bidders' proposal.
- Any communication between the closing date and the award of the proposal by Bidders is discouraged.
- Whilst all due care has been taken in connection with the preparation of this BID, the CBE makes no representations or warranties that the content of the BID or any information communicated to or provided to Bidders during the bidding process is, or will be, accurate, current or complete. The CBE and its employees and advisors will not be liable with respect to any information communicated which may not be accurate, current or complete.
- If a Bidder(s) finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this BID or any other information provided by the CBE (other than minor clerical matters), the Bidder(s) must promptly notify the CBE in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the CBE an opportunity to consider what corrective action is necessary (if any).
- Any actual discrepancy, ambiguity, error or inconsistency in the BID or any other information provided by the CBE will, if possible, be corrected and provided to all Bidders without attribution to the Bidder(s) who provided the written notice.
- Bidders' attention is drawn to the fact that amendments to any of the Bid Conditions or setting of counter conditions by Bidders or qualifying any Bid Conditions will result in the invalidation of such proposals.
- The CBE supports the spirit of broad based black economic empowerment and recognises that real empowerment can only be achieved through individuals and businesses conducting themselves in accordance with the Constitution and in an honest, fair, equitable, transparent and legally compliant manner. Against this background the CBE condemns any form of fronting.
- The CBE, in ensuring that Bidders conduct themselves in an honest manner may, as part of the evaluation process, conduct or initiate the necessary enquiries/investigations to determine the accuracy of the representation made in bid documents. Should any of the

fronting indicators as contained in the Guidelines on Complex Structures and Transactions and Fronting, issued by the Department of Trade and Industry, be established during such enquiry / investigation, the onus will be on the Bidder / contractor to prove that fronting does not exist. Failure to do so within a period of 14 days from date of notification may invalidate the proposal / contract and may also result in the restriction of the Bidder /contractor to conduct business with the public sector for a period not exceeding ten years, in addition to any other remedies the CBE may have against the Bidder / contractor concerned.

- Bidders must submit concrete proof of the existence of joint ventures and/or consortium arrangements (where applicable). The CBE will accept signed agreements as acceptable proof of the existence of a joint venture and/or consortium arrangement.
- The joint venture and/or consortium agreements must clearly set out the roles and responsibilities of the Lead Partner and the joint venture and/or consortium party. The agreement must also clearly identify the Lead Partner, who shall be given the power of attorney to bind the other party/parties in respect of matters pertaining to the joint venture and/or consortium arrangement.
- A Bidder is responsible for ensuring that its personnel (including agents, officers, directors, employees, advisors and other representatives), its sub-contractors (if any) and personnel of its sub-contractors comply with all terms and conditions of this BID. In the event that the CBE allows a Bidder to make use of sub-contractors, such sub-contractors will at all times remain the responsibility of the Bidder and the CBE will not under any circumstances be liable for any losses or damages incurred by or caused by such sub-contractors.
- Bidders who want to claim Preference points will have to comply fully with regulations 11(8) and 11(9) of the PPPFA Act with regard to sub-contracting.
- The following are extracts from the PPPFA Act:

a) 11(8) “A person must not be awarded points for B-BBEE status level if it is indicated in the tender documents that such a tenderer 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 tenderer qualifies for, unless the intended sub-contractor is an Exempted Micro Enterprise (EME) that has the capability and ability to execute the sub-contract.”

b) 11(9) “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.”

- If a Bidder breaches the conditions of this BID and, as a result of that breach, the CBE incurs costs or damages (including, without limitation, the cost of any investigations, procedural impairment, repetition of all or part of the bid process and/or enforcement of intellectual property rights or confidentiality obligations), then the Bidder indemnifies and holds the CBE harmless from any and all such costs which the CBE may incur and for any damages or losses the CBE may suffer.
- **Proposals must be emailed to renusha@cbe.org.za. The Bidder(s) are required to submit their technical and pricing proposal as two separate files/attachments**.
- The original or originally certified BBBEE Certificates or original sworn affidavits of the shortlisted bidders during Phase 2 of the evaluation process must be hand delivered to 169 Corobay Avenue, Corobay Corner (Block A – 2nd Floor), Menlyn, Pretoria and deposited into the bid box when requested to do so by the CBE SCM unit.
- It is the responsibility of prospective bidders to ensure that their proposal documents are submitted before the closing date and time of the bid.
- Proposals received after the closing time and date will not be considered for evaluation.
- The CBE reserves the right not to award this contract.
- The CBE will enter into a formal contract with the successful bidder.
- Any change of information provided in the bid document that may affect service delivery by the successful bidder must be brought to CBE's attention as soon as possible. Failure to comply may result in the contract being terminated.
- Should the bidder present information intentionally incorrectly/fraudulently their proposal will be disqualified.
- The closing date for submission of proposals is **22 September 2021 at 11:00am**.
- Bids will be valid for a period of **150 days** after the closing date of bid.

**** Special Note: The CBE reserves the right not to award two contracts that are in direct conflict with each other to the same service provider.**

10. ENQUIRIES

All queries must be directed to the relevant officials as follows:

Supply Chain Management:	**Technical:**
Procurement Specialist	Manager: Human Capital and Facilities Management
Mrs R. Nanthlall Ganesh	Mrs Z. Makhathini
Tel: 087 058 5481	Tel: 087 058 5481
Email: renusha@cbe.org.za	Email: zanele@cbe.org.za