

Invitation to Submit Turnkey

Proposals

For the

Provision of Social Housing

FOR

**Johannesburg
Social Housing
Company
(JOSHCO)**

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1. INTRODUCTION

Johannesburg Social Housing Company, hereafter referred to as JOSHCO (Reg. No. 2003/008063/07), an Agent of the City of Johannesburg Metropolitan Municipality, invites prospective service providers to submit Proposals in accordance with the below specifications

JOSHCO was established by the City of Johannesburg as its preferred implementing agents for social housing developments and management of rental accommodation for low income earners within the Joburg metropolis.

JOSHCO's aim is to provide long-term, safe, quality housing at best value whilst locally building mixed, sustainable communities. JOSHCO is primarily a service organization, housing people in need and managing homes whilst responding to, engaging with and involving local people to make social housing work.

Our core business is Development and management of social housing units in a sustainable way, allowing people and families to peacefully enjoy, live and settle within communities.

The Institution currently provides and manages over 8000 social housing units

As part of the ongoing growth and development of the Institution, JOSHCO wishes to engage with experienced social housing developers, building contractors and/or landowners or agents acting on their behalf, in connection with the procurement of social housing units within the Johannesburg area

This notice sets out to explore the availability of suitable development opportunities that JOSHCO may procure from the open market on a turnkey acquisition basis in order to assist in the delivery of social housing units, based upon a clearly identified set of criteria.

This document sets out the terms and conditions under which an Applicant submits an Expression of Interest (EOI) and the basis on which JOSHCO will determine which Submission(s) will be progressed further.

2. INFORMATION FOR APPLICANTS

Applicants are requested to note the following:

- 2.1 This Competition is governed generally by public procurement laws of Treasury, the City of Johannesburg and Johannesburg Social Housing Policy
- 2.2 This EoI replaces and supersedes any and all previous documentation, communications and correspondence between JOSHCO and the Applicant. Applicants should not place any reliance on previous documentation, communications or correspondence that may have been submitted in relation to this proposal.
- 2.3 All costs associated with the preparation and submission of the EoI proposals, including the engagement of design consultants, securing planning permission etc. are to be considered as work at risk and will be the sole responsibility of the Applicant regardless of the outcome of the process, including the abandonment of the process by JOSHCO
- 2.4 Following the review of all submissions, JOSHCO may elect to contract with one, several or none of the Applicants. No legal relationship or other obligation in relation to the development of any Scheme shall arise between the Applicant and JOSHCO unless and until a Contract which is the subject of this EoI is formally executed in writing by JOSHCO and the successful Applicant (if any) and all Conditions Precedents to the effectiveness of any such Contract have been fulfilled. Nothing in this EoI is or shall be relied upon as a promise or representation as to JOSHCO's ultimate decision in relation to the award of any Contract.
- 2.5 The content of this document is for information purposes only and may not be used for any purpose save in connection with the EoI Submission. No part of this document, in whole or in part, may be reproduced, stored, transmitted, or used for design purposes without the prior written permission of JOSHCO.
- 2.6 Each Applicant's acceptance of delivery of this EoI constitutes its agreement to, and acceptance of, the terms of the competition. In particular, Applicants must:
 - (i) comply with the requirements and instructions specified in this EoI; and
 - (ii) when preparing their Submissions, follow the format specified in this EoI and include all information specified in this EoI.

3. OBJECTIVE AND SCOPE

Proposals are invited from suitable applicants (i.e. experienced developers, Building Contractors or other parties) to supply residential scheme(s) for social housing purposes. Submissions can be on the basis of **turnkey** acquisition of completed units.

The following scope applies to any scheme put forward by Applicant:

- 3.1 Suitable social housing schemes should typically comprise a mix of house types ranging from one and two beds 30%, two beds 70% according to current Social Housing Regulatory Authority (SHRA) Units Mix and be in areas of high housing demand and within Transport corridors. The final mix of house types will vary depending on location and must follow the SHRA criteria
- 3.2 Preference will be given to schemes that have the benefit of full planning permission. Should planning permission for the site not be available, the Applicant should indicate when full planning permission is likely to be obtained. JOSHCO's order of preference will be as follows:
 1. Completed developments
 2. Development sites that have full planning permission
 3. Development sites that have imminent planning permission
 4. Sites without the benefit of any planning permission.

Please note, it will not be possible for JOSHCO to contract on any scheme that does not have full Planning Permission.

