



African Exploration  
Mining and Finance  
Corporation (SOC) Ltd  
Reg. No. 1944/018018/30  
P.O. Box 78969  
SANDTON  
2146  
Tel: 010 010 6100  
Fax: 087 236 5061

## AEMFC - REQUEST FOR PROPOSAL (RFP)

|   |  |
|---|--|
| <b>DESCRIPTION</b>                        | <b>APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER TO PROVIDE ROCK ENGINEERING SERVICES FOR AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) "AEMFC" AT OGIES OPERATIONS FOR A PERIOD OF THREE (3) YEARS.</b>   |
| <b>BID NUMBER:</b>                        | <b>AE/VLAK015/2022.</b>  |
| <b>BID ISSUE DATE</b>                     | <b>02 November 2022</b>  |
| <b>BID AVAILABLE</b>                      | An electronic copy of the bid document will be available for download directly from the National Treasury's e-Tender Publication Portal at <a href="http://www.etenders.gov.za">www.etenders.gov.za</a> , and African Exploration Mining and Finance Corporation at <a href="http://www.aemfc.co.za">www.aemfc.co.za</a> . At no cost  |
| <b>BRIEFING SESSION DATE AND TIME</b>     | A non-compulsory pre-proposal briefing will be conducted via Microsoft Teams on <b>11 November 2022</b> , at <b>11:00</b> for a period of <b>± 2 hours</b> . The briefing session will start punctually, and information will not be repeated for the benefit of Respondents arriving late.<br>All interested bidders must register their interests by completing the "Registration of Prospective Bidders Form" that will be attached to the advertisement and returned to <a href="mailto:tender@aemfc.co.za">tender@aemfc.co.za</a> .<br><b>"Registration of Prospective Bidders Form" for the briefing session attendance by 11 November 2022 to allow AEMFC to plan for the virtual briefing session.</b> |
| <b>CLOSING DATE</b>                       | <b>01 December 2022</b>  |
| <b>CLOSING TIME</b>                       | <b>12:00</b> Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.   |
| <b>CLARIFICATION OF ENQUIRY DOCUMENTS</b> | Bidders will notify <b>AEMFC</b> of any clarifications required before the closing time for clarification queries, which is <b>05</b> working days before the deadline for tender submission.<br><a href="mailto:tender@aemfc.co.za">tender@aemfc.co.za</a>  |
| <b>BID VALIDITY PERIOD:</b>               | <b>120 Business days.</b> Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.   |
| <b>DELIVERY INSTRUCTIONS BY HAND</b>      | <b>Bid documents delivered by Hand / Courier should be deposited in the Bid Box situated at:</b><br>African Exploration Mining and Finance Corporation (SOC) Ltd<br>Building 1, 1 <sup>st</sup> Floor<br>74 Waterfall Drive<br>Waterfall City<br>Gauteng<br>2090<br>Access to the Bid Box is limited to the following hours:<br><b>Monday to Friday: 08:30 to 16:00</b><br>Late Tenders will not be accepted.<br>Bidders must ensure that bids are delivered on time to the correct address. Bids received late shall not be accepted for consideration. <b>All Bids must be submitted on the official forms provided by AEMFC – (not to be modified)</b>  |
| <b>DELIVERY INSTRUCTIONS BY COURIER</b>   | If dispatched by courier, the envelope must be addressed as follows<br><b>The Secretariat, Acquisition Council</b> , and a signature obtained from that Office.<br>African Exploration Mining and Finance Corporation (SOC) Ltd<br>Building 1, 1 <sup>st</sup> Floor<br>74 Waterfall Drive<br>Waterfall City, Gauteng, 2090  |

