



**REQUEST FOR PROPOSALS FOR MULTI-DISCIPLINARY BUILT ENVIRONMENT PROFESSIONAL TEAM FOR THE RUNWAY AND TAXIWAY REHABILITATION AT CHIEF DAWID STUURMAN INTERNATIONAL AIRPORT FOR 40 MONTHS.**

**Bid Number:** : PEA7468/2024/RFP

**Issue Date** : 12 April 2024

**Query Closing Date** : 06 May 2024

**Compulsory Briefing Session** : 22 April 2024

**Site Inspection Requirements** : N/A

**Bid Closing Date and Time** : 13 May 2024 at 12H00 Midday

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Western Precinct, Aviation Park, O.R. Tambo International Airport, 1 Jones Road, Kempton Park, Gauteng, South Africa, 1632  
P O Box 75480, Gardenview, Gauteng, South Africa, 2047  
[www.airports.co.za](http://www.airports.co.za)

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofo (Chief Executive Officer), N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatswayo, Dr KH Badimo, F Sefara (Company Secretary)

## 1. SECTION 1: INSTRUCTIONS TO BIDDERS

### 1.1. Access to RFP documents

Tenders are available on [www.etenders.gov.za](http://www.etenders.gov.za) and [www.airports.co.za](http://www.airports.co.za). Kindly print and complete.

#### Submission of bid documents

The envelopes containing bid documents must have on the outside, the bidder's return address, the full description of the bid, bid number and the details of the Supply Chain Management department where the bid will close. The documents must be signed and completed by a person who has been given authority to act on behalf of the bidder. The bottom of each page of the bid documents must be **signed or stamped** with the bidder's stamp as proof that the bidder has read the bid documents. Bid documents must be submitted on or before **12H00 Middyay on 13 of May 2024** using the following method(s):

#### 1.1.1. Hand delivery:

The bid document must be delivered to the address below and must be addressed as follows:

#### **Tender box:**

The **Tender Box** is located at:

**The Venue; Aeropark Office Complex, Block A, Small Boardroom**

**Chief Dawid Struurman, Allister Miller Drive.**

1.1.2. Proposals must be in duplicate (an original printed copy and a printed copy of the original) together with an electronic copy of the bid documents using a compact disc or flash drive. The original copy will be the legal and binding copy, in the event of discrepancies between any of the submitted documents; the original copy will take precedence.

### 1.1. Late Bids

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

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## 1.2. Clarification and Communication

Name: Potso Makgatho

Designation: Specialist Category Management

Email: [Potso.makgatho@airports.co.za](mailto:Potso.makgatho@airports.co.za)

- 1.2.1. Request for clarity or information on the bid may only be requested until **06<sup>th</sup> of May 2024**. Any responses to queries or for clarity sought by a bidder will also be sent to all the other entities which have responded to the Request for Proposal/Bid /Information invitation.
- 1.2.2. Bidders may not contact any ACSA employee on this bid other than those listed above. Contact will only be allowed between the successful bidder and ACSA Business Unit representatives after the acceptance of the letter of award bid. Contact will also only be permissible in the case of pre-existing commercial relations which do not pertain to the subject of this bid.

## 1.3. Compulsory Briefing/Site Inspection Session

A compulsory briefing session will be held on **22 of April 2024 at 11H00 AM**. The session will be held at the following location:

**The Venue; Aeropark Office Complex, Block A, Small Boardroom**

**Chief Dawid Struurman, Allister Miller Drive.**

**Bidders should visit the permit office at least one-hour prior the site inspection to obtain visitor access cards. Every bidder must come to site with the following:**

- (a) Reflective jacket
- (b) Identity Document (not driver's license)
- (c) Safety boots
- (d) A Temporary permit application fee of R550 per applicant.

## 1.4. Bid Responses

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

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#### 1.5. Disclaimers

It must be noted that ACSA reserves its right to:

- 1.5.1. Award the whole or a part of this bid;
- 1.5.2. Split the award of this bid;
- 1.5.3. Negotiate with all or some of the shortlisted bidders;
- 1.5.4. Cancel this bid.

#### 1.6. Validity Period

- 1.6.1. ACSA requires a validity period of **hundred and twenty (120) business/working days** for this bid. During the validity period the prices which have been quoted by the bidder must remain firm and valid. It is only in exceptional circumstances where ACSA would accommodate a proposal to change the price.