- 3.3 The development must comply with:
 - a. the conditions of the Planning Permission relating thereto;
 - b. the Local Authority Development Plan;
 - c. JOSHCO's Design Brief
 - d. all Housing Guidelines issued by the Department of Environment, Community and Local Government, including:
 - ii. Delivering Sustainable Communities. Statement on Housing Policy - Dept. of the Environment Heritage
 - iii. Quality Housing for Sustaining Communities- Best Practise- Guidelines for Delivering homes Sustainable Communities – Department of the Environment Heritage & Local Government
 - iv. Comply with all Local Government statutory approvals, Building regulations and contractors registered with the CIDB during implementation
- 3.4 The Applicant must have good and marketable title to the land on which the scheme is to be developed.
- 3.5 Schemes should be for a minimum of 250 units and a maximum of 600 units.

3.6 Preference will be given to schemes that have a high proportion of units that have own door access and private amenity space however, subject to location, apartment schemes will also be considered.

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Applicants whose Scheme does not meet these requirements will not be eligible for the award of a Contract and JOSHCO's determination as to whether these conditions are satisfied shall be final and binding.

4. CONTRACTUAL ARRANGEMENTS

The Eol seeks submissions on the basis of acquisition on turnkey basis

4.1 Turn Key Acquisitions

Turnkey arrangements relate to the acquisition by JOSHCO of completed units from the developer. JOSHCO can enter into contract to acquire the units prior to completion but the agreed (Progress payments based on a cash flow)

Negotiation on the final design and specification can occur during the development period between the developer/contractor and JOSHCO and JOSHCO may determine that unless certain amendments to the proposals are made that it will not be possible to enter into Contract. This said, it should be noted that design liability remains the responsibility of the developer and contractor at all times

It may be possible to pay a fully refundable booking deposit to confirm JOSHCO's commitment to a Scheme but it should not be assumed that this will always be the case as the payment of deposits will be determined on a project by project basis.

4.2 Design and Build

In addition to Turnkey Acquisition type schemes, it may be possible for JOSHCO to work in partnership with an experienced developer/contractor to develop a scheme on a design and construct basis. Under these arrangements, JOSHCO, and/or its agents, review the suitability of the developer's design and cost proposals and negotiate an all-in project cost. The agreed cost will be split between land, professional fees and construction costs. JOSHCO acquires the land through a land sale contract and simultaneously enters into a building agreement for the construction of the units. Construction works are financed by way of certified interim payments made under the contract at agreed intervals stages.

The procurement and contract management of Design and Build arrangements is more complex as JOSHCO (as the Contracting Authority) needs to ensure that the association procures projects in accordance with National and Provincial public procurement guidelines and that the scheme is developed fully in accordance with the Building Regulation, NHBRC/CIDB requirements.

Please contact JOSHCO at www.JOSHCO should you be interested in exploring the possibility of developing under a design & build arrangement further.

5. SUBMISSION OF PROPOSALS

5.1 Structure of the Submission

This is rolling call for Expressions of Interest with the request maintained and updated as necessary on JOSHCO's website.

5.2 Amendments & Clarifications

If for any reason, JOSHCO is of the opinion that a clarification and/or amendment is required to be made to this EoI, then JOSHCO shall be entitled to make any such clarification and/or amendment at any time and shall be under no obligation to explain any such clarifications or amendments to Applicants.

5.3 Applicants Seeking Clarifications

All enquiries or requests for clarification by an Applicant should be emailed to the following contact point: tenders@JOSHCO.co.za

The above contact point is the only point of communication that an Applicant should have with JOSHCO in connection with this competition. No approach should be made by an Applicant (or any person associated with an Applicant) to any other employee, servant, agent or advisor to JOSHCO in connection with this competition.

Verbal queries or requests for clarification will not be considered by JOSHCO.

If an Applicant believes a query/request and/or its response relates to a confidential or commercially sensitive aspect of its business or proposals, it must mark the query/request as "confidential" or "commercially sensitive" (as the case may be) and provide a statement of the reasons why the query/request is considered to be confidential or commercially sensitive.

5.4 Ambiguities

Applicants shall immediately notify JOSHCO should they become aware of any ambiguity, discrepancy, error or omission in this EoI and any accompanying documents.

5.5 Validity Period

Submissions shall remain open for acceptance for a **period of six (6)** months from the time of submission to JOSHCO or any longer period agreed with JOSHCO.

5.6 Conflict of Interest

The onus is on Applicants to ensure that no actual or potential conflict of interest arises. Any actual or potential conflict of interest involving an Applicant must be fully disclosed to JOSHCO as soon as such actual or potential conflict becomes apparent.

In the event of an actual or potential conflict, JOSHCO shall in its absolute discretion decide on the appropriate course of action. JOSHCO reserves the right to reject a submission if an actual or potential conflict of interest exists and, in the view of JOSHCO, it cannot be avoided.

5.7 Registrable Interests

Any registrable interest involving an Applicant must be fully disclosed in the submission. In the event of such information only coming to an Applicant's notice after making a Submission and prior to the award of the Contract, it should be communicated to JOSHCO immediately upon it becoming known to the Tenderer.

