

EXPRESSIONS OF INTEREST [EOI]



Expression of interest for Leasing of Immovable Property

EOI NUMBER:	2018 - EOI – PROP - 001
ISSUE DATE:	30 JULY 2018
CLOSING DATE:	28 SEPTEMBER 2018
CLOSING TIME:	12:00

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**EXPRESSION OF INTEREST for Leasing by public bidding process the following immovable properties
from the East London Industrial Development Zone SOC LTD (Hereafter ELIDZ)**

**TITLE DESCRIPTION: PTN 2 OF FARM 905; FARM 907; FARM 909 AND AN UNREGISTERED PTN 1 OF
FARM 913**

STREET ADDRESS / KNOWN AS: SETTLERSWAY, East London

IN EXTENT: 30 277 m² together with all improvements thereon (the "**PROPERTY**") on the terms and conditions set out in the draft Lease Agreement which comprises part of the bid documentation and subject to any conditions of title attaching to the Property:

Section 1: NOTICE TO RESPONDENTS

1 EXPRESSION OF INTEREST [EOI]

Respondents should note that ELIDZ will only approach those entities which have completed and submitted an EOI to ELIDZ through this procurement process. The subsequent Request for Proposal [**RFP**] if and when this is issued will be limited only to those respondents who have submitted this EOI **and** who have been shortlisted following the evaluation/prequalification process stipulated in this EOI.

Please note the following conditions are applicable to all tenders.

- A compulsory briefing session will be held on **06 August 2018** starting at 10h00 at the East London IDZ Head Office building, auditorium.
- Questions relating to the EOI will be accepted until 16h00 on the **20 August 2018**. All questions must be submitted to Anathi Mgwaza via e-mail to anathi@elidz.co.za
- The closing date for this tender is at **12h00 on 28 September 2018**;
- E-mailed, faxed, late, or incomplete proposals will not be considered;
- ELIDZ is not obligated to accept the lowest or any proposal;
- Tender documents are to be securely bound;
- Any expenses incurred by the tenderer in preparing and submitting the proposal will be for the tenderer's account, as the ELIDZ SOC Ltd will not accept any liability in this regard;
- We reserve the right to correct discrepancies and errors as necessary with the consent of the tenderer; however, the value total of the prices shall remain unaltered;
- Proposals which do not comply with the tender conditions or which are incomplete will, as a general rule, not be considered.

Service Providers that will be approved following this process must be registered on CSD database from Treasury

Respondent's Signature

Date and Company Stamp

Any additional information or clarification will be faxed or emailed to all Respondents, if necessary.

2 RESPONSE SUBMISSION

It will be the responsibility of the respondent to ensure that the EOI reaches the ELIDZ. Proof of posting will not be taken as proof of delivery. All tender documents submitted are to be securely bound and submitted in duplicate.

The tender should be placed in a sealed envelope marked "EOI- Leasing of Immovable Property" and deposited by hand in the tender box before the closing date and time of 12h00, **28 September 2018**. ELIDZ WILL NOT BE RESPONSIBLE FOR DOCUMENTS PLACED IN AN INCORRECT TENDER BOX.

The tender box will be marked tender name "EOI- Leasing of Immovable Property" which can be found in the following location:

The ELIDZ, Head Office Reception, Lower Chester Road, Sunnyridge, East London, 5201

Tender must be marked:

For the attention of Anathi Mgwaza: SCM Officer

3 DELIVERY INSTRUCTIONS FOR EOI

Delivery by hand

If delivered by hand, the envelope must be deposited in the ELIDZ tender box which is located at tender box will be marked tender name "EOI- Leasing of Immovable Property" which can be found in the following location:

The ELIDZ, Head Office Reception, Lower Chester Road, Sunnyridge, East London, 5201

Tender must be marked:

For the attention of: Anathi Mgwaza: SCM Officer

4 BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS

Companies with annual turnover less than R10million (Exempted Micro Enterprises or EME's) are automatically awarded a level 4 contributor status, unless the EME is Black Owned (more than 50% black ownership), in which case the enterprise will have a level 2 contributor status. EME which is 100% black owned qualifies for a level 1 contributor. In awarding the EME status, the ELIDZ shall accept a letter from an accounting firm or SARS confirming a company's turnover as less than R10m as well as a sworn affidavit confirming annual turnover and level of black ownership. B-BBEE certificates issued by non-accredited verification agencies will not be accepted as valid proof of a company's B-BBEE status.