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

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Respondents Signature

Date

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## SECTION 1: SBD 1 FORM

### PART A INVITATION TO BID

| YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) LTD   |   |             |                             |  |                      |               |                  |
|--|---|-------------|-----------------------------|--|----------------------|---------------|------------------|
| BID NUMBER:  | AE/VLAK015/2022   | ISSUE DATE: | 02 November 2022            | CLOSING DATE:                                  | 12:00                | CLOSING TIME: | 01 December 2022 |
| DESCRIPTION  | <b>APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER TO PROVIDE ROCK ENGINEERING SERVICES FOR AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) "AEMFC" OGIES OPERATION FOR A PERIOD OF THREE (3) YEARS AS AND WHEN REQUIRED.</b> |             |                             |  |                      |               |                  |
| <b>BID RESPONSE DOCUMENTS SUBMISSION</b>   |   |             |                             |  |                      |               |                  |
| <b>BID RESPONDENTS DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT</b><br>African Exploration Mining and Finance Corporation (SOC) Ltd<br>Building 1, 1 <sup>st</sup> Floor<br>74 Waterfall Drive<br>Waterfall City<br>Gauteng<br>2090 |   |             |                             |  |                      |               |                  |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>  |   |             |                             | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b> |                      |               |                  |
| CONTACT PERSON   | Bulelwa Sogwazile   |             |                             | CONTACT PERSON                                 | Bulelwa Sogwazile    |               |                  |
| TELEPHONE NUMBER   | 010 010 6100  |             |                             | TELEPHONE NUMBER                               | 010 010 6100         |               |                  |
| FACSIMILE NUMBER   | N/A   |             |                             | FACSIMILE NUMBER                               | N/A                  |               |                  |
| E-MAIL ADDRESS   | bulelwas@aemfc.co.za  |             |                             | E-MAIL ADDRESS                                 | bulelwas@aemfc.co.za |               |                  |
| <b>SUPPLIER INFORMATION</b>  |   |             |                             |  |                      |               |                  |
| NAME OF BIDDER   |   |             |                             |  |                      |               |                  |
| POSTAL ADDRESS   |   |             |                             |  |                      |               |                  |
| STREET ADDRESS   |   |             |                             |  |                      |               |                  |
| TELEPHONE NUMBER   | CODE  |             |                             | NUMBER   |                      |               |                  |
| CELLPHONE NUMBER   |   |             |                             |  |                      |               |                  |
| FACSIMILE NUMBER   | CODE  |             |                             | NUMBER   |                      |               |                  |
| E-MAIL ADDRESS   |   |             |                             |  |                      |               |                  |
| VAT REGISTRATION NUMBER  |   |             |                             |  |                      |               |                  |
| <b>SUPPLIER COMPLIANCE STATUS</b>  |   |             |                             |  |                      |               |                  |
| TAX COMPLIANCE SYSTEM PIN:   |   |             |                             |  |                      |               |                  |
| CENTRAL SUPPLIER DATABASE  | UNIQUE REGISTRATION REFERENCE NUMBER: MAAA  |             |                             |  |                      |               |                  |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]   | <input type="checkbox"/> Yes  |             | <input type="checkbox"/> No |  |                      |               |                  |
| B-BBEE STATUS LEVEL SWORN AFFIDAVIT [TICK APPLICABLE BOX]  | <input type="checkbox"/> Yes  |             | <input type="checkbox"/> No |  |                      |               |                  |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE ACT]</b>  |   |             |                             |  |                      |               |                  |

Respondents Signature \_\_\_\_\_

Date \_\_\_\_\_

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|   |  |  |  |
|---|--|--|--|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER QUESTIONNAIRE BELOW] |
|---|--|--|--|

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  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 1.3 BELOW.**

**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 ONLINE

1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.

1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.

1.5. 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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

**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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

Respondents Signature

Date

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- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER
- 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED

**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:.....

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## SECTION 2: NOTICE TO BIDDERS

### 1. INTRODUCTION

- 1.1. African Exploration Mining and Finance Corporation (SOC) Ltd ("AEMFC") is a state-owned Mining Company established to secure South Africa's energy supply primarily through the mining and supply of coal for the generation of electricity, as well as securing other resources that will provide energy for the future, including key minerals for beneficiation in the energy and steel value chain. As a growing company, AEMFC is currently operating an opencast coal mine (Vlakfontein Mine- Coordinates: **Latitude 26° 0'42.15"S, Longitude 28°57'47.72"E**) established in 2011 which is located near Ogies in Mpumalanga Province with its Head Office at Waterfall City in Johannesburg
- 1.2. Thus, the Service Provider is requested to provide a proposal based on the Scope Of Work (SOW) **Section 3**.

### 2. CONFIDENTIAL INFORMATION DISCLOSURE NOTICE

- 2.1. This document may contain confidential information that is the property of African Exploration Mining and Finance Corporation (AEMFC) SOC Ltd.
- 2.2. No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this bid, without prior written permission from AEMFC.
- 2.3. **All copyright and intellectual property herein vest with AEMFC.**

### 3. PREQUALIFICATION CRITERIA FOR PREFERENTIAL PROCUREMENT

- 3.1. Respondents are to note that they are eligible to participate in this RFP should they meet one or more of the pre-qualification criteria for preferential procurement stipulated. The pre-qualification criteria shall be in accordance with Preferential Procurement Regulations 2017 will apply (**If Applicable**).

### 4. OBJECTIVE CRITERIA

- 4.1. **QUALIFYING BIDS after PRICE will be subjected to OBJECTIVE CRITERIA: (If applicable)**
  - 4.1.1. Preference will be given to "**LOWEST PRICED BIDDER**" WITH HIGHEST BEE LEVEL OR HOSTING MINING COMMUNITY (which one if available or both).
  - 4.1.2. Name of Hosting Community – **Phola; Ogies; Wilge Venter Farms**

### 5. MULTIPLE BIDDING

- 5.1. **AEMFC** does not allow bidders to do multiple bidding.  
*Note: Bidders submitted multiple bidding **will be deemed to be non-responsive**.*