JOSHCO shall, in its absolute discretion, decide on the appropriate course of action, which may without limitation, include terminating a Contract entered into with an Applicant.

5.8 Canvassing

If any Applicant (or a person associated with an Applicant), in connection with the submission either:

- (a) canvasses or offers any inducement, fee or reward to any employee, servant or agent of JOSHCO or its professional advisors; or
- (b) does anything which would constitute a breach of the procurement
- (c) approaches any employee, servant or agent of JOSHCO or its professional advisors except as authorised in this EoI, including for the purposes of soliciting the employment of any such persons

that Applicant's submission may be rejected, without prejudice to any other civil remedies available to JOSHCO and without prejudice to any criminal liability which such conduct may attract.

5.9 Collusion

Any Applicant who in connection with this EoI, either:

- (a) fixes or adjusts the manner or context of its Submissions by or in accordance with any agreement or arrangement with any other Applicant;

or

- (b) enters into any agreement or arrangement with any other Applicant that it shall refrain from participating in the Competition or any part of it; or
- (c) causes or induces any person to enter such agreement as is mentioned in this paragraph or to inform the Applicant of its Submissions or their content; or
- (d) offers or agrees to pay or give or does pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done any act or omission which is likely to affect competition or any other Submission or proposed Submission; or
- (e) communicates to any person other than JOSHCO or Group members the contents of its Submissions (except where such disclosure is made in confidence to obtain quotations necessary for the preparation of the Submissions) or carries or any other form of co-operation or collusion which JOSHCO considers had actually or potentially undermined competition;

may be disqualified without prejudice to any other civil remedies available to JOSHCO and without prejudice to any criminal liability which such conduct may attract.

5.10 Confidentiality

All documents issued and information given to the Applicants shall be treated by the Applicants as confidential. Applicants shall not release details of the documents other than on a confidential basis to those who have a legitimate need to know or whom they need to consult, for the purpose of preparing their Submissions.

Applicants shall not at any time release information concerning this Competition for publication in the press or on radio, television, screen or any other medium.

JOSHCO shall have the right to publicise, or otherwise disclose, to any third party, information regarding the Submission or the Contract, the identity of Applicants (including details of their respective members, representatives, advisors, consultants, contractors, servants and/or agents), at any time.

5.11 Data Protection

Should any personal data (as defined in the Data Protection Legislation) be made available as part of the Competition, the Applicant will ensure it complies with the provisions of the Data Protection Legislation including, without limitation:

- (a) ensuring that it has in place an appropriate notification on the register maintained by the Information Commissioner (as defined in the Data Protection Legislation);
- (b) only processing such personal data in accordance with the instructions of JOSHCO;
- (c) ensuring it destroys all such personal data when it is no longer required for the purposes for which it was made available to the Tenderer; and
- (d) taking all necessary organizational and technical measures to protect the personal data from unauthorized disclosure.

6. FORMAT AND DELIVERY OF SUBMISSIONS

6.1 General

Submissions must be fully compliant with the requirements of this EoI. Without prejudice to JOSHCO's right to request clarifications from an Applicant, the Authority reserves the right at its absolute discretion to reject any submission which lacks any of the information required by this EoI at the closing date and time. Please refer to Appendix 1 which provides a Checklist of documentation that must be provided as part of the submission.

All submissions must be in the English language. Any specified word or page limits must be adhered to – additional wording or pages will simply not be assessed.

Applicants must not make assumptions that JOSHCO has experience of their organisation or activities, even if that Applicant is currently contracted to or has been previously contracted to JOSHCO. Applicants will only be evaluated based on the information provided in their Submission and other responses provided to JOSHCO in the course of the submission.

Each Applicant should ensure that its submission is compliant, comprehensive and clear. JOSHCO reserves the right, but shall not be obliged, to reject any submission which does not fully comply with the requirements set out in this EoI or is ambiguous. If a submission fails to so comply, is qualified, is ambiguous, or could be construed as rendering the submission equivocal and/or placing it on a different footing from other submissions, JOSHCO shall be entitled (but shall not be obliged) to take such steps as it considers appropriate, at its sole discretion, including (but not limited to):

- (a) to reject the submission as non-compliant;
- (b) without prejudice to JOSHCO's right to reject the tender:
 - (i) to meet with, raise issues and/or seek clarification from the Applicant in respect of its submission;
 - (ii) to request the Applicant to provide JOSHCO with information or items which have not been provided or have been provided in an incorrect form or on an incorrect basis;

- (iii) to waive a requirement which, in the opinion of JOSHCO, is minor or procedural;
- (iv) to amend or clarify the requirements of this EoI and invite Applicants to adjust their submissions on the basis of such revised or clarified requirement.

6.2 Format of Submissions

Submissions are to be structured as set out below.

