

Tender Reference Number: COR6445/2020/RFP

**APPOINTMENT OF A PANEL OF PROPERTY
DEVELOPERS FOR THE DEVELOPMENT OF LAND
IDENTIFIED FOR COMMERCIAL DEVELOPMENT FOR
THE ACSA NETWORK FOR A PERIOD OF FIVE (5)
YEARS AT ALL AIRPORTS.**

JULY 2020

NAME OF TENDERER:

TENDER NOTICE AND INVITATION TO TENDER

Airports Company South Africa invites suitably qualified service provider to bid for the APPOINTMENT OF A PANEL OF PROPERTY DEVELOPERS FOR THE DEVELOPMENT OF LAND IDENTIFIED FOR COMMERCIAL DEVELOPMENT FOR THE ACSA NETWORK FOR A PERIOD OF FIVE (5) YEARS AT ALL AIRPORTS.

Tender Number: : **COR6445/2020/RFP**

Issue Date : **30 July 2020**

Closing Date : **1st of September 2020 @ 12h00 sharp**

Non / Compulsory Briefing Session Date / Time : **No Briefing session.**

Site Inspection : **No Site Inspection.**

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SECTION 1: INSTRUCTIONS TO BIDDERS

1.1. Access to RFP documents

Tenders are available for free download on www.etenders.gov.za and ACSA website – www.airports.co.za/business/tender-bulletin/current-and-future-tenders Kindly print and complete.

1.2. Submission of bid documents

The envelopes containing bid documents must have on the outside, the bidder's return address, the full description of the tender, tender number and the details of the Tender Management Office/Procurement department where the bid will close. (Ref 1.2.2). The documents must be signed and completed by a person who has been given authority to act on behalf of the bidder. The bottom of each page of the bid documents must be signed or stamped with the bidder's stamp as proof that the bidder has read the tender documents. Bid documents must be submitted **on or before 1st of September 2020 at 12:00pm** using the following method(s):

1.2.1. Hand delivery:

The bid document must be delivered to the tender box located at the address below and must be addressed as follows:

CONTRACT NO: COR6445/2020/RFP

**APPOINTMENT OF A PANEL OF PROPERTY DEVELOPERS
FOR THE DEVELOPMENT OF LAND IDENTIFIED FOR
COMMERCIAL DEVELOPMENT FOR THE ACSA NETWORK
FOR A PERIOD OF FIVE (5) YEARS AT ALL AIRPORTS.**

[NAME OF TENDERER]

TENDER BOX A

**Third Floor Terminal Building, North Wing Offices, following
Aircraft Viewing deck signs.**

O.R. Tambo International Airport.

Please ensure that the packaging of the tender document is not a box but a file size package that can fit in the tender box insertion point.

Please arrive early at the airport so you can observe all Covid-19 protocols e.g. screening and completing forms. Please follow instructions for parking at the airport as some parking is closed.

1.2.2. Email submissions:

Email submissions **will not** be accepted.

1.2.3. Proposals must be in duplicate (an original printed copy and a printed copy of the original) together with an electronic copy of the bid documents using a compact disc or flash drive. The

original copy will be the legal and binding copy, in the event of discrepancies between any of the submitted documents; the original copy will take precedence.

1.3. **Alternative Bids**

No alternative bids will be considered.

1.4. **Late Bids**

Bids which are submitted after the closing date and time **will not** be accepted.

1.5. **Clarification and Communication**

Bidders may only communicate on this RFP with the ACSA employee using the details listed below:

Name: Nokuthula Bhengu

Designation: Specialist: Category Management: Corporate

Tel: 011 723 1460

Email: Nokuthula.Bhengu@airports.co.za

- 1.5.1. Request for clarity or information on the tender may only be requested until **16:00pm on 25 August 2020** after this date tenderers may start submitting their bids. Any responses to queries or for clarity sought by a bidder will also be sent to all the other entities which have responded to the Request for Proposal.
- 1.5.2. Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.
- 1.5.3. Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.
- 1.5.4. Bidders may not contact any ACSA employee on this tender other than those listed above. Contact will only be allowed between the successful bidder and ACSA Business Unit representatives after the approval of a recommendation to award this tender. Contact will also only be permissible in the case of pre-existing commercial relations which do not pertain to the subject of this tender.

1.6. Non- Compulsory/ Compulsory Briefing

There will be no briefing session meeting.

1.7. Bid Responses

Bid responses must be strictly prepared and returned in accordance with this tender document. Bidders may be disqualified where they have not materially complied with any of ACSA's requirements in terms of this tender document. Changes to the bidder's submission will not be allowed after the closing date of the tender. All bid responses will be regarded as offers unless the bidder indicates otherwise. No bidder or any of its consortium/joint venture members may have an interest in any of the other bidder/joint venture/consortium participating in this bid.

1.8. Disclaimers

It must be noted that ACSA reserves its right to:

- 1.8.1. Award the whole or a part of this tender;
- 1.8.2. Split the award of this tender;
- 1.8.3. Negotiate with all or some of the shortlisted bidders;
- 1.8.4. Cancel this tender.