### 6. PROPOSAL SUBMISSION AND OPENING OF BIDS

- 6.1. Bids should be sealed and externally endorsed as follows:
  - 6.1.1. Tender number and description should be clearly stated/written.
  - 6.1.2. All envelopes should be clearly marked in case of two-envelop system (i.e. Financial/Commercial Proposal and/or Technical/Functionality).
- 6.2. **BID / TENDER RESPONSE SHALL CONSIST OF THE FOLLOWING:**
  - 6.2.1. Two (2) hard copies one (1) shall be an
  - 6.2.2. original and the remaining one (1) copy of the original.
  - 6.2.3. The original copy must be marked clearly as an original version
- 6.3. There shall be no public opening of the Bid received, however, the list of Bids received may be published on the AEMFC website or National Treasury e-tender portal unless specifically provided for in the RFP.
- 6.4. Bids submitted by means of email, telegram, telefax, facsimile or similar means shall not be considered.
- 6.5. Bidders will be disqualified in the event of there being scratching out, writing over or painting out rates or information, affecting the evaluation of the bid, **without initialling next to the amended rates or information**.
- 6.6. Bidders will be disqualified in the event of the use of correction fluid (e.g. tippex), any erasable ink, or any erasable writing instrument (e.g. pencil)
- 6.7. Bidders will be disqualified if the entity or any of its directors is listed on the register of Bid Defaulters in terms of the Prevention and Combating of Corruption Activities Act of 2004 as a person prohibited from doing business

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Respondents Signature

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Date

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with the public sector.

## 7. COMMERCIAL RESPONSE

7.1. The following information must be included in the commercial response envelope:

### 7.2. ADMINISTRATIVE DOCUMENTS

7.2.1. Company Registration Documents Certified copies of identity documents of all directors/ main shareholders of the company, which copies must not be older than three months.

## 8. JOINT VENTURE /CONSORTIUM AGREEMENT

8.1. If the bidder is a Joint Venture or Consortium, a Joint Venture / Consortium agreement signed by all member entities of the Joint Venture or Consortium must be attached together with the registration document of all member entities.

## 9. BROAD BASE BLACK ECONOMIC EMPOWERMENT (B-BBEE) ACT

9.1. Valid Original or Certified Copy of B-BBEE Certificate/Sworn Affidavit for EMEs and QSEs.

9.2. If the bidder is a Joint Venture or Consortium, a consolidated B-BBEE certificate (of the Joint Venture or Consortium (inclusive of all member entities) must be submitted.

9.3. *AEMFC reserves the right to verify the B-BBEE certification against the actual turnover as per Annual Financial Statements submitted by the bidder. Any discrepancy between the certification and the actual turnover as verified by AEMFC arising out of any misrepresentation in this regard shall lead to disqualification.*

9.4. Further, the original or certified copy of an individual or consolidated B-BBEE certificate or sworn affidavit will also be used for awarding preference points.

9.5. The B-BBEE certificate must be submitted on the day of bid closure.

9.6. **Note:** Failure to submit valid and original (or certified copy of) proof of the Respondent's compliance with the B-BBEE requirements at the Closing Date of this RFP, will result in your BEE level not being considered.

## 10. ARITHMETIC ERRORS, OMISSIONS, AND DISCREPANCIES

10.1. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.

10.2. If there is an error in the line-item total on the bill of quantities resulting from the product of the unit rate and the quantity, the rate shall govern, and the line-item total shall be corrected.

10.3. Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the addition of prices, the rates shall govern, and the total tendered price shall be revised to achieve an arithmetically correct total tendered price.

10.4. All prices and quotation rates shall comply with the following conditions.

10.4.1. Quotations to be in South African Rands;

10.4.2. Price quoted must include VAT;

10.4.3. Zero rated services or goods to be indicated as such;

10.4.4. Bids shall be valid for a period of 120 days from date of closing; and

10.4.5. Quotations to be submitted on the Company's letterhead.

## 11. NEGOTIATIONS

11.1. AEMFC reserves the right to enter into mandated negotiations with any/more selected tenderers in accordance with AEMFC's approved procurement policies and procedures.

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Respondents Signature

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## 12. VALIDITY PERIOD

- 12.1. Bidders are to note that they may be requested to extend the validity period of their bid, on the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract
- 12.2. AEMFC requires a validity period of **(120 Business days)** from closing date against this RFP, excluding the first day and including the last day.

## 13. NATIONAL TREASURY'S SUPPLIER DATABASE(CSD) REGISTRATION

- 13.1. Bidders must submit proof of registration on the National Treasury's Central Supplier Database (CSD).
- 13.2. Bidders are requested to register on the National Treasury CSD and include the copy of supplier number in order to enable the institution to verify the supplier's tax status on CS
- 13.3. Registration can be completed online at [www.csd.gov.za](http://www.csd.gov.za)

## 14. REQUEST FOR CLARIFICATION ON SUBMITTED INFORMATION

- 14.1. During the evaluation of the bids, clarification may be requested in writing from bidders only for the purpose of clarifying aspects mentioned in the bid. Replies to such requests must be submitted, within two (2) working days or as otherwise indicated.