#### 1.7. Confidentiality of Information

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

#### 1.8. Hot – Line

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

Airports Company South Africa TIP-OFFS ANONYMOUS

Free Call: 0800 00 80 80 or 086 726 1681

Email: [office@thehotline.co.za](mailto:office@thehotline.co.za)

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## SECTION 2: BACKGROUND, PURPOSE, AND SCOPE OF WORK

### 2.1 Background and/or Purpose of this Bid

Chief Dawid Stuurman International Airport (IATA: PLZ; ICAO: FAPE) is one of the 9 ACSA owned network of Airports and is located in the Eastern Cape province. The Airport is located approximately 3.2 km's South of the City's central business district. In 2019 the Airport served 1,735,654 passengers and from June 2022 – June 2023 the Airport has serviced 1,208,485 passengers. The landing (Air Traffic movements) range between 5860 – 6215 per annum for the Airport. This number excludes the cargo as well as General aviation.

The Airports has 2 runways installed with respective directions and lengths of 08/26, 2160 m and 17/35 ,1 677 m. The taxiway length is a 3 000 m with a combination of Alpha taxiway, Bravo, Echo and 4 holding points. The surface is made of Asphalt runways and taxiways.

The last resurfacing project on runway 08/26 was carried out in 2008 with the runway having been extended from 1 850 m to 2 160m with an additional holding point which is Alpha 1.

The condition of the runway as well as the taxiway has since deteriorated over the span of 15 years in service since the last rehabilitation.

#### Approach to Project execution.

Rehabilitation of the main runway 08/26.

Rehabilitation of taxiway Alpha, Bravo and Echo.

Resurfacing of General Aviation Area.

The project shall be combined and dealt with as a single project because of the similar nature of the scope. These projects are:

#### The professional team required consists of the following:

- Principle Agent/ Project Manager
- Pavement Engineer
- Electrical Engineer
- Quantity Surveyor
- Construction Health and Safety Agent

### 2.2 Scope of Work

#### Rehabilitation of runway 08/26:

- Mill and replace of the main runway.
- Provision/repairs of drainage around the runway if necessary.
- Repainting of the runway.
- Ensuring that the RESA (Runway End Safety Area) is in compliance with the regulations.

#### Rehabilitation of taxiways (Alpha, Bravo, Echo and Charlie):

- Mill and replace of the taxiways.
- Drainage repairs or the provision of new drains around the taxiways if necessary,

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- Repainting of the taxiways.

#### **General aviation (GA) pavements**

- Rehabilitation of the general aviation pavements. This may require the mill and replace of the surfacing and reworking of the base layer.
- Provision/repairs of drainage around the GA if necessary.
- Painting of the GA.

#### **Other**

The runway lighting will have to be assessed to ensure it complies, otherwise if not in compliance then it will have to be part of the project scope. All other auxiliary services will have to be assessed for compliance.

#### **Exclusions**

- Apron slabs.
- Runway 17/35

#### **2.2.1. Use of reasonable skill and care**

- The service provider is required to provide all aspects of the service with all reasonable care, diligence and skill in accordance with generally accepted professional techniques and to ensure that all legal requirements are met, and that all legal processes are adhered to.

#### **2.2.2. Co-operation with other service providers**

- In addition to the appointment of professionals, ACSA may also appoint other consultants for delivery of the project.
- The service provider will be required to Liaise with other appointed professional service providers on design, time control and budgetary aspects of the project and reporting on progress and selection of various materials and components on the project.

#### **2.2.3. Access to site**

- Access to public areas is not restricted, however, personal access permits are required for access to restricted areas. The service provider will be required to apply for such personal access permits prior to commencement of project.
- All resources must wear a personal access permit at all times when on site.

#### **2.2.4. Format of communications**

- All communications must be in writing by means of letters and e-mails only. Design documentation, drawings, etc. must be in hard copy and electronic format.

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### 2.2.5. Management Meetings and Reporting

- Attend as and when required the following regular meetings necessary for the management of the project, including but not limited to; progress, coordination, cost review, risk review, project board and project management meetings which will be scheduled during the life of the project s appointed for.
- All reports relevant to the projects, including but not limited to the design reports, monthly progress reports, ad-hoc reports and close out report will be submitted on set project calendar dates or as and when required by the Employer.

### 2.2.6. Copyright

- Copyright pertaining to all drawings and documentation for all projects must be ceded to ACSA.