1.9. Validity Period

- 1.9.1. ACSA requires a validity period of eighty-four (84) working days from closing date for this tender.
- 1.9.2. During the validity, period the prices which have been quoted by the bidder must remain firm and valid.

1.10. Confidentiality of Information

- 1.10.1. ACSA will not disclose any information disclosed to ACSA through this tender process to a third party or any other bidder without any written approval from the bidder whose information is sought. Furthermore,
- 1.10.2. ACSA will not disclose the names of bidders until the tender process has been finalised.
- 1.10.3. Bidders may not disclose any information given to the bidders as part of this tender process to any third party without the written approval from ACSA. In the event that the bidder requires to consult with third parties on the tender, such third parties must complete confidentiality agreements, which should also be returned to ACSA with the bid.

1.11. Hot – Line

ACSA subscribes to fair and just administrative processes. ACSA therefore urges its clients, suppliers and the general public to report any fraud or corruption to:

Airports Company South Africa TIP-OFFS ANONYMOUS

Free Call: 0800 00 80 80

Free Fax: 0800 00 77 88 Email: acsa@tip-offs.com

SECTION 2: PRE-QUALIFICATION CRITERIA AND MINIMUM REQUIREMENTS

2.1 In terms of the PPPFA Regulation 4, an organ of state can apply pre-qualifying criteria to advance certain Designated Groups. The prequalification is in align with the PPPFA Regulation as well as Transformation Approach that has been adopted by ACSA.

Accordingly, only bidders with a **B-BBEE status level 2 or lower (1)** are eligible to bid. Please note in the event of a joint venture (JV) a valid consolidated BBBEE verification in the name of the JV shall be submitted.

Returnable document Appendix K

A tenderer that fails to meet the above-mentioned pre-qualifying criteria at closing date, will be disqualified.

2.2 Minimum Requirements

Only bidders meeting the following criteria will be considered for this tender:

- a) Prequalification evaluation criteria.
- b) Meet the mandatory administrative requirements
- c) Meet the functionality evaluation criteria.

SECTION 3: BACKGROUND, PURPOSE AND SCOPE OF WORK

3.1 Background

The Infrastructure and Property Development (IPD) business plan includes among other functions to enable and develop commercially identified land across the ACSA network of airports and thereby better utilise the ACSA land-holdings and in the process, create alternative income streams enhancing shareholder and stakeholder value. It becomes necessary to offer this opportunity to an approved panel of property developers thereby ensuring that ACSA is able to attract market demand through an enlarged platform of property developers having the requisite financial, operational and transformation requirements. This opportunity will largely be based on offering developable land that is ready or to be appropriately zoned and serviced by ACSA for development over the next five years in line with an airport's development framework and precinct plan.

Among others, one of the IPD objectives is to grow the real estate revenue by R3billion through the development of 1000Ha of land. This R3billion growth shall be achieved over time and is expressed in present value. In achieving this growth, IPD will be able to create value for the ACSA stakeholders, increase our reputation as a development company as well as have the ability to diversify the ACSA portfolio.

To minimize risk and manage funding, a "just in time" servicing principle is utilized where investment in servicing land is done when a viable development is in hand. Typically, in this instance, top structure and bulk servicing of the land is done in parallel. This however may have its own inherent risks which will have to be evaluated per development undertaken.

The strategy in having an approved panel of property developers would result in the following benefits:

- Property Developers will be able to actively plan and market the ACSA LAND without having to secure same. In so doing they will be able to make proposals to tenants. This will eliminate land banking, which is not affordable to Property Developers.
- TENANTS/ END USERS are secured through competitive bidding by Property Developers. Typically, tenants/ end users have long standing relationships and established networks with traditional Property Developers that may present entry barriers for new developers, particularly BBBEE entities. By ACSA establishing a Panel that has operational; financial and transformation imperatives, the ACSA opportunity will force partnerships between entities bring these different skills or favouring entities having all the skills, a few black controlled entities are ready for this opportunity on their own whilst traditional developers will be forced into partnerships with BBBEE entrepreneurs and professionals.
- FUNDING by Banking Charters favours black participants whereas risk management practices favour big businesses. Commencement of an up to R10 billion top structure development in the next five years is not solely achievable on the ACSA balance sheet which will necessitate various and, in some instances, integrated, property development funding models.
- Volumes and deal flows secure competitive relationships with SERVICE PROVIDERS. By enforcing CGP, CIDB and ACSA Construction Sector Strategy on Property Developers, the volumes enable

competitive pricing and transformation upon SERVICE PROVIDERS in order to service the panel of Property Developers.