## 15. RULE ON THE APPROVED LIST (IF APPLICABLE)

- 15.1. Assignments will be structured as work packages that clearly define the scope and objective of work, proposed timeframes, qualifying criteria, qualification requirements, expected duration (hours), and expected deliverables amongst others.
- 15.2. Service providers that have qualified and have been appointed to the list will be approached and requested to provide a quotation at the time the service is required (unless the price is fixed then rotation in alphabetical order will apply). Work packages will then be allocated to the successful bidder/s.
- 15.3. In an instance where the bidder/s on the approved panel is unable to meet the contractual obligation and requirement, AEMFC reserves the right to issue a request to the market for a similar service.

## 16. DISCLAIMERS

- 16.1. Notwithstanding anything else in this Request For Proposal (RFP) and without limiting its rights at law or otherwise, AEMFC reserves the right, in its absolute discretion at any time to:
  - 16.1.1. Cancel call for new tender
  - 16.1.2. Appoint more than one bidder or contractor;
  - 16.1.3. Reject any tender received after the closing time;
  - 16.1.4. Alter the structure and/ or the timing of this RFP or the tendering process;
  - 16.1.5. Consider and accept or reject any alternative tender;
  - 16.1.6. Reject any tender that does not comply with the requirements of this RFP;
  - 16.1.7. Terminate the participation of any Bidder or any other person in the Tendering process
  - 16.1.8. Cease to proceed with or suspend the Tendering process prior to the execution of an official written contract, and request additional or clarification from any Service Provider or any other person or provide additional information or clarification;

## 18. PROTECTION OF PERSONAL DATA

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

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Respondents Signature

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Date

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## **17. FINANCIAL STATEMENTS**

### **17.1. Bidders to proof of financial Soundness - Annual Financial Statements:**

- 17.1.1.** If a bidder is a registered company required by law to have its annual financial statements audited or independently reviewed in compliance with the requirements of the Companies Act, Act No. 71 of 2008, or any other law, audited or independently reviewed annual financial statements, as the case may be, prepared within six(6) months of the end of the bidders most recent financial year together with the audited or independently reviewed annual financial statements for two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which case all of its annual financial statements must be submitted.
- 17.1.2.** If a bidder is a registered close corporation, annual financial statements in compliance with the provisions of the Close Corporation, annual financial statements in compliance with the provisions of the Close Corporations Act, Act No. 69 of 1984, prepared within nine (9) months of the end of the bidders most recent financial year together with the annual financial statements for the two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which all of its annual financial statements must be submitted.
- 17.1.3.** Annual financial statements submitted must comply with the requirements of the Companies Act or the Close Corporations Act.
- 17.1.4.** If the bidder only commenced business within the past three years, the bidder is required to submit annual financial statements in compliance with the provisions of (5.1) and (5.2) above for each of its financial years since commencing business.
- 17.1.5.** If a bidder is not required by law to have its annual financial statements audited or independently reviewed, or is not a Close Corporation, then non-audited annual financial statements for the periods referred to above must be submitted.
- 17.1.6.** If a bidder is a new company, an affidavit must be provided where no annual financial statements have been prepared

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

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### **SECTION 3: BACKGROUND OVERVIEW AND SCOPE OF WORK (SOW) SPECIFICATION**

#### **19. BACKGROUND**

African Exploration Mining and Finance Corporation (SOC) Ltd ("AEMFC") is a state-owned Mining Company established to secure South Africa's energy supply primarily through the mining and supply of coal for the generation of electricity, as well as securing other resources that will provide energy for the future, including key minerals for beneficiation in the energy and steel value chain.

As such, AEMFC intends Appoint a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) year.

Thus, the Service Provider/s are requested to provide proposals based on the below Scope of work (SOW).

#### **19.1. OVERVIEW**

AEMFC intends to Appoint a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) year. AEMFC seeks to benefit from this partnership in the following ways:

- 19.1.1.** AEMFC must receive the reduced cost of acquisition and improved service benefits resulting from the Service Provider(s) economies of scale and streamlined service process.
- 19.1.2.** AEMFC must achieve appropriate availability that meets user needs while reducing costs for both AEMFC and the chosen Service Provider(s).
- 19.1.3.** AEMFC must receive proactive improvements from the Service Provider with respect to the provision of Services.
- 19.1.4.** AEMFC end-users must be able to rely on the chosen Service Provider(s) personnel for service enquiries, recommended, and substitutions.
- 19.1.5.** AEMFC must reduce costs by streamlining its acquisition of Services.

#### **19.2. SCOPE OF WORK (SOW) SPECIFICATION**

- 19.2.1.** The service provider to be suitably qualified to take up duties of section 7(4) of Mine Health and Safety Act, Act 29 of 1996
- 19.2.2.** The service provider must have the Chamber of Mine certificate in Rock Engineering.
- 19.2.3.** Registration with the relevant association(s) is required, e.g. South African Institute for Rock Engineering registration
- 19.2.4.** Service provider to conduct monthly audits of the mining areas (pit, stockpiles and spoils) and compile monthly report on observation and make recommendations on findings
- 19.2.5.** Service provider to conduct Rock Engineering training for mine employees
- 19.2.6.** The service provider to coordinate, when required, compilation of the relevant Code of Practice(s) and submit to the relevant authorities.