Each of the different elements must be made in a separate sealed envelope and labelled appropriately as follows:

Submission to: JOSHCO
Housing

Project: Expression of Interest: Turn Key Proposals

**Part 1 of Submission (Forms & Declarations)
Company Information**

Submission to: JOSHCO
Housing

Project: Expression of Interest: Turn Key Proposals

**Part 2 of Submission (Minimum Requirements)
Compliance Documents**

Submission to: JOSHCO
Housing

Project: Expression of Interest: Turn Key Proposals

Part 3 of Submission (Housing Proposals)

Submission to: JOSHCO
Housing

Project: Expression of Interest: Turn Key Proposals

Part 4 of Submission (Pricing Proposals)

Two (2) hard copies of each part of the submission must be provided.

A return address must be included on the rear of the submission package.

Postage, courier and other charges on all documents must be prepaid.

JOSHCO's decision as to whether or not an applicant has complied with the requirements of this EoI shall be final and binding.

6.3.1 Part 1 of Submission • Forms & Declarations

In Part 1 of the submission, Applicants must complete and return all of the forms and declarations set out in Appendix 2:

Form 1 – Applicant's Statement (on letter head)

Form 2 – Applicant Information

Form 3 – Bona Fide Submission

Form 4 – Conflicts of Interest

Form 5 – Eligibility

If any form or declaration is not completed or is not completed to the satisfaction of JOSHCO, the Applicant may be eliminated from the competition without Parts 2, 3 or 4 of its submission being opened or evaluated

An Applicant shall be eliminated from the competition if any of the grounds for elimination in Section 1 of Form 5 (Eligibility) apply to the Tenderer.

6.3.2 Part 2 of Submission • Minimum Requirements

In Part 2 of the submission, Applicants must confirm that they meet all of the following minimum requirements and demonstrate that they have the ability and capacity to perform the contract.

A. Tax Clearance

Tenderers are required to provide with their submissions evidence of a valid tax clearance certificate from the Irish Revenue Commissioners, or in the case of a non-resident, a statement from the Revenue Commissioners in Ireland confirming suitability on tax grounds.

Alternatively, Applicants may give JOSHCO permission to check their tax clearance status by quoting their Revenue customer number and tax clearance certificate number.

Where an Applicant does not have and cannot produce a valid tax clearance certificate or a statement from the Revenue at the time of making its submission, confirmation of submission of the application for a tax clearance certificate statement from the Applicant's auditor or a form of acknowledgement of receipt of the application for tax clearance certification from the Irish Revenue Commissioners must be produced with the submission. A valid tax clearance certificate must be produced by a successful Applicant before execution of any Contract.

B. Relevant Insurances

Applicants are required to confirm that either they have or their building contractor have Employer's Liability and Public Liability as required below. Applicants are also required to confirm that each of their professional team members and material sub-contractors have and shall maintain the Professional Indemnity insurances required below

Formal evidence of the above Relevant Insurances being in place shall be sought prior to any Contract being entered into.

C. Site Location Map

Each Applicant must provide a site location map (size A3, scale 1:1000, Ordnance Survey map or similar, with boundaries of the site clearly marked in red) showing the location of the scheme.

D. Planning Permission

Each Applicant must provide in its submission a copy of the full planning permission granted in respect of the scheme. Where planning permission is not in place, the Applicant must identify the status as to any planning application that has been made or is due to be made.

E. Funders Requirements

Each Applicant must confirm that they are willing to execute the following documents as detailed in appendix 3 in favour of the projects funders should they be required:

- Form of Collateral Warranty
- Form of Letter of Confirmation
- Form of Notice for Insurances

6.3.3 Part 3 of Submission – Housing Proposals

In Part 3 of the submission, Applicant s must answer the following questions in relation to how they propose to deliver the units:

1. **Detailed Designs.** Please provide detailed design drawings, which at a minimum should be the planning drawings. Please also provide a full schedule of accommodation for the proposed scheme indicating the floor areas of each unit, area of private open space, refuse collection & storage, services and amenities within the scheme. (Please note before JOSHCO can sign formal contracts for a development a full set of detailed construction drawings must be provided. The cost of same must be included in the Applicants proposed costs).
2. **Specifications.** Please provide the proposed architectural technical specifications with a schedule of finishes for the scheme
3. **Programme.** Please provide a programme showing the timescales involved in developing the scheme. This must indicate general timeframes and when the scheme will reach practical completion. The date for the delivery of the scheme will be the date for completion in any subsequent building agreement

4. **Proximity.** Please explain on 2 x A4 pages (in Ariel font size 12 single spaced) the proximity of the Proposed Housing Scheme to each of the following facilities (specifying the distance (in metres/kilometres) to each of the following and the nature of the facility in question):

(a) Public Services

Public transport, good road network, public car parking, park & ride facilities, cycle route & parking facilities;

(b) Primary Services

Schools, creche, hospital/medical facilities, supermarket, Post Office, Bank, Daycare centres and other retail services;

(c) Amenities

Playgrounds, parks, libraries, sports facilities, swimming pools, & other private or public leisure facilities such as cinema, community centres, children's play centres.