3.2 Purpose of this Tender

ACSA, through this tender process will select a panel that ensures that the traditional developers with financial and established networks truly partner with emerging black developers. This panel will be established and function as follows:

- The panel will exist for a period of 5 years allowing sufficient time for marketing and top structure development;
- ACSA will make available land on predetermined hurdle conditions:
 - Land leases with ACSA achieving a predetermined NPV of ACSA Weighted Average Cost of Capital (WACC) plus 2% and 30% equity option to ACSA with yield and Internal Rate of Return (IRR) in terms of internal benchmarks;
 - Self- Development where risk and investment are tolerable with strong underlying tenant leases at a predetermined IRR and capital investment and;
 - Joint venture agreement with strong underlying tenant leases achieving predetermined IRR and capital investment.
- Should no new deals be generated at predetermined levels each year through the panel, ACSA reserves the right to add new members to the panel each year.

3.3 Scope of Work

ACSA reserves a right to increase the Panel should the panel not conclude collective top structure transactions for R500 million in a financial year or if any one property developer is unable to conclude at least one top structure transaction in a financial year. New developers will be added onto the panel should they meet the criteria. Where list of short listed developers is inadequate, ACSA will through an open tender process select short-listed property developers.

All appointed developers will be required to adhere to CPG, CIDB and ACSA Construction Sector Strategy for the period of 5 years.

SECTION 4 PANEL UTILISATION

The Panel will be utilised as requirements arise within the organisation under the following guidelines.

- Appointment onto the Panel will not guarantee any future work.
- ACSA will utilise the Panel in a manner which promotes the elements of transparency, fairness and equal opportunity in the utilisation and management of the Panel.
- The appointed panel will be issued with terms of reference to outline how the panel will operate.

SECTION 5: EVALUATION CRITERIA

5.1 Evaluation Criteria

5.1.1 ACSA will use a pre-determined evaluation criteria when considering received bids. The evaluation criteria will consider the commitment made for pre-qualifying criteria/ mandatory administrative requirement and functionality evaluation criteria. During the evaluation of received bids ACSA will make an assessment whether all the bids comply with set minimum requirements and whether all returnable documents/information have been submitted. Bidders which fail to meet minimum requirements, thresholds or have not submitted required mandatory documents will be disqualified from the tender process.

5.1.2 The requirements of any given stage must be complied with prior to progression to the next stage. ACSA reserves the right to disqualify bidders without requesting any outstanding document/information.

5.2 A staged approach will be used to evaluate bids and the approach will be as follows:

Stage 1	Check if bidders meet the pre-qualifying. (Section 2 and clause 5.3)
Stage 2	Check if bidders meet the Mandatory Administrative Requirements. (Clause 5.4)
Stage 3	Evaluate on functionality or the technical aspect of the bid (Clause 5.5)

5.3 Pre-qualification Criteria

Bidders must submit the requisite documentation to prove that they meet the pre-qualifying criteria.

Only bidders with a B-BBEE status level **2 or lower (1)**. Please note in the event of a joint venture (JV) a valid consolidated BBBEE verification in the name of the JV shall be submitted. Returnable document Appendix K

5.4 Mandatory Administrative Requirements

A list of mandatory returnable documents must be consulted to understand which documents are required at the closing date and time. Further, to the mandatory returnable documents/information ACSA will only consider bidders which have:

5.4.1 Duly completed and signed Standard Bidding documents (SBD 4 and SBD 8) Appendix N and P.

5.4.2 Acceptance of ACSA terms and Conditions of Bid Section 9 and Section 10.

NB: No Bid will be awarded to any person whose tax matters have not been declared in order by South African Revenue Service.

No award will be made to an entity which is not registered on the CSD (Central Supplier Database) with National Treasury. Bidders must supply their unique number.

5.5 Functionality Evaluation Criteria

5.5.1 Evaluation

This will be conducted by the Bid Evaluation Committee which comprises of various skilled and experienced members from diverse professional disciplines. The evaluation process will be based on prequalification/threshold criteria. Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below.

5.5.2 Threshold

The functional evaluation will be based on a threshold, where bidders **which fail to achieve a minimum on each functional stage will not be considered further in the evaluation.** The criteria of the evaluation are expressed in the table below.

Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below. Total points allocated shall be 100. Tenderer must score a **minimum score per each sub criteria and an overall minimum threshold of 70 points out of 100** is required to be achieved for the bidder to be successful.

Bidding entity must achieve an overall score of 70 points or higher. A bidding entity that fails to meet one of the minimum sub criteria will be disqualified.