The tender will be awarded to the bid with the highest number of points. A tender may be awarded to a bidder that did not score the highest number of points if reasonable and justifiable grounds exist.

Any contract offered by the ELIDZ will be based on the correctness of information submitted by the service providers. Any misrepresentation of facts by a service provider may lead to disqualification. Should such misrepresentation be uncovered after the commencement of the contracted work, the ELIDZ reserves the

right to terminate the contract and recover all payments made to that service provider and any costs that may have been incurred in the process.

ELIDZ reserves the right to have the tenderer's Black Economic Empowerment Credentials verified by an independent agency. (Procurement Handbook – Annexure: 1 must be fully completed and supplementary information may be completed by service providers with a turnover of less than R10m and be accompanied by letter from an accounting firm or SARS confirming the company's or sworn affidavit turnover is less than R10m).

5 COMMUNICATION

For specific queries relating to this EOI/EOI a Clarification Request Form should be submitted to Anathi Mgwaza before **12:00 on 20 August 2018**

- 5.1 Substantially in the form set out in Section 7. In the interest of fairness and transparency ELIDZ's response to such a query will then be made available to the other Respondents who have collected RFP documents. For this purpose ELIDZ will communicate with Respondents using the contact details provided to the Secretariat on issue of the bid documentation to the Respondent. Kindly ensure that you provide the Secretariat with the **correct** contact details, as ELIDZ will not accept responsibility for being unable to contact a bidder who provided incorrect contact details.
- 5.2 After the closing date of the EOI a respondent may only communicate with the Supply Chain Officer, at telephone number 043 702 8200, email anathi@elidz.co.za on any matter relating to this EOI Proposal.
- 5.3 Respondents are to note that changes to its submission will not be considered after the closing date.

Respondents are warned that a Proposal may be liable to disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer or employee of ELIDZ in respect of this EOI between the closing date and the date of the award of the business. Furthermore, Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with ELIDZ in the future.

6 CONFIDENTIALITY

- 6.1 All information related to this EOI is to be treated with strict confidence. In this regard Respondents are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information gleaned from the leasing of immovable property, which is either directly or indirectly related to ELIDZ's business, written approval to divulge such information must be obtained from ELIDZ.

7 INSTRUCTIONS FOR COMPLETION OF EOI

- 7.1 EOI proposals must be submitted in duplicate hard copies [1 original and 1 copy] and must be bound.
- 7.2 All returnable documents listed in the expression of interest [section 4] in this EOI must be returned with your submission.
- 7.3 The person or persons signing the submission must be legally authorised by the respondent to do so.

Respondent's Signature

Date and Company Stamp

8 STATUS OF THIS EOI AND SUBSEQUENT PROCESS

- 8.1 It is envisaged that Respondents to this EOI will be subjected to compliance criteria.
- 8.2 This EOI is not an offer to purchase and ELIDZ is under no obligation to accept any proposals in this process and/or the subsequent RFP which may be issued hereafter.
- 8.3 As this is an Expression of Interest only, no business will be awarded through this process.

