

**PART A
 INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE <i>(South African National Biodiversity Institute)</i>					
BID NUMBER:	SANBI: G425/2022	CLOSING DATE:	13 SEPTEMBER 2022	CLOSING TIME:	11:00am
DESCRIPTION	THE APPOINTMENT OF AN OPERATOR TO OPERATE THE RESTAURANT AT KIRSTENBOSCH NATIONAL BOTANICAL GARDEN, RHODES DRIVE, NEWLANDS, CAPE TOWN, FOR A PERIOD OF FIVE YEARS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:					
Biodiversity Centre Pretoria National Botanical Garden, 2 Cussonia Avenue, Brummeria Pretoria					
Compulsory briefing session date: 12 August at 11:00 am. Kirstenbosch Botanical Garden					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON		CONTACT PERSON	Ms. Sarah Struys		
TELEPHONE NUMBER		TELEPHONE NUMBER			
FACSIMILE NUMBER		FACSIMILE NUMBER			
E-MAIL ADDRESS	sanbi.tenders@sanbi.org.za	E-MAIL ADDRESS	s.struys@sanbi.org.za		
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]

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	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.			

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**PART B
 TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4.	THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7	NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
 (Proof of authority must be submitted e.g. company resolution)

DATE:

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder.....	Bid number: SANBI: G425/2022
Closing Time 11:00	Closing date: 13 September 2022

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

ITEM QUANTITY DESCRIPTION BID PRICE IN RSA CURRENCY NO.

**

(ALL APPLICABLE TAXES INCLUDED)

- Required by:
- At:
- Brand and model
- Country of origin
- Does the offer comply with the specification(s)? *YES/NO
- If not to specification, indicate deviation(s)
- Period required for delivery
- *Delivery: Firm/not firm
- Delivery basis

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination.

**** "all applicable taxes" includes value- added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies.**

***Delete if not applicable**

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BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?
YES/NO

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.

² 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.

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- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

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

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

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 **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20** preference point system shall be applicable; or
- b) The 80/20 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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
Total points for Price and B-BBEE must not exceed	100

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

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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.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:

1)	certificate issued by an authorized body or person;	B-BBEE Status level
2)	prescribed by the B-BBEE Codes of Good Practice;	A sworn affidavit as
3)	prescribed in terms of the B-BBEE Act;	Any other requirement
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20 or **90/10**

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

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

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 last 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-BBE 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.

WITNESSES

1.

2.

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

DATE:

ADDRESS

.....

.....

REQUEST FOR PROPOSAL

For

**THE APPOINTMENT OF AN OPERATOR TO OPERATE THE RESTAURANT AT
KIRSTENBOSCH NATIONAL BOTANICAL GARDEN, RHODES DRIVE, NEWLANDS,
CAPE TOWN, FOR A PERIOD OF FIVE YEARS**

The South African National Biodiversity Institute (SANBI)

Private Bag X101

Silverton

0184

Document Number: One (1) of two (2)

Tender No: **SANBI: G425/2022**

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GENERAL TERMS & INSTRUCTIONS

BACKGROUND

This document (Document 1) gives a general overview of the process to be followed in appointing an Operator to operate the restaurant inside Kirstenbosch National Botanical Garden, particularly regarding the requirements to be submitted in responding to a call for proposals in respect of the restaurant situated inside Kirstenbosch National Botanical Garden.

This document is to be read in conjunction with the Catering Specifications and Background Information (Document 2).

Please read the following terms and instructions carefully. Failure to comply with the requirements of these instructions and general terms may lead to the rejection of your Proposal submission.

1. PREPARATION AND SUBMISSION OF PROPOSALS

1.1 The Request for Proposal (RFP) documentation (Document 1) consists of:

- General Terms & Instructions to Proposers; and
- Forms of Proposal

The Proposal documents can be obtained from the South African National Biodiversity Institute (SANBI) webpage www.sanbi.org

1.2 It is accompanied by:

- Catering Specifications (Document 2)

1.3 Proposals shall be prepared and submitted in accordance with the RFP documentation. The South African National Biodiversity Institute (SANBI) shall not incur any obligation or liability towards the successful Proposer until a written contract has been finalized and signed by both SANBI and the Proposer.

1.4 Proposers are to submit one (1) hard copy of the proposal in an envelope and a memory stick with a PDF version of the document.