FUNCTIONALITY TABLE

#	Functionality Elements	Min	Max
1	<p>BIDDING ENTITY EXPERIENCE</p> <p>Experience in commercial property development completed in the past 15 years.</p> <p>Portfolio of evidence must outline role played by bidding entity</p> <p>Maximum 5 and minimum 3 contactable references must be provided, 7 points per reference.</p> <p>Returnable document Appendix E and F</p>	21	35
2	<p>BIDDING ENTITY VALUE EXPERIANCE</p> <p>Value of commercial developments completed in the past 15 years</p> <p>a) R60 million and above = 28 points</p> <p>b) R16 million to R50 million = 21 points</p> <p>c) 0 to R15 million = 0 point</p> <p>Returnable document Appendix E and F</p>	21	28
3	<p>KEY PERSONNEL EXPERIANCE</p> <p>Project Manager or Key Accounts Manager</p> <p>Proof that Project Manager or Key Accounts Manager has experience working as a Project Manager or Key Accounts Manager in commercial property development projects <u>R16 Million and above.</u></p> <p>a) 4 projects or more (30 points)</p> <p>b) 2-3 projects (21 points)</p> <p>c) 0-1 projects (0 points)</p> <p>Professionally Registered or in application for full professional registration with SACPCMP. (Provided such application is in place and approved prior to submitting first proposal)</p> <p>YES (7 points)</p> <p>NO (0 points)</p> <p>Please note one (1) CV of the Project Manager or Keys Accounts Manager must be provided to evaluate experience and professional registration</p> <p>Returnable document Appendix G and H</p>	21	30
		7	7
	Total =	70	100

5.6 Price and B-BBEE

Pricing will not be applicable at this stage; Bidders will be appointed onto the panel based on reaching the minimum threshold for technical/functionality as per above. Pricing will be considered during subsequent procurement for specific projects at utilisation stage.

SECTION 6: RETURNABLE DOCUMENTS

6.1 Mandatory Returnable documents

ACSA will disqualify from the tender process any bidder that has failed to submit mandatory returnable documents and information on the closing date and time. Bidders should therefore ensure that all the mandatory returnable documents and information have been submitted. In order to assist bidders, ACSA has also included a column next to the required mandatory document and information to enable bidders to keep track of whether they have submitted or not. The mandatory documents and information are as follows:

6.2 Returnable Documents and information

MANDATORY RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
Declaration of Interest Form Section 7	
Declaration of Forbidden Practices Section 8	
Bidders must accept the ACSA Terms and Conditions Section 9	
Terms and Conditions of RFP Section 10	
Certificate of Authority to sign Tender Appendix A	
Certificate of Authority of Joint Ventures (where applicable) Appendix B	
Record of Addenda to Tender Documents Appendix C	
Proposed Amendments and Qualifications Appendix D	
Schedule of the Tenderer's Experience Appendix E	
Reference letter from the Client Appendix F	
CV and Experience Appendix G	
Proof of Professional Registration Appendix H	
Certified Proof of Qualifications Appendix I	
Eligibility for Preference Points (B-BBEE Recognition Level) Appendix J	
B-BBEE Certificate (certified copy or original) from accredited provider Appendix K	

SBD 4 Declaration of interest Appendix N	
SBD 6.1 Preference Points Claim Form in Terms of The Preferential Procurement Regulations 2017 Appendix O	
SBD 8 Declaration of Bidders Past Supply Chain Management Practices Appendix P	
SBD 9 Certificate of Independent Bid Determination Appendix Q	

6.3 These types of documents and information are required but are not mandatory or are only mandatory at specific stages of the process. ACSA may request bidders to submit these documents or information after the closing date and time or might already have them on the system. Where a document or information is only mandatory at a specific stage in the process, ACSA may only disqualify a bidder for non-submission at that stage and after reasonable efforts were made to request the document from the bidder. The documents are as follows:

OTHER RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
Tax Clearance Certificate (ACSA may not award a tender to a bidder whose tax affairs have not been declared to be in orders by SARS) Appendix L	
Names and identity numbers of Directors Appendix L	
Certificate of Incorporation Appendix L	
Bidders must provide proof of registration with National Treasury's Central Supplier Database (CSD) Appendix M	

6.4 Validity of submitted information

Bidders must ensure that any document or information which has been submitted in pursuance to this tender remains valid for the duration of the contract period. The duty is on the bidder to provide updated information to ACSA immediately after such information has changed.

SECTION 7: DECLARATION FORM

7.1 Making a Declaration

Any legal person or persons having a relationship with persons employed by ACSA, including a blood relationship, may submit a bid in terms of this tender document. In view of possible allegations of unfairness, should the resulting bid, or part thereof, be awarded to persons connected with or related to ACSA employees, it is required that the bidder or his/her authorised representative declare his/her position in relation to ACSA employees or any member of the evaluation or adjudication committee which will consider bids. Furthermore, ACSA requires all bidders to declare that they have not acted in any manner inconsistent with the law, policy or fairness.

7.2 All bidders must complete a declaration of interest form below:

Full name of the bidder or representative of the bidding entity _____

Identity Number _____

Position held in the bidding entity _____

Registration number of the bidding entity _____

Tax Reference number of the bidding entity _____

VAT Registration number of the bidding entity _____

I/We certify that there is a / no relationship between the bidding entity or any of its shareholders / directors / owner / member / partner with any ACSA employee or official.

Where a relationship exists, please provide details of the ACSA employee or official and the extent of the relationship below

7.3 Full Names of Directors / Trustees / Members / Shareholders of the bidding entity

Full Name	Identity Number	Personal Income Tax Reference Number

7.4 I/We declare that we have not acted in any manner which promotes unfairness, contravenes any law or is against public morals. We further certify that we will in full compliance of this tender terms and conditions as well as ACSA policies in the event that we are successful in this tender.