### 2.2.7. Non-disclosure

- All information including design information, annexures and other supporting documentation regarding these project may not be shared with 3rd parties without written consent of ACSA Procurement and ACSA Legal. All parties and companies involved in this project will be required to sign a non-disclosure at appointment.

### 2.2.12. Professional indemnity and public liability insurance

- Confirmation of Insurance in line with ACSA's Requirements will be requested as and when the bidders are allocated scope of works for pricing of specific projects after they have been appointed to the panel.

## SECTION 3: EVALUATION CRITERIA

### 3.1 Evaluation Criteria

3.1.1. ACSA will use a pre-determined evaluation criteria when considering received bids. The evaluation criteria will consider **mandatory administrative and functionality**. During the evaluation of received bids ACSA will make an assessment whether all the bids comply with set minimum requirements and whether all returnable documents/information have been submitted. **Bidders which fail to meet minimum requirements as per criterion, or overall minimum thresholds or have not submitted required mandatory documents will be disqualified from the bid process.**

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

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

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| Stage 1  | Stage 2                | Stage 3   | Stage 4                        | Stage 5      | Stage 6  |
|--|------------------------|---|--------------------------------|--------------|--|
| Check if all the documents have been received. | Mandatory Requirements | Evaluate on functionality or the technical aspect of the bid. | Evaluate price and Preference. | Negotiations | Security Vetting<br><b>(Will be conducted if deemed necessary)</b> |

### 3.3 Mandatory Requirements

- (a) Completed **in full and signed** Form of offer C1.1.
- (b) Valid Letter of Good standing with workman's compensation commissioner **COIDA**.
- (c) Completed in full and signed **Bidder's Disclosure Form 5.8 (SBD 4)**
- (d) Attendance of the **compulsory briefing session (meeting register will be used to prove attendance)**.

**Bidders who have not submitted required mandatory documents will be disqualified and will not be evaluated on functionality.**

### 3.4 Functionality

#### Stage 3 Functionality Evaluation Criteria

Functionality is the terminology used to define the technical ability of the Tenderer, based on experience to deliver the required product in accordance with the specialised quality, reliability and functionality.

The functionality evaluation will be conducted by the end-user/operations/the Tender Preparation and Evaluation Committee which comprises of various skilled and experienced members from diverse professional disciplines. The evaluation process will be based on functionality criteria. The criteria will be as follows:

#### Functionality Criteria

The functional evaluation will be based on a threshold, where bidders which fail to achieve a **minimum of 68 points** on the functional stage will not be considered further in the evaluation. **Bidders are expected / required to score the minimum threshold for each criterion in order to achieve the total minimum qualifying score points as set out in the table below.**

The thresholds on each element of the evaluation are as follows.

#### Functionality Criteria

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### i) Evaluation

Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below.

### ii) Threshold

The functional evaluation will be based on a threshold, where, if a tenderer/bidder **fails to achieve a minimum on each functional stage will not be considered further in the evaluation**. The criteria of the evaluation are expressed in the table below.

Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below. Total points allocated shall be 100. Tenderer must score a **minimum or more for each sub criteria and an overall minimum threshold of 68 or more out of 100** to be eligible for further evaluation to the next stage, namely, Price and B-BBEE (80/20).

### iii) Proof of experience

Bidders/tenderers shall provide **sufficient and articulate** information that will allow the committee to assess and score. All references provided by the tenderer/bidder must be contactable (i.e. have, contact person's name, telephone or cell phone, e-mail address) and of completed projects taken through the ECSA stages 1 to 6. References must provide bidders name as a service provider contracted for the services, detailed description of project, project value, start and completion date of the project. It is strongly recommended that the references must be on client letterhead.

References that do not meet the prescribed information to allow the committee to evaluate may lead to the tenderer not scored for that project. Project that will be evaluated are those accompanied by reference letters from client with information as stated above. A completion certificate or performance certificate will be accepted if it provides the necessary information required as stated above. **No appointment letters will be accepted**. For the key persons no need for reference letters are required but the contact details of the Client Project Manager must be given. If ACSA is unable to verify that the keyperson was involved in the projects submitted, then those projects will not be scored.

### iv) Relevance of projects

To ensure that the bidder/tenderers meet the required technical capability, Only the project that meet **all** the below conditions shall be accepted as relevant projects.