Tender Number: **SANBI: G425/2022**

Closing date for submissions: **13 September 2022 Time: 11:00**

Proposals must be submitted in the Proposal Box located in the Biodiversity Building at the Pretoria National Botanical Garden, 2 Cussonia Avenue, Brummeria, Pretoria, during office hours (08:00 - 16:00).

- 1.5 Proposals received after the RFP closing date and time will be disqualified. This Request For Proposal (RFP) is being issued by SANBI and does not constitute an offer. These documents are intended to provide information and guidelines for the preparation and submission of a Proposal by the Proposers.
- 1.6 All SCM queries and communications in relation to this RFP should be directed to sanbi.tenders@sanbi.org.za, on or before 08 September 2022 at 12:00 pm
- Operational or technical queries can be directed to Sarah Struys (Events and Tourism Manager: Kirstenbosch National Botanical Garden) on Tel.: 021 799 8775 or s.struys@sanbi.org.za, on or before 08 September 2022 at 12:00 pm
- 1.7 Preparation of the Proposal, including but not limited to attendance at any pre-Proposal meetings and site visits, shall be at the sole expense of the Proposer.
- 1.8 The Proposal shall be submitted without review by, comparison of figures with, arrangement with, or knowledge of any other person or company submitting a Proposal for the same work and shall in all respects be without collusion with other Proposers. Proposers forming a joint venture with another Proposer in order to submit a single consolidated Proposal shall advise SANBI prior to the submission of the Proposal and include in their Proposal full details of the joint venture including a copy of the signed joint venture agreement.

1.9 Requirements

1.9.1 Each Proposal document must include the following documentation and failure to include all these documents will lead to disqualification of the Proposal:

- A current copy of the **Central Suppliers Database (CSD) registration report**
- A certified copy of **Liability Insurance Cover** for the company and the amount available per claim.

1.9.2 Each Proposal document must include the following documentation for evaluation purposes:

- Copy of the latest Audited Financial Statement
- Completed forms of the Proposal (Annexures 1-13)
- An original or certified copy of a B-BBEE certificate or sworn affidavit. (Please note that failure to submit a valid original or certified B-BBEE certificate/sworn affidavit mentioned above will result in the Proposal not being awarded points in the second evaluation stage (see section 10).

1.9.3 Other documents to be submitted:

A valid Letter of Good Standing from the office of the Compensation Commissioner as required by the Compensation for Occupational Injuries and Diseases Act (COIDA). The letter should be issued by the Department of Labour. If the Proposer does not possess a COIDA certificate this will be required within 10 days of appointment. If the certificate cannot be presented within this period, the offer will be terminated.

2. EXAMINATION OF REQUEST FOR PROPOSAL (RFP)

- 2.1 SANBI may modify the RFP at any time prior to the Proposal due date. Modifications will be made in the form of addenda to the RFP and will be transmitted simultaneously to all Proposers.
- 2.2 The Proposer is responsible for examination of the RFP and addenda and for informing itself in all respects of conditions, which may in any way affect the performance of the work. Should the Proposer find discrepancies or omissions in the RFP or should any other questions arise, the Proposer should notify SANBI in writing by e-mail immediately on discovery of any discrepancy or omission.
- 2.3 Proposers should make their own independent studies, enquiries and plans and obtain and furnish to SANBI as part of the Proposal all information and data that may affect their Proposal and their prices, at their own risk and cost and allow for all contingencies irrespective of any information or other data supplied by SANBI.

3. CONFIDENTIALITY

- 3.1 By accepting this RFP the Proposer agrees to ensure that its members, directors, officers, employees, agents and representatives (and, where applicable, those of its participating members) use the RFP only to evaluate the Proposal opportunity and for no other purpose. The aforesaid parties are not to divulge or distribute any information or pass any copies of the RFP to anyone else without the prior written approval of SANBI and to return the RFP to SANBI with all copies thereof promptly upon being requested to do so.
- 3.2 SANBI will maintain the confidentiality of information designated as confidential by the Proposers when they submit their Proposals, except where that information is not proprietary or where disclosure is required by Law or is otherwise required by SANBI for the purpose of evaluating and selecting Proposals. SANBI reserves the right to publicly disseminate any information of a non-confidential nature contained in any Proposal.

4. SITE INSPECTION AND CONDITIONS

4.1 Kindly be informed that the Kirstenbosch restaurant venue has limited equipment. A list of SANBI assets that are available in the venue can be found under section 12. The Proposer is responsible for making arrangements it considers necessary to become fully informed regarding all conditions that might in any way affect the performance of the contract including any equipment, furniture, fittings, space allocations and similar.

Site visits, in addition to the recommended site visit (see 4.3 below), are to be arranged with Kirstenbosch National Botanical Garden management.

4.2 Failure by the Proposer to satisfactorily investigate the conditions as aforesaid shall not relieve the Proposer from the responsibility for properly estimating the cost of performing the contract in accordance with the RFP.

4.3 A compulsory site inspection session will take place on site on 12 August 2022 from 11:00 at Kirstenbosch National Botanical Garden.

5. PROPOSAL VALIDITY, MODIFICATION AND WITHDRAWAL OF PROPOSALS

5.1 The Proposer may modify or withdraw its Proposal at any time prior to the Proposal due date specified in the RFP provided that notification of such withdrawal or modification is received by SANBI in writing prior to the RFP closing date.

5.2 Once submitted, Proposals shall be fully binding upon the Proposer and shall be valid for a period of 120 days (four months) from the date of submission of the Proposal, and thereafter as mutually agreed.

6. AWARD OF CONTRACT

6.1 SANBI shall not be bound to accept the highest, lowest or any other Proposal and it shall be entitled to accept all or part of a Proposal. It shall not be liable for any costs or expenses or damages incurred by any Proposer who submits a Proposal, irrespective of the outcome of such Proposal. If, however, any such Proposal leads to the conclusion of a Contract, then the rights and obligations of SANBI and Proposer shall be governed solely by the provisions of such Contract. Should such preferred Proposer and SANBI fail to come to an agreement, SANBI may then, at its sole discretion, negotiate the Contract with an alternative Proposer or decide not to conclude a contract at all.

6.2 SANBI reserves the right to invite Proposers, after the closing date but prior to the date for award of their Proposals, to discuss any matter relating to the Proposal and/or to issue supplements or addenda to the Proposal. SANBI also reserves the right, after the closing date and evaluation process, to request Proposers' clarification on the Proposal submission. Any such clarifications or addenda or supplements shall be considered as forming part of the Proposal documents. Any such discussion, issue of supplements or addenda or invitation to clarify, should not be construed as an acceptance, award or allocation of the Proposal to that Proposer.

7. PROPOSERS' RETURN OF DOCUMENTS

Unsuccessful Proposers' documents will not be returned.

8. INFORMATION TO BE SUBMITTED WITH THE PROPOSAL

Proposers shall submit their Proposals in accordance with the Forms of Proposal.

9. FORMS OF PROPOSAL (Annexure A to M)

9.1 Proposed Concept

Kirstenbosch NBG is looking for a restaurant model that enhances the experience of visitors to Kirstenbosch NBG and that will primarily appeal to local visitors of diverse backgrounds, but also to national and international visitors in a "new normal" and post-Covid time.

Proposers are to describe their restaurant model, drawing from innovative concepts, and explain why they believe it will be suitable to Kirstenbosch NBG in **Annexure A**. This must also include how they intend decorating and furnishing the facilities making use of photographs, sketches, artists impressions, swatches (samples), design boards and similar.

9.2 Operating Hours (**Annexure B**)

Proposers are to indicate intended operating hours, taking into account the normal operating hours of the Garden:

08:00 - 18:00 from 1 April to 31 August

08:00 - 19:00 from 1 September to 31 March

(Refer to the document 'Kirstenbosch Restaurant Catering Specifications', section 3.1 for further details.)

9.3 Product Details & Pricing menu

Since the quality of products offered for sale will be one of the key criteria on which the contract will be awarded, Proposers are advised to give as much information as possible on their proposed products in **Annexure C** including selling prices. Photographs of menu items and presentation can be submitted. Please note that selling prices submitted with the Forms of Proposal are to remain valid for a period of six months from the date of submission of the Proposal unless otherwise agreed with SANBI.

9.4 Staff Uniform

Proposers are requested to indicate by means of description, photographs, sketches and fabric swatches (samples), the type, style and colour of proposed staff uniforms in **Annexure D**. The choice of uniform must take into account the Garden environment as well as the theme of the restaurant.

9.5 Staff Training Policy & Programmes

In **Annexure E**, Proposers are to give as much information as possible on their training policy and programmes applicable to this contract. The training must be relevant to the hospitality sector and where possible training must be accredited.

9.6 Capital Investment

In **Annexure F**, Proposers are to indicate how much they will be initially investing in the Restaurant including equipment, appliances, furniture, decor and any other items they believe would enhance their offer to SANBI.

9.7 Projected sales

Please note: Proposers are to indicate their projected net sales revenue for the first three (3) years of operation (**Annexure G**).

In accordance with SANBI's lease agreement for the operation of this particular Restaurant, Proposers must take note that the minimum monthly rental payable will be R100,000 or a percentage of turnover, whichever is higher. The minimum monthly rental will increase annually by CPI.

Rental calculated as a percentage of monthly turnover as follows:

If the appointed Proposer has to make a substantial investment (in excess of R500 000) to establish the restaurant, then the monthly percentage of rental will begin at 5% for the first year and increase annually by additional 1% per annum until the target maximum of 10% is achieved.

Or

If the appointed Proposer does not need to make a substantial investment to establish the restaurant, less than R500 000, then the percentage of rental will be 7% and increase annually by additional 1% per annum until the target maximum of 10% is achieved.

A deposit equivalent to three months minimum rental payment will be payable by the successful Proposer.

No sub-rental of the premises or business will be allowed without consultation with SANBI.

9.8 References & General information

Each Proposer is required to submit details of at least three contactable relevant business references in **Annexure H**.

- 9.9 Proposer's History
Each Proposer is to submit details of its history and relevant experience in **Annexure I**.
- 9.10 Company profile
Each Proposer is to submit the company's profile in **Annexure J**.
- 9.11 Waste management plan
Each Proposer is to submit a detailed Waste Management Plan outlining the kind of waste that will be generated by the operation and how this will be managed in **Annexure K**. (See Section 2.21 in Document 2)
- 9.12 Risk Management plan
Each Proposer is to submit a Risk Management Plan in relation to hazardous activities and COVID-19 in **Annexure L**. (See Section 2.21 in Document 2).
- 9.13. Marketing Capability
Each Proposer is to submit examples of marketing initiatives used previously (one example of each, e.g. advert (print or electronic), Facebook page screenshot, brochure (print or electronic) in **Annexure M**.

10. EVALUATION CRITERIA

In accordance with the National Treasury Instruction Note on the Amended Guidelines in Respect of Bids that include Functionality as a Criterion for the Evaluation (issued 3 September 2010) this bid will be evaluated in two stages.

Stage one evaluation: The table below indicates the criteria for the phase one (functionality) evaluation.

FUNCTIONALITY CRITERIA	POINTS
1. Proposed concept of operation needs to be aligned with the philosophy of the Garden (Annexures 1 and 4) <ul style="list-style-type: none"> 1.1 Proposed restaurant model (9.1) 1.2 Visual/pictorial presentation of the interior (9.1) 1.3 Staff uniforms (9.4) 	(25) (10) (10) (5)
2. Proposed selection of products, menu, equipment and added value for money (Annexures 3, 6 and 7) <ul style="list-style-type: none"> 2.1 Product details and pricing menu (9.3) 2.2 Projected sales (9.7) 2.3 Capital investment and relevant resources suitable to operate the Restaurant during the contract period (9.6) 	(25) (10) (5) (10)
3. Capability of staff and company (part of Annexures 5, 9, 10 and 13) <ul style="list-style-type: none"> 3.1 CVs of staff (Restaurant Manager and the Chef applicable to this operation) (9.9) 3.2 Current company profile (9.10) (CVs to include experience, qualifications and previous employers and should not be more than three pages) 3.3 Marketing capability (provide 1 example of each of the marketing activities previously undertaken) (9.13) 3.4 Staff training policy and programmes (9.5) 	(25) (10) (5) (5) (5)

4. Track record, history and experience relevant to the proposed operation (Annexures 8 and 9)	(15)
4.1 References (9.8) (Three points awarded per relevant positive reference)	(9)
4.2 Evidence of financial management (9.9)	(6)
5. Safety, Health and Environmental Requirements	(10)
5.1. Waste Management Plan (9.11)	(5)
5.2. Risk Management Plan (9.12)	(5)
Total	100

Bids that fail to score a minimum of 70 out of 100 points for functionality will not be eligible for further consideration.

The **second stage** will be evaluated in accordance with the Preferential Procurement Regulations, 2017, pertaining to the Preferential Procurement Policy Framework Act (No. 5 of 2000). The 80/20-point system will be applied in evaluating proposals that qualify for further consideration, where price constitutes 80 points and a maximum of 20 points will be awarded based on the bidder's Broad-based Black Economic Empowerment (B-BBEE) Status Level Certificate.

However, as price is not relevant to this Proposal, the second stage of evaluation of bids will focus solely on preference points as determined from the bidder's B-BBEE Status Level Certificate.

11. EXCLUSIVITY

The successful Operator must be mindful that there are other hospitality Operators conducting business on the premises and is therefore not guaranteed of any business from the client (SANBI) that may be arising from time to time pertaining to similar or other services. The Operator will be entitled to compete on an equitable basis for any such business on a Quotation or Proposal basis. The Operator will be required to sign a new contract with the Client for the service or business.

12. LIST OF SANBI OWNED ASSETS IN THE KIRSTENBOSCH RESTAURANT

Outdoor Furniture

- Outdoor tables – large (4)
- Outdoor benches with back rest (7)
- Outdoor benches without back rest (16)
- Wooden tables folding (33)

Furniture & Fittings

- High back chairs (118)
- Bar counter with granite top (1)
- Inside tables (a la carte) (29)

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Indoor wooden table – large (4)
Alarm system (1)
Fireplace tools & black coal scuttle (1)
Trolley units on castors – African rosewood (1)

Kitchen Equipment & Furniture

Dirtyies drop off table with scrape hole (1)
Single dirtyies drop off table (1)
Inlet table with pre rinse bowl & splashguard (1)
Pre rinse unit with tap (1)
Outlet table (1)
Double bowl pot sink 2250 x 650 x 915 (1)
Single bowl prep sink 2250 x 1840 (2)
Single bowl prep sink S/S 650 x 910 (2)
S/S Table NSB and galvanised under shelf (7)
S/S Table NSB 2250 (1)
Two tier cold pass (2)
Double hot pass 2 tier (2)
Cold room shelving (16)
Galvanised Freezer room shelving (7)
6 burner stock pot boiling table – gas (1)
6 burner boiling table – gas (1)
Gas flat top (1)
5 division Bain Marie (1)
Double fryer 2 x 20lt (1)
Combi Oven steamer – Rationale 10 tray (2)
Floor standing dough mixer 20lt (1)
Holman conveyer toaster (1)
150 kg electronic platform scale (1)
Hamilton beach milkshake machine (1)
Double mobile plate warmer 30cm plate size (1)
Cold room 6.3 x 4 x 2.4 (1)
Freezer Room 2.6 x 2.5 x 2.4 (1) (compressor unit not working)
Giant safe serial no 747446 (1)
Cat3 SABS sage serial no 77453626002 (1)

Office Equipment

Stationery cupboards (1)
Office chairs (2) (very poor condition)
Office blinds (1)

Laundry & Cleaning

Washing machine – LG Fuzzy logic (1)
Tumble dryer – Whirlpool (1)
Vacuum cleaner (1)

ANNEXURE A: PROPOSED CONCEPT

ANNEXURE B: OPERATING HOURS

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ANNEXURE C: PRODUCT DETAILS & PRICING MENU

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ANNEXURE D: STAFF UNIFORM

ANNEXURE E: STAFF TRAINING POLICY & PROGRAMMES

ANNEXURE F: CAPITAL INVESTMENT

ANNEXURE G: PROJECTED NET SALES REVENUE FOR THREE [3] YEARS

ANNEXURE H: CONTACTABLE BUSINESS REFERENCES

*Please provide details of three RELEVANT business references as follows:

Reference 1:

Name of reference:

Contact person:

Telephone numbers:

Length of contract/trading period:

Letter attached:

Reference 2:

Name of reference:

Contact person:

Telephone numbers:

Length of contract/trading period:

Letter attached:

Reference 3:

Name of reference:

Contact person:

Telephone numbers:

Length of contract/trading period:

Letter attached:

ANNEXURE 9: PROPOSER'S HISTORY & GENERAL INFORMATION

Full legal company name	
Registered office physical address	
Postal address	
Telephone number	
Contact name	
Is the company the provider of the proposed service? If not, please supply the name and address of the other provider.	
How long in years has this company been operating in this business?	
Please indicate the proposed team structure that will be dedicated to the proposed service and provide CVs of key personnel involved. NB: Any changes in key personnel must, in terms of the lease, be communicated and agreed to with the Lessor, with the understanding that replacements are to be of the same qualification and experience.	
Please provide a copy of the last four years' consolidated income statements and cash flow statements and balance sheets.	

ANNEXURE J: COMPANY PROFILE

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ANNEXURE K: WASTE MANAGEMENT PLAN

ANNEXURE L: RISK MANAGEMENT PLAN

ANNEXURE M: MARKETING CAPABILITY