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Respondents Signature

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Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

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- 19.2.7. The service provider to be available for participation in the Mine Health and Safety Committee (once per quarter)
- 19.2.8. The service provider to be available for participation in the Mine's planning meeting (weekly)
- 19.2.9. Service provider to make human resources available within 24 hours' notice to attend to mine emergencies related to the field
- 19.2.10. Service provider to keep a contractor's pack on the mine with all the reports and submissions to the authorities.
- 19.2.11. Service provider to respond to ad-hoc work that may arise as directives from the authorities, 300 hours of ad-hoc work to be quoted on this proposal.

## **20. SERVICES, FACILITIES, AND INFORMATION TO BE SUPPLIED BY BIDDER**

- 20.1. All available documentation on Rock Engineering Services;
- 20.2. Contractor's pack (Safety File);
- 20.3. Personal Protective Equipment (PPE); and
- 20.4. Bidder must comply with the Mine Safety Rules Regulations.

## **21. SERVICES, FACILITIES, AND INFORMATION TO BE SUPPLIED BY THE AEMFC**

- 21.1. Parking area;
- 21.2. Employee Induction Service at Contractor's cost;
- 21.3. Employee Medical Surveillance service at contractors cost; and
- 21.4. Security service for main security check points.

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

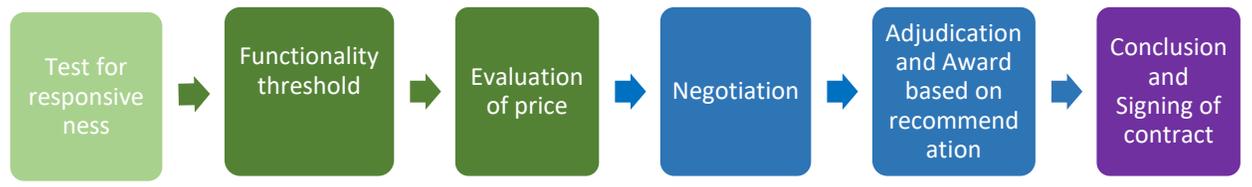
## SECTION 4: GENERAL SUPPLIER/ SERVICE PROVIDER OBLIGATIONS

### 22. SERVICE PROVIDER

- 22.1. The Service Provider (s) shall be responsible to AEMFC for the acts omissions of persons directly or indirectly employed by
- 22.2. The Service Provider(s) must comply with the requirements stated in this RFP.

### 23. EVALUATION METHODOLOGY, CRITERIA AND RETURNABLE DOCUMENTS

AEMFC will utilize the following methodology and criteria in selecting a preferred Supplier / Service Provider.



- 23.1.1. After the closing date of the Bid Quotation, an appointed evaluation committee of AEMFC officials and / or external parties/ consultants where necessary will evaluate the Bid/ Tender proposals received.
- 23.1.2. The Committee will evaluate each of the bid Quote proposals received against the approved criteria as stated below:
- 23.1.3. **Step One:** Test for responsiveness (compliance check on required documents), must be passed for a Respondent's proposal to progress to **Step Two** for further pre-qualification.
- 23.1.4. **Step Two:** Minimum threshold of **80** points for technical/functionality criteria must be met or exceeded for a Respondent's proposal to progress to **Step Three** for further qualification. The test for technical and functional thresholds will include the following (**Refer to functionality (technical) evaluation criteria table below**):
- 23.1.5. **Step Three:** Evaluation of Price to determine a preferred bidders' price will be ranked from the lowest to the highest acceptable price offered and AEMFC will award business to the lowest acceptable Bid (Highest ranked bid) unless objective criteria justify the award to another bidder.
- 23.1.6. **Step Four:** Post tender negotiations (If Applicable).
- 23.1.7. **Step Five:** Objective Criteria (If Applicable). AEMFC reserves the right to award the business to the highest scoring bidders/s unless the objective justifies the award to another bidder in terms of sections 2(1) (d), (e), and (f) of the PPPFA.
- 23.1.8. **Step Six:** Award of business and contract conclusion.