Declaration:

I/We the undersigned _____ (Name) hereby certify that the information furnished in this tender document is true and correct. We further certify that we understand that where it is found that we have made a false declaration or statement in this tender, ACSA may disqualify our bid or terminate a contract we may have with ACSA where we are successful in this tender.

Signature

Date

Position

Name of bidder

SECTION 8: DECLARATION OF FORBIDDEN PRACTICES

I/We hereby declare that we have not/been found guilty of any illegal activities relating to corruption, fraud, B-BBEE fronting, anti-competitive practices and/or blacklisted by an organ of State Owned Company, etc. and/or any other forbidden practices.

I/We declare the following:

	Description	Penalty	Organ of State / State Owned Company
a)			
b)			

Furthermore, I/We declare that to the best of my/our knowledge there is /are no further practices to be declared or which are in the process of being finalised. The following are alleged practices which have not yet been finalised.

	Description	Organ of State / State Owned Company
a)		
b)		

This declaration was signed on _____ of _____ 202_____

Name: _____
 Designation: _____
 Signature: _____

SECTION 9: TERMS AND CONDITIONS OF RFP

9.1 Conditions of the request for proposal

- 9.1.1 This RFP is open only to bidders who are registered and duly authorised to provide the Services in South Africa.
- 9.1.2 Any bids received after the tender closing date and time **01 September 2020 at 12:00pm** shall not be considered by ACSA and therefore be disqualified. These bids shall be retained unopened and destroyed after the award of the contract to the successful bidder unless a written request for the return thereof is received from the relevant bidder within thirty (30) days of the award.
- 9.1.3 Except where specifically provided for in this RFP, a bidder may make no changes to its bid after the closing time and date.
- 9.1.4 ACSA reserves the right to award the contract on the basis of bid submitted by a bidder subject to ACSA' s terms and conditions and by submission of its bid the bidder agrees to be legally bound thereby if its bid is accepted by ACSA.
- 9.1.5 ACSA or its duly appointed representatives shall be the sole adjudicators of the acceptability and or feasibility of the bids. The decision shall be final and except as required by law or otherwise, no reason for the acceptance or rejection of any bid will be furnished.
- 9.1.6 If the bid has been awarded on the strength of information furnished by a Bidder, which information is proved to have been incorrect, in addition to any other legal remedy it may have, ACSA may at any time during the life of the contract:
- a) Recover from the relevant bidder all costs, losses or damages incurred by it as a result of the award; and/or
 - b) Cancel the award of the bid and/or contract and claim any damages, which it may have suffered or will suffer as a result of having to make less favourable arrangements.

- 9.1.7 The Bidder shall be liable to pay for losses sustained and/or additional costs or expenditure incurred by ACSA as a result of cancellation. ACSA shall furthermore have the right to recover such losses, damages or additional costs by way of set off against monies due or which may become due to the Bidder in terms of the said contract.
- 9.1.8 If ACSA and the successful Bidder fail to enter into or execute a formal written contract within thirty (30) days of the award (or such later date as may be determined by ACSA as a result of the bidder's failure to comply with any representation made in the bidder's bid, then the award shall be deemed null and void. ACSA's aforesaid rights are without prejudice and in addition to any other rights that ACSA may have in order to claim damages. For the avoidance of doubt, in the event the bid of a successful bidder is accepted by ACSA, no agreement shall come into being until the formal contract has been negotiated and executed between ACSA and the successful bidder.
- 9.1.9 ACSA reserves the right to amend the terms and conditions of this RFP at any time prior to finalisation of the contract between the parties and shall not be liable to any bidder or any other person for damages of whatsoever nature which they may have suffered as a result of such amendment. All bids are submitted at the entire risk of the bidder.
- 9.1.10 All representations, agreements or arrangements arising from bids submitted in terms hereof (including any negotiations that follow) shall not be binding on ACSA, its officers, employees or agents unless reduced to writing and signed by a duly authorised representative of ACSA.
- 9.1.11 ACSA reserves the right to postpone the closing date for submission of bids or to withdraw the RFP at any time.
- 9.1.12 Appendix 1 must be executed in the name of the business actually proposing to perform the Services if awarded the contract. Appendix 1 must be signed by an authorised representative of the bidder.
- 9.1.13 In the case of a joint venture or partnership between The Service Provider, evidence of such a joint venture must be included in the bid in the form of a Joint Venture Agreement or Memorandum of Understanding. Each member of the joint venture may complete and sign Appendix 1. Alternatively, all the members of the joint venture may in writing nominate one member of the joint venture to complete and sign Appendix 1 on behalf of the joint venture. This written authority must be signed by duly authorised members of the joint venture and be submitted with the proposal.