6.3.4 Part 4 of Submission – Pricing Proposals

In Part 4 of the Submission, Applicants must provide their pricing proposals by completing the following table:

- A Please confirm the **development cost** (including cost of roads, landscaping, services, design fees etc and VAT but excluding land). €

	Indicative Price per room Unit (for information only)	R
	0	R
	Indicative Price per 1 bedroom Unit (for information only)	R
	Indicative Price per 2 bedroom Unit (for information only)	R
B	For information only (not for evaluation), please specify the price at which the site is proposed to be sold to JOSHCO. Please note this price will be fixed, include for all necessary snagging works and be VAT inclusive.	R
C	Proposed number of units	
	The Applicant's proposed average price per unit for the Scheme (inclusive of VAT) calculated as (A+B)+C. Note: only the average unit price will be used in the evaluation of costs.	R

All prices, costs and financial data included in the submissions must be in Rands (R). Any currency variations occurring over the term of the contract shall be borne by the Applicant. They must be inclusive of all costs, expenses and indexation and be exclusive of any applicable taxes such as VAT. The VAT rates, where applicable should be indicated separately.

Applicants must not alter or insert additional items in the above table or submit any other pricing document.

6.4 Delivery of Submissions

If the Applicant wishes to participate in the EoI, its completed submission including all attachments referred to therein must be delivered using the following address label template:

To:

JOSHCO Turnkey
Development Team
61 Juta Street

BRAAMF
ONTEIN

Confidential

Project: Expression of Interest – Turn Key Proposals

The Applicant's name should not appear on the box/envelope containing the submission. It is the responsibility of the Applicant to ensure the submission is labelled correctly.

Neither JOSHCO nor any of its respective servants, consultants, agents or advisers will be responsible for any expense incurred by an Applicant in the preparation and/or delivery of submissions.

Submissions will not be returned to Applicants.

7. EVALUATION AND AWARD

7.1 Award Criteria

Submissions will be considered on their own merit and a review of each proposal received will be completed in order to determine whether the scheme complies substantially with JOSHCO's stated requirements. A separate financial analysis will also be completed to determine whether the scheme represents value for money in comparison to similar properties available in the market and an assessment of project costs and viability of the proposal in terms of securing the funding necessary to complete the purchase.

Only schemes that meet JOSHCO's technical and financial requirements will be advanced.

7.1.1 Part 1 of Submission (Forms & Declarations)

Award Criterion	Weighting
Form 1 – Applicant's Statement (on letter head) submitted	
Form 2 – Applicant Information submitted	
Form 3 – Bona Fide Submission submitted	
Form 4 – Conflicts of Interest submitted	
Form 5 – Eligibility submitted	

7.1.2 Part 2 of Submission (Minimum Requirements)

Award Criterion	Weighting
Criteria A: Details of Tax Clearance submitted	
Criteria B: Details of relevant insurances provided	
Criteria C: Site Location Plan submitted	
Criteria D: Details of Planning status provided	
Criteria E: Confirmation Funders Requirements can be met	

Any Applicant (or Group) which fails any of the award criterion in Parts 1 or 2 shall be eliminated and shall not proceed to have Part 3 or Part 4 of its submission evaluated.

7.1.3 Part 3 of Submission (Housing Proposals)

As noted above, an assessment will be made on the housing proposals submitted by the developer to determine whether the submission satisfies the institutions stated requirements.

In the event that more than one submission is received in a particular area, and it is only possible to progress with one of the proposals submitted, then JOSHCO will evaluate the submissions using the following award criteria to determine an appropriate score by which the relative advantages of the different submissions can be assessed.

Each response to Question 1 (Detailed Designs), Question 2 (Specifications) and Question 4 (Proximity) in Part 3 shall be scored out of 10 marks using the following scoring matrix

Indicator	Score
No response at all or insufficient information provided in the response such that it is unassessable and/or incomprehensible.	0
Very poor response in many respects	1 - 2
Poor response in many respects	3 - 4
Reasonable response in most or all respects	5 - 6
Good response in most or all respects	7 - 8
Very good response in all respects	9
Excellent response in all respects	10

The raw scores for the above three questions will then be weighted based on the following, and aggregated to give a mark out of 50.

Please note that schemes without the benefit of full planning permissions will score less well in terms of Question 1 (Detailed Design) and question 2 (Specification) than schemes that have full planning permission in place.