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

24. EVALUATION CRITERIA

| FUNCTIONALITY (TECHNICAL) EVALUATION CRITERIA  |   |   |  |        |                 |
|--|---|---|--|--------|-----------------|
| NO   | SCORING PRINCIPLE   | SCORING PRINCIPLE   | RETURNABLE SCHEDULE  | RATING | WEIGHTING SCORE |
| 1.   | <b>Experience of the company in providing Rock Engineering services for open cast mines</b> | More than 5 years' experience in providing rock engineering services for open cast mines      | Bidders should submit a signed reference letter on referring company letterhead for open cast mines.<br><br>Failure to provide a signed reference letters from company will lead to bidder not scoring any points.<br><br>Signed reference letters to specify commodity worked on. | 25     | 25              |
|  |   | More than 4 to 5 years' experience in providing rock engineering services for open cast mines |  | 20     |                 |
|  |   | More than 3 to 4 years' experience in providing rock engineering services for open cast mines |  | 15     |                 |
|  |   | More than 2 to 3 years' experience in providing rock engineering services for open cast mines |  | 10     |                 |
|  |   | 6 months to 2 years' experience in providing rock engineering services for open cast mines    |  | 5      |                 |
| <b>NB. fill in the table provided in Annexure A. The onus is on the bidder to ensure the contact details and email addresses of the clients are valid. Bidders are to list all commodities they have worked on as the panel may be classified according to a commodity by AEMFC. Flash disks containing electronic versions of completed functional response Annexure A &amp; B and other documents.</b> |   |   |  |        |                 |
| 2.   | <b>Experience of the person assigned to the project on open cast mines.</b>                 | More than 5 years' experience in providing rock engineering services for open cast mines      | Bidders should submit a CV of the assigned Rock Engineer (Complete Annexure B)   | 25     | 25              |
|  |   | More than 4 to 5 years' experience in providing rock engineering services for open cast mines |  | 20     |                 |
|  |   | More than 3 to 4 years' experience in providing rock engineering services for open cast mines |  | 15     |                 |
|  |   | More than 2 to 3 years' experience in providing rock engineering services for open cast mines |  | 10     |                 |
|  |   | 6 months to 2 years' experience in providing rock engineering services for open cast mines.   |  | 5      |                 |
| <b>N.B. Failure to complete Annexure B will lead to the bidder scoring zero.</b>   |   |   |  |        |                 |
| 3.   | <b>Registration with the South African Institute for Rock Engineering (SANIRE)</b>          | Registration with SANIRE.   | Bidder to submit proof of valid certification  | 25     | 25              |
|  |   | No Registration with SANIRE   |  | 0      |                 |
| 4.   | <b>Valid Chamber of Mine certificate in Rock Engineering</b>                                | Rock Engineering certificate or equivalent  | Bidder to submit proof of valid certification  | 25     | 25              |
|  |   | No certificate  |  | 0      |                 |
| <b>Minimum qualifying score required:</b>  |   |   |  |        | <b>80</b>       |
| <b>Total Weighting:</b>  |   |   |  |        | <b>100</b>      |

Respondents Signature

Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

## 25. REQUIRED DOCUMENTS

### 25.1.1. FUNCTIONAL RESPONSE

The following information must be included in the functional response envelope:

| FUNCTIONAL RESPONSE ENVELOPE   |                 |
|--|-----------------|
| Proposal documents comprising of a response to the functional evaluation criteria. (Under Section 4) | Comply [Yes/No] |
| Completed Functional Response  |                 |
| Experience of the Company  |                 |
| Experience of the person assigned to the project on open cast mines                                  |                 |
| Registration with the South African Institute for Rock Engineering (SANIRE)                          |                 |
| Valid Chamber of Mine Certificate in Rock Engineering.   |                 |

The functional response envelope shall consist of the following

- Two (2)** hard copies of which **one (1)** shall be an **original** and the remaining **one (1) a copy** of the original.
- The original copy must be marked clearly as an original version.

### 25.1.2. COMMERCIAL RESPONSE

- Commercial response envelope shall consist of only **one (1)** original hard copy.

The following Standard Bidding Documents are duly completed and signed

| COMMERCIAL RESPONSE   |                    |
|---|--------------------|
| MANDATORY RETURNABLE DOCUMENTS  | SUBMITTED [Yes/No] |
| Section 10: Completed Pricing Schedule<br><b>Note</b> ( <i>Bids submitted without the completed Pricing Schedule will be deemed to be non-responsive</i> ). |                    |

| COMMERCIAL RESPONSE  |                    |
|--|--------------------|
| ESSENTIAL ADMINISTRATIVE RETURNABLE DOCUMENTS  | SUBMITTED [Yes/No] |
| National Treasury Registration on <b>Central Data Base (CSD)</b> (certificate).  |                    |
| Valid and original (or a certified copy) B-BBEE certificate/Sworn affidavit. proof of Respondent's compliance to B-BBEE  |                    |
| Tax Clearance Certificate or electronic access PIN obtained from SARS's new Tax Compliance Status (TCS) system<br>[Consortia / Joint Ventures must submit a separate Tax Clearance Certificate for each party] |                    |
| SECTION 1: SBD 1 Form  |                    |
| SECTION 5: SBD4 Declaration of Interest  |                    |
| SECTION 6: Preferential Procurement Regulations  |                    |
| SECTION 7: SBD9 Certificate of Independent Bid Determination   |                    |
| SECTION 8: Registration of Prospective Bidders Form  |                    |
| SECTION 9: Resolution to Sign on Behalf of Company   |                    |

Respondents Signature

Date

**SECTION 5: SBD 4**

**26. ADMINISTRATIVE RETURNABLE DOCUMENTS**

**DECLARATION OF INTEREST (SBD4)**

**26.1.** Any legal person, including persons employed by the state<sup>1</sup>, 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.

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

**26.2.1.** Full Name of bidder or his or her representative: .....

**26.2.2.** Identity Number.....

**26.2.3.** Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

**26.2.4.** Company Registration Number.....

**26.2.5.** Tax Reference Number: .....

**26.2.6.** VAT Registration Number: .....

**26.2.6.1.** 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.

**26.2.6.2. "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.

<sup>2</sup>"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.