9.2 Binding Arbitration Provision

- 9.2.1 It is a condition of participation in this RFP process between the bidder and ACSA that should any dispute or difference arise between the parties, this shall be resolved by a single Arbitrator -
- Concerning the purport or effect of the RFP documents or of anything required to be done or performed there under;
 - Concerning any aspect of the RFP process to anything done or decided there under: or
 - Concerning the validity of the award of the RFP to any bidder or the failure to award same to any Bidder, then such dispute or difference shall be finally resolved by arbitration.
- 9.2.2 Such arbitration shall be by a single arbitrator who shall be –
- Selected by agreement between the parties, or failing such agreement nominated on the application of any party by the Arbitration Foundation of Southern Africa (AFSA); and
 - The arbitrator shall have power to open up, review and revise any certificate, opinion, decision, requisition or notice relating to all matters in dispute submitted to him/her and to determine all such matters in the same manner as if no such certificate, opinion, decision, requisition or notice had been issued.
- 9.2.3 Upon every or any such reference, the costs of an incidental to the reference and award shall be in the discretion of the arbitrator, who may determine the amount of the costs, or direct them to be taxed as between attorney and client or as between party and party and shall direct by whom and to whom and in what manner they shall be borne and paid.
- 9.2.4 The award of the arbitrator shall be final and binding on the parties and any party shall be entitled to apply to the Courts to have such award made an order of court.
- 9.2.5 Save as set out in this clause, the arbitration shall be conducted in accordance with the rules of the Arbitration Foundation of Southern Africa.
- 9.2.6 The arbitration shall be held in Johannesburg in the English language.
- 9.2.7 However, nothing in this clause shall preclude any party to the arbitration from seeking interlocutory relief in any court having jurisdiction pending the institution of a review or other appropriate proceedings for legal redress.
- 9.2.8 Such arbitration shall be commenced and concluded within 30 days of the dispute having noted.

9.3 RFP Acceptance

- 9.3.1 ACSA reserves the right to reject: -
- a. Incomplete bids;
 - b. Late bids;
 - c. Conditional bids; and

- 9.3.2 ACSA reserves the right to withdraw the RFP at any time without giving rise to any obligation to be responsible for any loss or financial damage which may be incurred or suffered by any bidder.
- 9.3.3 This RFP implies neither obligation to accept the lowest or any bid nor any responsibility for expenses or loss, which may be incurred by any bidder in preparation of his bid.
- 9.3.4 Bidders may include with their bids any descriptive matter, which, if referred to in the RFP, will form part of the RFP. In case of any discrepancy, however, the issued RFP and supporting documents and information completed therein by the bidder will be considered as the valid and binding bid.
- 9.3.5 ACSA reserves the right to award portions of the contract to different Bidders and is not obligated to accept the whole or only one bid for purposes of the award of the contract or contracts.
- 9.3.6 ACSA reserves the right to not award more than one contract to a Bidder.
- 9.3.7 Notwithstanding any other provision to the contrary in this document, no ACSA employee or any person related to or associated (including spouse, child, cousin, friend) with an ACSA employee may (individually or through a corporate vehicle which includes a company, close corporate, trust, partnership etc.) submit a bid for consideration by the Evaluation Committee unless interest is declared and approved as per Delegated Level of Authority.

SECTION 10: ACSA TERMS AND CONDITIONS OF RFP AND BIDDERS PARTICULARS

TO: Airports Company South Africa Limited.

Bid No: COR6445/2020/RFP

1. Bidder's Name and Contract Details

Bidder:	
Physical Address:	
Correspondence to be addressed to:	
Fax Number:	
Phone numbers:	
Email Address:	
Contact Person:	

2. Proposal Certification

We hereby submit a Proposal in respect of Appointment of a Panel of Property Developers for development of land identified for commercial development for ACSA network for a period of 5 years in accordance with Airports Company South Africa's requirements.

- We acknowledge that Airports Company South Africa's terms and conditions (as amended and mutually agreed between the parties if necessary) shall apply to the agreement with the successful Bidder,

- We have read, understand and agree to be bound by the content of all the documentation provided by Airports Company South Africa in this Request for Proposal.
- We accept that Airports Company South Africa's Tender Board's decision is final and binding.
- We certify that all forms of Proposal as required in the Proposal document are included in our submission.
- We certify that all information provided in our Proposal is true, accurate, complete and correct.
- This Proposal is specific to this project only; it has no impact, influence or effect on any other project for which a Proposal may be submitted.
- The undersigned is/are authorized to submit and sign the Proposal that shall be binding on closure of the Proposal submission.
- The Proposal is binding on this Tenderer for a period which lapses after eighty-four (84) working days calculated from the closing date for Proposal submission.

Thus done and signed at		on this the		day of		2020
----------------------------	--	-------------	--	--------	--	------

Signature:	
Name:	

For and behalf of:

Tendering entity name:	
Capacity:	

Appendix A Certificate of Authority to Sign Tender

Insert certified copy of an extract from the minutes of a meeting of the Board of Directors or Members authorizing the person who signs the Submission to sign it on behalf of the Company, Corporation or Firm.

Signed

Date

Name

Position

Tenderer

Appendix B Certificate of Authority of Joint Ventures (where applicable)

This Returnable Schedule is to be completed by joint ventures.