9 DISCLAIMERS

- 9.1 Respondents are hereby advised that ELIDZ is not committed to any course of action as a result of its issuance of this EOI and/or its receipt of submissions in response to it. In particular, please note that ELIDZ reserves the right and at its sole and full discretion to:
- a) utilise any information provided to it in response to this EOI;
 - b) take no further action whatsoever, if it so decides
 - c) withdraw from this process and the provisions of this project at any time;
 - d) select the EOI participants based on ELIDZ's criteria;
 - e) change the dates of adjudication and submission;
 - f) not bind itself to accept any or all of the EOIs;
 - g) increase or decrease the quantities/scope as indicated in the EOI;
 - h) validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to ELIDZ to do so;
 - i) request audited financial statements or other documentation for the purposes of a due diligence exercise; and/or
 - j) not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provides for it.
 - k) enter into price negotiations with the preferred bidder/s.
- 9.2 ELIDZ's decisions will be final and no correspondence will be entered into after the selection process. You will be formally notified of your result.
- 9.3 Kindly note that ELIDZ will not reimburse any Respondent for any preparatory costs or other work performed in connection with this submission.

10 TAX COMPLIANCE

Tax Requirements

Bidders must ensure compliance with their Tax obligations

Bidders are required to submit their unique personal ID number (PIN) issued by SARS to enable the ELIDZ to view the tax payer's profile and tax status

Application for tax compliance status (TCS) or PIN may also be made via e-filing.

Bidders may also submit a printed TCS together with the bid

In Bids where consortia/joint venture/ sub-contractors are involved, each party must submit a separate proof of TCS/PIN/CSD number

Where no TCS is available but the bidder is registered on the CSD database, a CSD number must be provided

11 PROTECTION OF PERSONAL DATA

In responding to this bid, ELIDZ acknowledges that it may obtain and have access to personal data of the Respondents. ELIDZ agrees that it shall only process the information disclosed by Respondents in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law. Furthermore, ELIDZ will not otherwise modify, amend or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, ELIDZ requires Respondents to process any personal information disclosed by ELIDZ in the bidding process in the same manner. The detailed mutual duties of ELIDZ and the Respondents to protect personal information is contained in paragraph 37 of the General Bid Conditions.

12 BID CONDITIONS:

- ☐ Bidders are required to submit a Valid SARS PIN or Tax Clearance Certificate with their proposals.
- ☐ CSD registration not older than 10 days from closing of tender
- ☐ E-mailed, faxed, late, or incomplete proposals will not be considered;
- ☐ ELIDZ is not obligated to accept the lowest or any proposal;
- ☐ Bid documents are to be securely bound;
- ☐ Any expenses incurred by the bidder in preparing and submitting the proposal will be for the tenderer's account, as the ELIDZ SOC Ltd will not accept any liability in this regard;
- ☐ We reserve the right to correct discrepancies and errors as necessary with the consent of the bidder; however, the value total of the prices shall remain unaltered;
- ☐ Proposals which do not comply with the tender conditions or which are incomplete will, as a general rule, not be considered.

Respondent's Signature

Date and Company Stamp

EOI for the Leasing of Immovable Property from ELIDZ SOC LTD

Section 2: EOI SCOPE OF REQUIREMENTS

1 INTRODUCTION

The East London Development Zone SOC Ltd is a “greenfields” development project that is part of a sub-regional economic growth and employment creation initiative driven by the government’s micro-economic reform strategy, as implemented by the South African Department of Trade and Industry.

The industrial development Zone is rapidly taking shape on Buffalo City’s West Bank, adjacent to the existing East London port and has some 264ha of land available in its Phase One developments for the accommodation of new industry. The project includes the establishment of a Customs Control Area to allow for a duty-free importation of manufacturing inputs utilized in the production of export products and also provides access to a variety of general sector-specific industrial investment incentives.

The development and operation of the Zone are managed by the East London Industrial Development Zone SOC Ltd, under authorization by the State. The company was established to plan and implement the East London IDZ in a phased manner for manufacturing and other industrialists and features world class infrastructure and dedicated utility and other services.

An interested, resourceful and experienced Property Developers/Investors are required to lease by public bidding process the following immovable properties: Ptn 2 of Farm 905; Farm 907; Farm 909 and an Unregistered Ptn 1 of Farm 913.