- **Relevant Projects for Company Experience and Pavement Engineer:**

(a) Asphalt rehabilitation/overlay projects and/or construction of new asphalt highways, taxiways and/or runways. *Routine Maintenance projects (i.e. which constitute of patching works) and seal work are not acceptable.*

(b) Projects must be from (Client):

B1. National Roads Authority (i.e. SANRAL) – i.e. **N and R** routes will be considered as relevant projects.

B2. Provincial Roads Authority (i.e. RAL, Department etc)– i.e. **R** roads or equivalent will be considered as relevant projects.

B3. Airport authority – **only** Taxiway and Runway projects will be considered as relevant projects.

(c) Projects listed **must be completed within the last 10 years (counted from tender closing date)**

- **Relevant Projects for Project Manager, Quantity Surveyor, Electrical Engineer and Construction Health and Safety Agent:**

(a) Any projects within the built environment

- *“built environment”* means the field within which the registered persons practise in accordance with the respective professional/ regulatory council (i.e. Electrical Engineer should be involved within electrical related projects or electrical component aspect of infrastructure projects etc).

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**It shall be the responsibility of the bidder to ensure enough articulation is given in the tender document to indicate project relevance.**

### Functionality breakdown

The thresholds on each element of the evaluation are as follows,

| Description of Criteria  | Minimum  | Maximum   |   |   |   |    |   |    |
|--|--|-----------|---|---|---|----|---|----|
| <b>1. EVALUATING THE COMPANY</b>   |  |           |   |   |   |    |   |    |
| <b>1.1 TENDERER'S/ BIDDER EXPERIENCE</b> (Track record of tendering entity) <i>(Complete Appendix A)</i>   | <b>12</b>  | <b>20</b> |   |   |   |    |   |    |
| <i>Proof that the Tendering company has completed a <b>minimum of three (3) relevant projects</b> worth R52m excl. VAT (construction costs) each. (4 points per project and a maximum of 5 project references for a score of 20)</i>   | 12   | <b>20</b> |   |   |   |    |   |    |
| <i>If &lt;3 projects submitted, then the tenderer will be scored zero (0).</i>   |  |           |   |   |   |    |   |    |
| <b>1.2 QUALITY ASSURANCE SYSTEMS OF TENDERING ENTITY</b> (ISO 9001:2008 Certification)   | <b>4</b>   | <b>10</b> |   |   |   |    |   |    |
| <table border="1"> <tr> <td>In house quality management system (proof of write up of system submitted)</td> <td>4</td> </tr> <tr> <td>ISO accreditation submission (proof provided)</td> <td>6</td> </tr> <tr> <td>ISO accreditation certificate (submitted valid certificate)</td> <td>10</td> </tr> </table>   | In house quality management system (proof of write up of system submitted) | 4         | ISO accreditation submission (proof provided) | 6 | ISO accreditation certificate (submitted valid certificate) | 10 | 4 | 10 |
| In house quality management system (proof of write up of system submitted)   | 4  |           |   |   |   |    |   |    |
| ISO accreditation submission (proof provided)  | 6  |           |   |   |   |    |   |    |
| ISO accreditation certificate (submitted valid certificate)  | 10   |           |   |   |   |    |   |    |
| <b>2. KEY PERSONNEL EXPERIENCE</b> (Specific experience of key personnel)  |  |           |   |   |   |    |   |    |
| <b>2.1 Project Manager</b> <i>(Complete Appendix B)</i>  | <b>14</b>  | <b>20</b> |   |   |   |    |   |    |
| <b>2.1.1</b> <i>Proof that Project Manager has a bachelor's degree (BSc/BEng/BTech) in the Built Environment and is registered as a PrCPM with SACPCMP, or PrEng (Professional Engineer) /PrEngTech (Professional Engineering Technologist) with ECSA.</i>   | 5  |           |   |   |   |    |   |    |
| <i>If none of the above is met then the tenderer will be scored zero (0).</i>  |  |           |   |   |   |    |   |    |
| <b>2.1.2</b> <i>Proof that Project Manager completed a minimum of three (3) relevant projects post registration (in accordance to requirements under 2.1.1 above) worth R52m excl. VAT (construction costs) each as a Project Manager/ Contracts Engineer/ Project Lead/ Principal Agent. (3 points per project and a maximum of 5 projects for a score of 15)</i> | 9  | <b>15</b> |   |   |   |    |   |    |
| <i>If &lt;3 projects submitted, then the tenderer will be scored zero (0).</i>   |  |           |   |   |   |    |   |    |