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms . . .
 , authorised signatory of the company
 , acting in the capacity of lead partner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf.

Please attach JV agreement stipulation % share of each JV

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature: Name:
		Signature: Name:
		Signature: Name:

Signed

Date

Name

Position

Tenderer

Appendix C. Record of Addenda to Tender Documents

We confirm that the following communications received from the Employer before the submission of this response for Tenders, amending the Tenders documents, have been taken into account in this response:		
	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attach additional pages if more space is required.

Signed

Date

Name

Position

Tender

Appendix D. Proposed Amendments and Qualifications

The Tenderer shall record any deviations or qualifications he/she may wish to make to the tender documents in this Returnable Schedule. The Tenderer’s attention is drawn to Terms and conditions of RFP Section 10 regarding the Employer’s handling of material deviations and qualifications.

Page	Clause or item	Proposal

Attach additional pages if more space is required.

Signed

Date

Name

Position

Tender

Appendix E: Schedule of the Tenderer's Experience

The experience of the tenderer or joint venture partners in the case of an unincorporated joint venture or consortium in similar projects or similar areas and conditions in relation to the scope of work over the last **fifteen (15) years** will be evaluated.

Tenderers should briefly describe his or her experience in this regard and attach this to the schedule.

The description should be put in tabular form with the following headings:

	Names of Client (for which a same or similar service was rendered)	Description of service	Value of Construction Contract Excl. VAT	Confirmation of Practical Completion Date	Performance Period		Contact person and contact details (contact person, telephone and email)
					From (Date)	To (Date)	
Project 1:							Name:
							Tel:
							Email:
Additional Comments:							
							Reference Letter Provided: Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Project 2:							Name:
							Tel:
							Email:
Additional Comments:							
							Reference Letter Provided: Yes: <input type="checkbox"/> No: <input type="checkbox"/>

Project 3:							Name:
							Tel:
							Email:
Additional Comments:							Reference Letter Provided: Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Project 4:							Name:
							Tel:
							Email:
Additional Comments:							Reference Letter Provided: Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Project 5:							Name:
							Tel:
							Email:
Additional Comments:							Reference Letter Provided: Yes: <input type="checkbox"/> No: <input type="checkbox"/>

Tenderer must complete the above template failure to complete may result in disqualification.

The undersigned, who warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Note: When completing the above schedule, Tenderer's must take cognisance of the evaluation criteria as described on Section 5 clause 5.5

Signed _____ Date _____

Name _____ Position _____

Tender _____

Appendix F: Reference letters from the Clients

Attach here

Note: Tenderer's must take cognisance of the evaluation criteria as described on Section 5 clause 5.5

Signed	Date	_____
Name	Position	_____
<i>Tender</i>	_____		

Appendix G: CV and Experience of Project Manager

Position to hold for this project	<input type="checkbox"/> Project Manager		
Name			
Surname			
Nationality		Date of Birth	
Current Residence (City/ Town)			
Education			
Number of Years' Experience:			
Professional Body Affiliation/ Accreditation			

Major Experience in previous years related to similar type of completed projects:	
<u>Project 1 of 5:</u>	
Employer (Company)	
Client Name	
Cell Number	
Principal Agent Name	
Cell Number	
Consultant (Company)	
Key Personnel Project Role	
Position Held	
Scope of work description/ Project description	
Project value Excl VAT	
Construction Duration: From (Site Handover date) to (Practical Completion date)	Site Handover date: Practical Completion date:
<u>Project 2 of 5:</u>	
Employer (Company)	
Client Name	

Cell Number	
Principal Agent Name	
Cell Number	
Consultant (Company)	
Key Personnel Project Role	
Position Held	
Scope of work description/ Project description	
Project value Excl VAT	
Construction Duration: From (Site Handover date) to (Practical Completion date)	Site Handover date: Practical Completion date:
Project 3 of 5:	
Employer (Company)	
Client Name	
Cell Number	
Principal Agent Name	
Cell Number	
Consultant (Company)	
Key Personnel Project Role	
Position Held	
Scope of work description/ Project description	
Project value Excl VAT	
Construction Duration: From (Site Handover date) to (Practical Completion date)	Site Handover date: Practical Completion date:
Project 4 of 5:	
Employer (Company)	
Client Name	
Cell Number	
Principal Agent Name	
Cell Number	

Consultant (Company)	
Key Personnel Project Role	
Position Held	
Scope of work description/ Project description	
Project value Excl VAT	
Construction Duration: From (Site Handover date) to (Practical Completion date)	Site Handover date: Practical Completion date:
<u>Project 5 of 5:</u>	
Employer (Company)	
Client Name	
Cell Number	
Principal Agent Name	
Cell Number	
Consultant (Company)	
Key Personnel Project Role	
Position Held	
Scope of work description/ Project description	
Project value Excl VAT	
Construction Duration: From (Site Handover date) to (Practical Completion date)	Site Handover date: Practical Completion date:

Note: Tenderer's must take cognisance of the evaluation criteria as described on Section 5 clause 5.5