2 KEY OBJECTIVES OF THIS EOI PROCESS

The appointed Investors/Property Developers will conclude a Triple Net Lease for **Farm 907; Farm 909; Portion 2 of Farm 905 and unregistered portion of Portion 1 of Farm 913**, with the ELIDZ SOC Ltd for an initial period of 50 (fifty) years with an option to renew for a further 50 (Fifty) Years.

The terms of the lease of the Property will be governed and informed by the draft suspensive LEASE AGREEMENT, which forms part and parcel of the bid documentation. Intending bidders are, therefore, referred to the Lease Agreement. Without going into detail, all bidders need to note that the vacant property will be leased on a “triple net lease” basis for an initial period of 50 (fifty) years where the lessee will be responsible for maintaining both the infrastructure and superstructure to be built on the property, secure the premises at own costs and will pay Municipal rates and be responsible for insuring the property against all forms of risk.

Respondent’s Signature

Date and Company Stamp

3 GENERAL RESPONDENT OBLIGATIONS

- 3.1 The Respondent(s) shall be fully responsible to ELIDZ for the acts and omissions of persons directly or indirectly employed by them.
- 3.2 The Respondent (s) must comply with the requirements stated in this EOI.

4 CONFIDENTIALITY AND COMPLIANCE

This EOI and information contained herein or provided for purposes thereof, remain the property of ELIDZ and may not be reproduced, sold or otherwise disposed of. All recipients of this document (whether an EOI is submitted or not) shall treat the details of this document as strictly private and confidential.

Information disclosed in this EOI is given in good faith and only for the purposes of providing sufficient information to the Respondent to enable submission of a well-informed and realistic EOI.

5 UNDERTAKINGS BY RESPONDENT

It will be accepted that the Respondent, on submitting the EOI response, has read, understood and accepted all the terms and conditions of the document. The submission of an EOI by any Respondent shall presume complete acceptance of the terms and conditions of the document. All qualifications and or exceptions should be noted in the EOI Response document.

6 COSTS TO RESPOND TO THE EOI

All Respondents wishing to submit an EOI response must be in possession of this document, the EOI. ELIDZ will not be responsible for or pay any expense or losses which may be incurred by any Respondent in the preparation and submission of the EOI and the costs of the EOI at all stages of the EOI process. Costs, if any, will be for each Respondent's own account.

ELIDZ reserves the right to invite certain Respondents to present or otherwise demonstrate their proposed solution as per their EOI, at the Respondent's own cost.

7 AUTHORITY OF SIGNATORY

- 7.1 If the EOI Respondent is a company, a certified copy of the resolution of the Board of Directors (i.e. personally signed by the Chairman or Secretary of the Board) authorising the person who signs this EOI to do so and any other documents and correspondence in connection with this EOI and/or agreement on behalf of the company, must be submitted with their EOI.
- 7.2 If the EOI Respondent is a partnership, a certified copy of the resolution of the partners (personally signed by all the partners) authorising the person who signs this EOI to do so and any other documents and correspondence in connection with this EOI and/or agreement on behalf of the partnership, must be submitted with this EOI.
- 7.3 If the EOI Respondent constitutes a "one-man business", certified proof must be submitted that the person signing this EOI and any other documents and correspondence in connection with this EOI and/or agreement is the sole owner of the one-man business.

Failure to comply with this clause may result in rejection of the EOI response.

8 UNDERTAKING BY ELIDZ

In responding to this EOI, ELIDZ encourages all EOI Respondents to put their best effort into the construction and development of the proposal.

The EOI process will include due governance and the results of the adjudication process will be available to Respondents who are not successful under certain conditions. This will be allowed at the sole discretion of ELIDZ.

9 EOI SELECTION CRITERIA

9.1 Technical Considerations

Failure to complete and submit all the required documents for this EOI would put the respondent at a disadvantage.