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|   |   |    |
|---|---|----|
| <b>2.2. Pavement Engineer (Complete Appendix C1 &amp; C2)</b>   |   |    |
| <p><b>2.2.1.</b> Proof that Pavement Engineer has a bachelor's degree (<b>BSc/BEng/BTech</b>) in <b>Civil Engineering</b> and is registered as a <b>PrEng</b> (Professional Engineer) /<b>PrEngTech</b> (Professional Engineering Technologist) with <b>ECSA</b>.</p> <p><i>If none of the above is met then the tenderer will be scored zero (0).</i></p>  | 5 |    |
| <p><b>2.2.2.</b> Proof that the Pavement Engineer completed a <b>minimum of three (3) relevant projects post registration</b> (in accordance to requirements under 2.2.1 above) <b>worth R52m excl. VAT (construction costs) each</b> as a Pavement Design Engineer. <b>(2 points per project and a maximum of 5 projects for a score of 10).</b></p> <p><i>If &lt;3 projects submitted, then the tenderer will be scored zero (0).</i></p>   | 6 | 10 |
| <p><b>2.2.3.</b> Proof that the Pavement Engineer completed a <b>minimum of three (3) relevant projects post registration</b> (in accordance to requirements under 2.2.1 above) of <b>taxiway/ runway of any amount (1 points per project and a maximum of 5 projects for a score of 5).</b></p> <p><i>&lt;3 projects submitted, then the tenderer will be scored zero (0).</i></p> <p><i>Projects submitted under 2.2.2 which meets the requirements of 2.2.3 can be used again under 2.2.3 for scoring twice. No Routine maintenance projects will be accepted.</i></p> | 3 | 5  |
| <b>2.3. Quantity Surveyor (Complete Appendix D)</b>   |   |    |
| <p><b>2.3.1.</b> Proof that Quantity surveyor has Bachelor's Degree (<b>BSc/BTech</b>) in <b>Built environment</b> and registered with <b>SACQSP</b> as a <b>PrQS</b>.</p> <p><i>If none of the above is met then the tenderer will be scored zero (0).</i></p>   |   | 5  |
| <p><b>2.3.2.</b> Proof that Quantity Surveyor completed a <b>minimum of three (3) relevant projects post registration</b> worth <b>R52m excl. VAT (construction costs) each</b> on the role of a Quantity Surveyor. <b>(1 points per project and a maximum of 5 projects for a score of 5)</b></p> <p><i>If &lt;3 projects submitted, then the tenderer will be scored zero (0).</i></p>  | 3 | 5  |
| <b>2.4 Electrical Engineer (Complete Appendix E)</b>  |   |    |
| <p><b>2.4.1.</b> Proof that the Electrical Engineer has a bachelor's degree (<b>BSc/BEng/BTech</b>) in <b>Electrical Engineering</b> and is registered as a <b>PrEng</b> (Professional Engineer) /<b>PrEngTech</b> (Professional Engineering Technologist) with <b>ECSA</b>.</p>  | 5 |    |

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|   |           |            |
|---|-----------|------------|
| <i>If none of the above is met then the tenderer will be scored zero (0).</i>   |           |            |
| <b>2.4.2.</b> Proof that Electrical Engineer completed a <b>minimum of three (3) relevant projects post registration worth R10m excl. VAT (construction costs) each as an Electrical Engineer. (1 points per project and a maximum of 5 projects for a score of 5)</b><br><br><b>Knowledge of airport runway lighting will be an added advantage.</b><br><br><i>If &lt;3 projects submitted, then the tenderer will be scored zero (0).</i> | <b>3</b>  | <b>5</b>   |
| <b>2.5 Construction Health and Safety Agent (Complete Appendix F)</b>   | <b>8</b>  | <b>10</b>  |
| <b>2.5.1.</b> Proof that the Construction Health and Safety Agent has a <b>National Diploma (NQF6) in Built Environment and is registered as a PrCHSA with SACPCMP.</b><br><br><i>If none of the above is met then the tenderer will be scored zero (0).</i>  | <b>5</b>  |            |
| <b>2.5.2.</b> Proof that Construction Health and Safety Agent completed a <b>minimum of three (3) projects post registration worth R52m (excl. VAT) construction costs as a Construction Health and Safety Agent. (1 points per project and a maximum of 5 projects for a score of 5)</b><br><br><i>If &lt;3 projects submitted, then the tenderer will be scored zero (0).</i>   | <b>3</b>  | <b>5</b>   |
| <b>Total Functionality points</b>   | <b>68</b> | <b>100</b> |

- All Foreign Qualifications must be accompanied by a letter from the South African Qualifications Authority.
- All Foreign Professional registrations must be accompanied by a letter from the Engineering Council regarding applicability in the Republic of South Africa.
- No duplication of personnel per resource description
- Proof of Professional will verified.