Award Criterion	Weighting
Detailed Design (Part 3, Question 1) factored by 2	20%
Specifications (Part 3, Question 2) factored by 1.5	15%
Proximity to Amenities, Public Services, Primary Services (Part 3, Question 4) factored by 1.5	15%

The response to Question 3 in relation to programme will be assessed for information only and shall not form part of the overall evaluation process.

7.1.4 Part 4 of Submission (Pricing Proposals)

An assessment will also be made on the pricing proposals submitted by the developer to determine whether the submission satisfies the associations stated requirements in terms of value for money and financial modelling.

In the event that more than one submission is received in a particular area, and it is only possible to progress with one of the proposals submitted, then JOSHCO will evaluate the submissions using the following award criteria to determine an appropriate score by which the relative advantages of the different submissions can be assessed.

The Applicant's proposed average price per unit for the scheme as specified in Part 4 of its submission shall be evaluated and scored in accordance with the following matrix:

The score for the average price per unit shall be scored out of 10 initially. This raw score shall then be multiplied by a factor of 5 to produce a Applicant's final score for Part 4 out of 50%.

If, in JOSHCO's opinion, a suggested sum is abnormally low, JOSHCO may require the Applicant to provide further written details of the constituent elements of the overall proposed price or any other information which JOSHCO considers relevant. Any failure to provide such information, where requested, may exclude the Applicant from further consideration. If, having considered the information provided, JOSHCO is of the view that either the overall price is abnormally low, JOSHCO may at its absolute discretion reject the bid.

7.2 Successful Applicant

In the event that two submissions are received where it is only possible to progress with one project, the proposal that will be deemed as the preferred submission will be the one who's aggregate score under 7.1.3 and 7.1.4 above is the highest.

In the event that there is a tie on the combined score then the one with the highest mark for price (7.1.4) will be deemed to be the preferred submission.

APPENDIX 1

Applicants Checklist

Please ensure that two copies of the following information have been provided and that each of the four parts of the submission are provided in separate sealed envelopes (in accordance with):

Ref:	Requirement	Included Y/N
Part 1	Forms & Declarations (see 6.3.1 for further detail)	
	Form 1 - Cover Letter	
	Form 2 - Applicant Information	
	Form 3 - Bona Fide Submission	
	Form 4 - Conflicts of Interest	
	Form 5 - Eligibility	
Part 2	Minimum Requirements (see 6.3.2 for further detail)	
	A - Tax Clearance	
	B - Relevant Insurance	
	C - Site Location Plan	
	D - Planning Permission	
	E - Funders Requirements	
Part 3	Housing Proposals (see 6.3.3 for further detail)	
	1 - Detailed Design	
	2 - Specification	
	3 - Programme	
	4 - Proximity to facilities	
Part 4	Pricing Proposal (see 6.3.4 for further detail)	
	Pricing schedule i table	

APPENDIX 2

FORMS TO BE COMPLETED AND SUBMITTED IN PART 1

The forms contained in this Appendix must be completed in full and returned by Applicants.

1. Cover Letter (Sign and return)
2. Applicant Information (Sign and return)
3. Bona Fide Submission (Sign and return)
4. Conflicts of Interest (Sign and return)
5. Eligibility (Sign and return)

FORM 1 • APPLICANT'S STATEMENT

[to be completed by the Applicant or by the lead entity within the Applicant's Group on its headed notepaper]

To: JOSHCO

Housing

Re: Expression of Interest for submission of potential Turn Key Developments

Having examined your Expression of Interest Document we hereby include our submission and agree and declare the following on or own behalf (and where we are a Group, on behalf of all members of our Group):

We understand the nature and extent of the works required to be provided under the contract, and the risks associated therewith, and we have carried out all necessary due diligence in relation to same.

We confirm that we have made our submission in accordance with the instructions set out in the EoI.

We confirm that:

1. we have obtained full planning permission by the closing date and time for receipt of submission. Should this not be the case we have provided within our submission details of when planning permission is expected to be obtained.
2. our Scheme complies with:
 - a. the conditions of the Development planning relating thereto (where relevant);
 - b. the Local Authority Development Plan;
 - c. JOSHCO's Design Brief and design standards and specifications
 - d. all Housing Guidelines issued by the Department of Environment, Community and Local Government, including:
3. we have good and marketable title to the land on which the scheme is to be developed;

We confirm that our Submission shall remain valid for acceptance by JOSHCO for a period

of 6
months from the closing date and time.

We understand that JOSHCO does not bind itself to accept the lowest or any submission made in response to the EoI.

We understand JOSHCO reserves the right to discontinue the award procedure in the event of irregular submissions or in the absence of appropriate submissions and in such circumstances it may use the negotiated procedure without a further call for competition.

If applicable, we enclose with this Statement any relevant letters of support from parent companies or third parties whose resources we intend to rely on in order to perform the Contract. These letters confirm that any such third party:

- (a) will make its relevant resources available to the Tenderer in the event that the Tenderer is successful in this Competition and is awarded the Contract; and
- (b) it will enter into a contractual commitment with JOSHCO or a guarantee in favour of JOSHCO in respect of such relevant resources at the same time as any Contract is entered into with the Tenderer.

We acknowledge that the RFT does not constitute an offer to enter into a contract and should not be regarded as a commitment or representation on the part of JOSHCO to enter into a contractual arrangement. No commitment of any kind, contractual or otherwise, binding JOSHCO shall exist unless and until a formal written contract is executed by or on behalf of JOSHCO. We understand that JOSHCO may, at its absolute discretion, terminate this competition at any time prior to a formal written contract being executed on behalf of JOSHCO.

We confirm our Professional Team member(s) will certify compliance with building regulations and planning permission:

We warrant and represent that we have all the requisite corporate authority to submit the Tender.

Dated this day of 2020

Signed by or on behalf of the Applicant: _____

Print Name of Signatory: _____

Name of Applicant¹: _____

Registered Address: _____

¹ FULL NAME of Applicant In the case of a partnership insert FULL NAMES of ALL the partners.

FORM 2 • CORPORATE INFORMATION

[to be completed by the Applicant and (in the case of a Group) where indicated, by a Group Member]

Applicant (or lead entity only in case of Group)

Full Name:			
Address:			
Previous Name(s) if applicable:			
Registered Address if different:			
Registration Number (if applicable):			
Telephone:			
Contact Name & Details:			
E-mail address:			
Website address:			
Year Established:			
Legal Form (<i>Tick One</i>):	Company <input type="checkbox"/>	Joint Venture <input type="checkbox"/>	
	Partnership <input type="checkbox"/>	Other (specify):	
VAT Registration Number (if applicable):			
Directors' names and titles:			
Parent Company:			

Applicant's authorised representative (or lead member's representative in case of Group)

Name:			
Contact Name & Details:			
Address:			
Telephone:			
Facsimile:			
Email Address:			

Status of Applicant

Please confirm whether the Applicant is a single bidder, a partnership, a Group or other type of joint venture.

Single Bidder <input type="checkbox"/>	Partnership <input type="checkbox"/>
Group <input type="checkbox"/>	Other Type of Joint Venture <input type="checkbox"/>

If other type of joint venture, please specify:

If the Applicant is not a single bidder, the Applicant's authorised representative should provide details of the structure proposed by means of an organisational chart. Where available, please provide a copy of any agreement evidencing the relationship between the Tenderer, and/or any team members.

If the Applicant is a Group, the Applicant confirms that the representative named above is authorised to act on behalf of the Applicant and as the principal contact for the Applicant in dealings with the Authority. (If not applicable, state 'n/a').

Group Member	Name and Title	Signature

Proposed legal form

Is the Applicant already a limited company or is it intended that it will (if successful in the Competition) be incorporated?

Already a Limited Company	<input type="checkbox"/>	Will be Incorporated	<input type="checkbox"/>
		Will not be Incorporated	<input type="checkbox"/>

If the Applicant is already incorporated, please provide the following information:

Registered Number:	
Year of Incorporation:	
Issued Share Capital:	
Place of Registration:	
Certified up to date copy of Memorandum of Association (or similar)	
VAT Registration Number (if applicable)	
Directors names and title:	
Parent Company:	

FORM 3 • BONA FIDE SUBMISSIONS

[to be completed by the Applicant and, in the case of a Group, by the lead entity on behalf of the Group]

The essence of tendering is that the client (JOSHCO), shall receive bona fide competitive submissions from all firms expressing an interest. In recognition of this principle, we certify that we are submitting a bona fide submission which is intended to be competitive and we have not fixed or adjusted any amount specified in our submission by or under or in accordance with any agreement or arrangements with any other person.

We also certify that we have not:

- (a) Communicated to a person other than JOSHCO the amount or approximate amount of any pricing in our submission, except where the disclosure, in confidence, of such pricing was necessary to obtain insurance premium quotations required for the preparation thereof;
- (b) enter into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount or pricing to be submitted; and
- (c) offered or paid or given or agreed to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other submissions for the said work any act or thing of the sort described above.

We undertake that we will not do any of the acts mentioned in sections (a), (b) or (c) above at any time before the acceptance or rejection of our submission.

In this certificate, the word "person" includes any persons and anybody or association, corporate or unincorporated and "any agreement or arrangement" includes any such transaction, formal or informal and whether legally binding or not.

Signed by or on behalf of the Applicant
(and the Applicant's Group, if applicable):

Printed Name of Applicant:

FORM 4 • CONFLICT OF INTEREST

[to be completed by the Applicant and, in the case of a Group, by the lead entity on behalf of the Group]

With reference to Section 5.6 (Conflict of Interest) of the EoI, please complete where appropriate.