The proposed development must consider the following criteria's:

- (a) A business that will be conducted on this development should comply with the zoning of the property. In this regard, it can be revealed that the property was previously rezoned from agricultural to industrial zone 1 but that rezoning has since lapsed. It will then be expected of the successful bidder to rezone the property to the use that would have been agreed between the parties.
- (b) The contents of the attached geotechnical report on the soil conditions of the sites(See Annexure 3)
- (c) No panel beaters or associated trade will be allowed.
- (d) No development of a bottle store or liquor store will be allowed
- (e) No development of a fuel service station or related trade will be allowed.
- (f) Proximity of the site to the airport and its restrictions with nose and height should be considered by the developer
- (g) Due to the soil conditions as reported in the attached geotechnical report, the ELIDZ contemplated developing light buildings with no heavy bearing on the site, in this regard, a vehicle storage centre for new vehicles was contemplated. Developers are free and encouraged to come up with new concepts that will complement the nearby airport services, the current East London Industrial Development Zone Investors needs in particular and the general public in general. Due consideration of the height restrictions and noise restrictions as imposed by both the Civil Aviation Authority (CAA) and National Environmental Act (NEMA) is important when coming up with development concepts.

The propose development must also be able to demonstrate the socio-economic impact of the following:

- (a) Contribution of the proposed development to the Economic Development of the region
- (b) Contribution of the proposed development to the Job Creation of the region
- (c) The proposed development must be able to demonstrate and ensure the element of Energy Efficient Building.

9.2 Period of Engagement

The East London Industrial Development Zone intends to conclude a Triple Net Lease for Farm 907; Farm 909; Portion 2 of Farm 905 and unregistered portion of Portion 1 of Farm 913, with a successful Investor/ Property Developer an initial period of 50 (fifty) years with an option to renew for a further 50 (Fifty) Years.

9.3 Company Profile

- Provide an overview of your company profile, including the profile of the Company Directors.
- The company's lists of Developments that they have been involved into.
- Describe your company's approach to Property Development/Investment.
- Provide a list of Property Development Projects that you completed for the past three years
- Provide a list of the company's branches/offices. Having a local office will be of an advantage.
- Provide an overview of your entire property portfolio and reflect on how they would this proposed development.
- Provide a detailed development plan for this parcel of land

- Provide a signed consent form for credit check to conduct Due Diligence to the Entity and its Directors

The above information will be used to assess the company's capacity to provide the service. A well-structured company profile would assist in the evaluation process.

Note:

- Any misrepresentation of facts may lead to disqualification. Should such misrepresentation be uncovered after commencement of contracted work, the ELIDZ reserves the right to terminate the contract and recover all the financial loss associated to the failure of this project.

Respondent's Signature

Date and Company Stamp

EOI for the Leasing of Immovable Property from ELIDZ SOC LTD

Section 3: ELIDZ'S EOI INFORMATION

1 STATISTICS

1.1 Leasing of Immovable Property

Please note that the aforementioned information is provided merely as an indication of the size and nature of ELIDZ's current requirements and consequently does not necessarily reflect the extent of the services to be provided by appointed service Provider(s) through an award of business at any future date. Therefore the service providers are welcome to submit additional information (e.g. other capabilities that you may deem to be relevant)

2 REQUIREMENTS FOR EOI

Respondents expressing an interest to participate in this EOI stage must qualify in terms of the minimum predetermined requirements and have the capability to supply / provide the full range of Services, as set out below:

Minimum Eligibility Criteria (pre-qualification criteria) are as follows:

- (i) The service provider may be asked for a possible presentation should ELIDZ require such and the respondent shall be notified thereof no later than 5 days before the actual presentation.