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed Date

Name Position

Tenderer

Appendix H. Proof of Professional Registration

Attach here SACPCMP proof

Note: Tenderer's must take cognisance of the evaluation criteria as described on Section 5 clause 5.5

Signed Date _____

Name Position _____

Tender _____

Appendix I. Certified Proof of Qualifications

Built related qualification attach here (If foreign qualification must be SAQA accredited)

Signed Date _____

Name Position _____

Tender _____

Appendix J: Eligibility for Preference Points (B-BBEE Recognition Level)

1. Valuation of preference points is based on tenderer's B-BBEE verification certificate:
 - a) The certificate shall have been issued by:
 - i. A verification agency accredited by South African National Accreditation System (SANAS);
 - ii. A registered auditor approved by the Independent Regulatory Board of Auditors (IRBA);
 - b) The verification certificate must be valid at the tender closing date

2. In the event of a Joint Venture (JV), a consolidated B-BBEE verification certificate in the name of the JV shall be submitted.
 - a) The verification certificate shall identify:
 - i. The name and domicilium citandi et executandi of the tenderer
 - ii. The registration and VAT number of the tenderer
 - iii. The dates of granting of the B-BBEE score and the period of validity
 - iv. The expiry date of the verification certificate
 - v. A unique identification number

3. The standard and/or normative document, including the issue and/or revision used to evaluate the tenderer:
 - a) The name and/or mark/logo of the B-BBEE verification agency.
 - b) The scorecard (GENERIC, QSE, EME) against which the tenderer has been verified.
 - c) The B-BBEE status level
 - d) The SANAS or IRBA logo on the verification certificate.
 - e) The B-BBEE procurement recognition level.
 - f) The score achieved per B-BBEE element.
 - g) The % black shareholding.
 - h) The % black woman shareholding.
 - i) The % black persons with disabilities.

4. ACSA will not be responsible to acquire data that it needs for its own reporting systems and which may not form part of a verification agency's standard certificate format. The tenderer, at its own cost, must acquire the specified data listed in 3 above from its selected verification agency and have it recorded on the certificate.

Alternatively, such missing data must be supplied separately, but certified as correct by the same verification agency and also submitted.

Signed _____ Date _____

Name _____ Position _____

Tender _____

Appendix K: Certified Valid B-BBEE Verification Certificate (please attach here)

The bid must include an original or certified copy of the B-BBEE verification certificate issued by SANAS accredited ratings agency, or an IRBA Registered Accounting Practice. The certificate should be an original or a certified copy.

If bidding entity is an EME or QSE a Sworn Affidavit

In the event of a Joint Venture (JV), a consolidated B-BBEE verification certificate in the name of the JV shall be submitted.

Note: Tenderer's must take cognisance of the Pre-evaluation criteria as described on Section 2 and clause 5.4

Signed Date

Name Position

Tender

Appendix L: SARS Tax Clearance Certificate

All bid submissions must have a **valid original or certified tax clearance certificate or SARS Pin** as part of the compliance requirements. If a company or close corporation has not yet been formed at the time of submitting a bid, the prospective shareholders or members must each supply a tax clearance certificate in their personal capacities.

Please also attach: **Identity documents of the Directors and
Certificate of Incorporation**

Signed Date _____

Name Position _____

Tender _____

Appendix M: Bidders must provide proof of registration with National Treasury's Central Supplier Database (CSD)

Attach here

Signed Date _____

Name Position _____

Tender _____

Appendix N

SBD 4 DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

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

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

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

2.2 Identity Number:
.....

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

2.4 Company Registration Number:
.....

2.5 Tax Reference Number:
.....

2.6 VAT Registration Number:
.....

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

¹“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or

(e) Parliament.

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

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

2.7.1 If so, furnish the following particulars:

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

.....

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

.....

Position occupied in the state institution:

.....

Any other particulars:

.....

.....

.....

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

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

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

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

.....

.....

.....

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

2.8.1 If so, furnish particulars:

.....

.....

.....

2.9 Do you, or any person connected with the bidder, have **YES / NO**

any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

2.9.1 If so, furnish particulars.

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

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

YES/NO

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

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

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

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

4 DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE

IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN
TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT
SHOULD THIS DECLARATION PROVE TO BE FALSE.

..... Signature Date
..... Position Name of bidder

Appendix O

SBD 6.1 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

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

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

1. GENERAL CONDITIONS **(Please note this section is not applicable to this tender)**

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

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

1.2

- a) The value of this bid is estimated to exceed R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable; or
- b) The 90/10 preference point system will be applicable to this tender

1.3 Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	

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

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

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

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

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

5. BID DECLARATION

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

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

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

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

7. SUB-CONTRACTING

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

(Tick applicable box)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

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

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer

- Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.



AIRPORTS COMPANY
SOUTH AFRICA

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

Appendix P

SBD 8 DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system;
 - c. or failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

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

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

Js365bW

Appendix Q

SBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

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

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ .that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

- (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidders