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

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

**26.3.1. If so, furnish the following particulars:**

- (a) Name of person / director / trustee / shareholder/ member:  
.....
- (b) Name of state institution at which you or the person connected to the bidder is employed:  
.....
- (c) Position occupied in the state institution:  
.....
- (d) Any other particulars:  
.....

**26.3.1.1.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**

**26.3.1.2.If yes, did you attach 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.

**26.3.1.3.If no, furnish reasons for non-submission of such proof:**

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

**26.4. 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**

**26.4.1. If so, furnish particulars:**

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

**26.5. Do you, or any person connected with the bidder, have 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? YES / NO**

**26.5.1. If so, furnish particulars.**

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

**26.6. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? YES/NO**

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

**26.6.1. If so, furnish particulars.**

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

**26.7. 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**

**26.7.1. If so, furnish particulars:**

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

**26.8. Full details of directors / trustees / members / shareholders.**

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

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

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**26.9. DECLARATION**

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

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

## SECTION 6: SBD6.1- PREFERENTIAL PROCUREMENT REGULATIONS 2017

### 27. PREFERNECE POINTS CLAIM

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.**

### 28. GENERAL CONDITIONS

28.1. 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).

28.2.

- 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;

28.3. Points for this bid shall be awarded for:

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

28.4. The maximum points for this bid are allocated as follows:

|  | POINTS     |
|--|------------|
| <b>PRICE</b>   |            |
| <b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>                |            |
| <b>Total points for Price and B-BBEE must not exceed</b> | <b>100</b> |

28.5. 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.

28.6. 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.

### 29. 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);

Respondents Signature

Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

- (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) B-BBEE Status level certificate issued by an authorized body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (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;

### 30. POINTS AWARDED FOR PRICE

#### 30.1. THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

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

### 31. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 31.1. 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                               |

Respondents Signature

Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

**32. BID DECLARATION**

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

**33. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPH 1.4 AND 4.1**

**33.1.** 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.)

**34. SUB-CONTRACTING**

**34.1.** Will any of the contract be sub-contracted?  
 (*Tick applicable box*)

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

**34.2.** 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   |     |     |

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

**35. DECLARATION WITH REGARD TO COMPANY/FIRM**

35.1. Name of company/firm:.....

35.2. VAT registration number:.....

35.3. Company registration number:.....

**35.4. TYPE OF COMPANY/ FIRM**

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

**[TICK APPLICABLE BOX]**

**35.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

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

**35.6. COMPANY CLASSIFICATION**

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

**[TICK APPLICABLE BOX]**

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

35.8. 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

\_\_\_\_\_  
Respondents Signature

\_\_\_\_\_  
Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

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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.

|  |
|--|
| <p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p> |
|--|

|  |
|--|
| <p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p> |
|--|

## SECTION 7: SBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

### CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids/quotes<sup>1</sup> 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).<sup>2</sup> 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:

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

SBD 9

**CERTIFICATE OF INDEPENDENT QUOTATION/PROPOSAL DETERMINATION**

I, the undersigned, in submitting the accompanying quote:

**DESCRIPTION: APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER TO PROVIDE ROCK ENGINEERING SERVICES FOR AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) "AEMFC" AT OGIES OPERATIONS FOR A PERIOD OF THREE (3) YEARS. AE/VLAK015/2022.**

(Quote Number and Description)

in response to the invitation for the quote made by:

**African Exploration Mining and Finance Corporation (SOC) Ltd**

(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.

\_\_\_\_\_  
Respondents Signature

\_\_\_\_\_  
Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

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**SBD 9**

- 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 consortium<sup>3</sup> 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.

<sup>3</sup> **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

.....  
Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

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**SECTION 8: REGISTRATION OF PROSPECTIVE BIDDERS FORM**

**36. REGISTRATION OF PROSPECTIVE BIDDERS FORM**

**DESCRIPTION: APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER TO PROVIDE ROCK ENGINEERING SERVICES FOR AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) "AEMFC" AT OGIES OPERATIONS FOR A PERIOD OF THREE (3) YEARS AS AND WHEN REQUIRED.**

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**BID NUMBER: AE/VLAK015/2022.**

**DATE OF NON-COMPULSORY BRIEFING SESSION: 15 November 2022**

**TIME: 11:00 ± 2 hours**

**VENUE: MICROSOFT TEAMS**

**REGISTRATION OF PROSPECTIVE BIDDERS FORM**

All interested bidders must register their interests to attend a compulsory briefing session by completing this form and returning it to [tender@aemfc.co.za](mailto:tender@aemfc.co.za) by **11 November 2022**.

Tel/ mobile no: ..... Email address: .....