**EOI for Leasing of Immovable Property
from ELIDZ SOC Ltd operating as East London Industrial Development Zone**

Section 4 : EXPRESSION OF INTEREST

I/We _____

[name of company, close corporation or partnership]

of [full address] _____

carrying on business under style or title of [trading as]

represented by _____

in my capacity as _____

being duly authorised, hereby lodge an **Expression of Interest** for the Leasing of Immovable Property, for an initial period of Fifty **[50] years**, as follows:

ADDRESS FOR NOTICES

Respondent to indicate its *domicilium citandi et executandi* hereunder:

Name of entity: _____

Facsimile: _____

Address: _____

NAME(s) AND ADDRESS / ADDRESSES OF DIRECTOR(s) OR MEMBER(s)

The Respondent must disclose hereunder the full name(s) and address(s) of the director(s) or members of the company or close corporation [C.C.] on whose behalf the EOI is submitted.

(i) Registration number of company / C.C.

(ii) Registered name of company / C.C.

(iii) Full name(s) of director/member(s): Address/Addresses: ID Number/s:

.....

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.....

.....

Respondent's Signature

Date and Company Stamp

CONFIDENTIALITY

All information related to a subsequent contract, both during and after completion, is to be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Services, which is either directly or indirectly related to ELIDZ's business, written approval to divulge such information must be obtained from ELIDZ.

RETURNABLE DOCUMENTS

- a) Respondents must submit with their responses to this EOI, **as a minimum requirement**, all the returnable documents indicated below with a [✓]. All Sections must be signed and dated by the Respondent.

Minimum Requirements - Returnable Documents	Submitted [✓]
SECTION 1 : EOI Scope of Requirements - Valid Tax Clearance certificate : Personal (pre corporate company and /or business)	
SECTION 2 : <ul style="list-style-type: none"> Company Registration documents ELIDZ Procurement Handbook CSD Registration Certificate not older than 10 days from closing of tender Signed Consent form for credit check Detailed Development proposal Rental proposal 	
SECTION 3 : ELIDZ's EOI Information - Documents as proof of relevant Industry experience for at least 2 members - Proposal of Business intention	
In case of a joint venture, a copy of the joint venture agreement or written confirmation of the intention to enter into a joint venture agreement.	

b) Essential Returnable Documents

In addition to the requirements of section (a) above, Respondents are further required to submit with their Proposals the following **essential Returnable Documents** as detailed below.

Failure to provide all essential Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent's disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion. Bidders are therefore urged to ensure that all these documents are returned with their Proposals.

Please confirm submission of these essential Returnable Documents by indicating Yes or No in the table below:

ESSENTIAL RETURNABLE DOCUMENTS USED FOR SCORING	SUBMITTED [Yes or No]
<ul style="list-style-type: none"> - <i>Completed and Signed ELIDZ Procurement Handbook with all relevant supporting documentation (Tax clearance or SARS PIN etc.)</i> - <i>CSD Registration Certificate not older than 10 days from tender closing</i> - 	

Other Essential Returnable Documents:

Failure to provide other essential Returnable Documents may result in a Respondent's disqualification. Bidders are therefore urged to ensure that all these documents are returned with their Proposals.

The successful Respondent will be required to ensure the validity of all returnable documents, including but not limited to its Tax Clearance Certificate and valid B-BBEE Verification Certificate, for the duration of any contract emanating from this EOI/EOI. Should the Respondent be awarded the contract **[the Agreement]** and fail to present ELIDZ with such renewals as and when they become due, ELIDZ shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which ELIDZ may have for damages against the Respondent.

SIGNED at _____ on this _____ day of _____ 20____

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____
Name _____

2 _____
Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

Respondent's Signature

Date and Company Stamp

ANNEXURES

ANNEXURE 1: ELIDZ TRIPLE NET LEASE STANDARD TEMPLATE

Respondent's Signature

Date and Company Stamp

ANNEXURE 2: ELIDZ DEVELOPMENT MANUAL

Respondent's Signature

Date and Company Stamp

ANNEXURE 3: GEOTECHNICAL REPORT

Respondent’s Signature

Date and Company Stamp