We warrant that:•

1. There **would be no** conflict of interest in relation to the personnel or type of work involved in the submission.

No Conflict

2. There **could be** a possible conflict of interest in relation to **[enter the name(s) of the individual(s) concerned]** and their involvement in the submission.

Possible Conflict

3. Please explain what the possible conflict or perceived conflict of interest may be and who it relates to and how it could have an adverse effect on the tendered Contract(s).

Any registrable interest involving the Applicants or any sub-contractors and any of the members of the board of JOSHCO, members of the Government, members of the Oireachtas, or employees or officers of JOSHCO or their relatives must be fully disclosed.

The terms 'registrable interest' and 'relative' shall be interpreted as per Section 2 and Schedule 2 of the Ethics in Public Office Act 1995 a copy of which is available to download at www.finance.gov.ie.

We wish to notify JOSHCO of the following registrable interests:

Signed by or on behalf of Applicant:

Printed Name of Applicant:

Registered Address:

FORM 5 • ELIGIBILITY

[to be completed by the Applicant and, in the case of a Group, by the lead entity on behalf of each member of the Group]

Section 1

Applicants will be automatically excluded if, to the knowledge of JOSHCO, the Applicant (or any member of a Applicant's Group) has been convicted of an offence involving the:

- (a) participation in a prescribed criminal organisation;
- (b) corruption;
- (c) fraud;
- (d) money laundering; or
- (e) *any other offence within the meaning of Article 45(1) of Directive EU/2004/18 as defined by the national law of any relevant State.*

Are any of the conditions referred to in sub-paragraphs (a) to (e) above applicable to the Applicant or any Group member? (Please tick relevant box).

YES	NO

If "yes" please give details.

Section 2

In addition, Applicants *may* be excluded from the competition where any of the conditions in sub-paragraphs (a) to (g) inclusive below apply to the Applicant or any of its Group members:

- (a) they are subject to any of the following bankruptcy or insolvency procedures:
 - (i) the person is bankrupt or the subject of a bankruptcy petition
 - (ii) the person, being a body corporate, is being wound up or the subject of proceedings for compulsory winding up, or
 - (iii) the person's affairs are being administered by a court, or the person is the subject of proceedings in which it is sought to have the person's affairs so administered or
 - (iv) the person has entered into an arrangement with creditors, or
 - (v) the person has suspended business activities, or
 - (vi) the person is, in the opinion of JOSHCO concerned, in any situation analogous to any of those mentioned in subparagraphs (i) to (v) under a law of the State, another Member State or a third country relating to bankruptcy or insolvency.

- (b) they have been found guilty of professional misconduct by a competent authority that is authorised by law to hear and determine allegations of professional misconduct against persons that include the operator; or
- (c) they have committed grave professional misconduct provable by means that the authority can demonstrate;
- (d) they have not fulfilled an obligation to pay a social security contribution as required by a law of the country or territory
 - (i) where the person ordinarily resides or carries on business, or
 - (ii) where the authority is established, or
- (e) they have not fulfilled an obligation to pay a tax or levy imposed by or under a law of the country or territory—
 - (i) where the person ordinarily resides or carries on business, or
 - (ii) where the authority is established, or
- (f) they have provided a statement or information to the authority or another contracting authority knowing it to be false or misleading, or has failed to provide to the authority or another such authority a statement or information that is reasonably required by the authority for the purpose of awarding the public contract concerned;
- (g) they are subject to any other ground stated in Article 45(2) of Directive EUI2004i18 as defined by the national law of any relevant State.

Are any of the conditions (a) to (g) applicable to the Applicant or any of its Group members?
(Please tick relevant box).

YES	NO

If "yes" please give details.

Signed by or on behalf of Applicant
(and the Applicant's Group, if applicable):

Printed Name of Applicant:

Registered Address:

APPENDIX 3

Funders Requirements

Funder's Requirements Declaration

[to be completed by the Applicant or by the lead entity within the Applicant's Group on its headed notepaper]

To: JOSHCO
Housing
Re: Expression of Interest for potential Turn Key Schemes

Having examined your Expression of Interest Document we hereby declare that we would be willing to execute documents as detailed in Appendix 3 in favour of JOSHCO's funders should this be required in order for funding to be made available and for the properties to be purchased once complete and subject to the terms of any contract provisions.

Note: Funders Requirements are included in Appendix 3 for Information only and do not need to be executed as part of the EOI submission, only the Declaration is required to be signed at this stage.

Dated this day of 2020

Signed by or on behalf of the Applicant: _____

Print Name of Signatory: _____

Name of Applicant²: _____

Registered Address: _____

² FULL NAME of Applicant In the case of a partnership insert FULL NAMES of ALL the partners.