.....  
BIDDER'S NAME DATE

**Bidders are to submit the "REGISTRATION OF PROSPECTIVE BIDDERS FORM" for the briefing session attendance by 11 November 2022 to be able to attend the non-compulsory briefing.**

\_\_\_\_\_  
Respondents Signature

\_\_\_\_\_  
Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

**SECTION 9: RESOLUTION TO SIGN ON BEHALF OF COMPANY**

**37. RESOLUTION TO SIGN ON BEHALF OF COMPANY**

**Resolution to sign on behalf of Company**

**RESOLUTION** of a meeting of the Board of "Directors / Members / Partners of:

.....  
 (legally correct full name and registration number, if applicable, of the Enterprise)

held at ..... (place).....

on ..... (date).....

**RESOLVED that:**

- 1 The Enterprise submits a Tender to **AEMFC** in respect of the following:

Tender Reference Number: **AE/VLAK015/2022.**

**APPOINTMENT OF A SUITABLY QUALIFIED SERVICE PROVIDER TO PROVIDE ROCK ENGINEERING SERVICES FOR AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) "AEMFC" AT VLAKFONTEIN MINE FOR A PERIOD OF THREE (3) YEARS AS AND WHEN REQUIRED.**

- 2 \*Mr/Mrs/Ms ..... in \*his/her capacity as:

..... (position)

And who will sign as follows: \_\_\_\_\_ (Signature)  
 and is hereby, authorised to sign the Tender and all other documents and/or correspondence in connection with and relating to the EOI, as well as to sign any Contract, and any and all documentation, resulting from the award of any project to the Enterprise mentioned above.

|  | NAME | CAPACITY | SIGNATURE               |
|--|------|----------|-------------------------|
| 1.   |      |          |                         |
| 2.   |      |          |                         |
| 3.   |      |          |                         |
| 4.   |      |          |                         |
| <b>Note:</b> <ul style="list-style-type: none"> <li>• *Delete which is not applicable</li> <li>• <b>NB:</b> This resolution must be signed by <u>all</u> the Directors / Members / Partners of the Tendering Enterprise or majority of directors of the Tendering Enterprise.</li> <li>• Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page.</li> </ul> |      |          | <b>ENTERPRISE STAMP</b> |

\_\_\_\_\_  
 Respondents Signature

\_\_\_\_\_  
 Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

## SECTION 10: PRICING SCHEDULE

### 38. PRICING SCHEDULE

**38.1.** AEMFC invites you to submit a proposal for the Appointment of a panel of Service Providers to manage, conduct, and /or review Concept and feasibility studies for African Exploration Mining and Finance Corporation "AEMFC" for a period of three (3) years as and when required as per the scope of work on **Section 3.**

**NB:** For a fair comparison, bidders must indicate whether they are VAT registered.

| BIDDING COMPANY NAME                      |   |             |      |                  |                 |
|---|---|-------------|------|------------------|-----------------|
|   |   |             |      |                  |                 |
| ITEM NO.                                  | DESCRIPTION OF SERVICES   | FREQUENCY   | UNIT | PRICE (EXCL VAT) | PRICE (INC.VAT) |
| 1   | <b>Audits:</b> Monthly audits on the mining areas and compiling the reports   | Monthly     | 36   |                  |                 |
| 2   | <b>Rock Engineering training:</b> Training of employees in Rock Engineering   | Annually    | 3    |                  |                 |
| 3   | <b>Code of Practice:</b> Coordinate the compilation of the relevant Code of Practice and submission to authorities. | Annually    | 3    |                  |                 |
| 4   | <b>MHSC:</b> Mine Health and Safety Committee meetings  | Quarterly   | 12   |                  |                 |
| 5   | <b>Production Meetings:</b> Planning and Production meeting attendance  | Monthly     | 36   |                  |                 |
| 6   | <b>AD-Hoc:</b> Ad-hoc work as required  | As required | 300  |                  |                 |
| 7   | <b>Travel and kms:</b> Traveling and kilometers   |             |      |                  |                 |
|   |   |             |      |                  |                 |
| TOTAL PRICE (exclusive of VAT)            |   |             |      |                  |                 |
| VAT 15% (If Applicable)                   |   |             |      |                  |                 |
| TOTAL Inclusive of VAT (where applicable) |   |             |      |                  |                 |
| Total Price in words                      |   |             |      |                  |                 |

**NB:** For a fair comparison, bidders must indicate whether they are VAT registered.

\_\_\_\_\_  
Company representative name (who confirms that they are duly authorized)

\_\_\_\_\_  
Company representative signature (who confirms that they are duly authorized)

\_\_\_\_\_  
Respondents Signature

\_\_\_\_\_  
Date

Description: Appointment of a suitably qualified Service Provider to provide Rock Engineering Services for African Exploration Mining and Finance Corporation (SOC) "AEMFC" at Ogies Operations for a period of three (3) years as and when required.

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**AEMFC urges its clients, suppliers, and the general public to report any fraud or corruption to Tip Offs Anonymous**

Toll Free Number: 0800 333 118

Email: [aemfc@whistleblowing.co.za](mailto:aemfc@whistleblowing.co.za)

- Toll Free Fax: 0800 212 689  
Postal: FREEPOST KZN665, MUSGRAVE, 4062  
SMS: 33490  
Online: [www.whistleblowing.co.za](http://www.whistleblowing.co.za)
- **National Anti-Corruption Hot Line - 0800 701 701**