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### 3.5.1. Price and Preference

This is the final stage of the evaluation process and will be based on the PPPFA preference point system. Bidders will be ranked by applying the preferential point scoring *80/20 for bids with the rand value equal to or below R50 million*. A maximum of 80 points is allocated for price based on the following formulae:

$$Ps = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where:

|      |   |   |
|------|---|---|
| Ps   | = | Points scored for price of tender under consideration |
| Pt   | = | Price of tender under consideration                   |
| Pmin | = | Price of lowest acceptable tender                     |

### Evaluation of Preference

ACSA will score specific goals out of 20 in accordance with the PPP Regulations 2022/2023. If a bidder fails to meet the Specific goals as outlined on the table below and to submit proof, the bidder will score zero (0) out of 20. ACSA will not disqualify the bidder. See below Specific goals that must be achieved for this bid:

Paste applicable goal here:

| Item | Category   | Specific Goals  | Score |  |
|------|------------|---|-------|--|
|      |            |   | 20    |  |
| 1.   | Consulting | 51% owned by Black male and Black women and Black youth and People living with disabilities   | 20    |  |
|      |            | 51% owned by Black male or Black women or Black youth or People living with disabilities (at least two of the above designated groups must be achieved) | 15    |  |
|      |            | 51% owned by Black male or Black women or Black youth or People living with disabilities  | 10    |  |
|      |            | Less than 51% owned by Black male, Black women, Black youth, People living with disabilities  | 5     |  |
|      |            | Other   | 0     |  |

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## SECTION 4: RETURNABLE DOCUMENTS

### 4.1 Returnable Documents

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

| RETURNABLE DOCUMENTS   | SUBMITTED<br>[Yes or No]  |
|--|---|
| <i>Attendance of compulsory briefing session.</i>  | Proof of attendance will be verified by briefing session register |
| <i>Acceptance of Terms and Conditions of the tender (Completed in full and signed).</i>    |   |
| <i>Completed in full and signed Declaration of Interest (SBD 4) 5.8 Bidders Disclosure</i> |   |
| <i>Record of Addenda</i>   |   |
| <i>Company Experience</i>  |   |
| <i>Key Personnel Experience</i>  |   |

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#### 4.2 Additional Returnable Documents and information

| <b>ADDITIONAL RETURNABLE DOCUMENTS AND INFORMATION</b>              | <b>SUBMITTED<br/>[Yes or No]</b> |
|---|----------------------------------|
| <i>Declaration of Interest Form and Politically Exposed Persons</i> |                                  |
| <i>SBD 4 Bidder's Disclosure Form</i>                               |                                  |
| <i>Confidentiality and Non-Disclosure Agreement</i>                 |                                  |
| <i>Joint Venture (JV) Agreement (if applicable)</i>                 |                                  |
| <i>Audited Financial Statement(s) / Letter from the Accountant</i>  |                                  |

#### 4.3 Other Returnable Documents and information

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

| <b>OTHER RETURNABLE DOCUMENTS AND INFORMATION</b>   | <b>SUBMITTED<br/>[Yes or No]</b> |
|---|----------------------------------|
| <i>BEE Certificate and Scorecard or BBBEE QSE/EME Affidavit</i>   |                                  |
| <i>Verifiable medical certificate of report as proof of disability (For preference claims)</i>                          |                                  |
| <i>Tax Pin number (ACSA may not award to a bidder whose tax affairs have not been declared to be in orders by SARS)</i> |                                  |
| <i>Names and identity numbers of Directors, / Trustees / Members / Shareholders and Senior management</i>               |                                  |
| <i>Certificate of Incorporation of the bidding entity showing ownership split</i>                                       |                                  |
| <i>Central Supplier Database Report (CSD)</i>   |                                  |

#### 4.4 Validity of submitted information

Bidders must ensure that all conditions, documents and information which has been submitted in pursuance to this bid remains valid for the duration of the contract period. In the event where a validity

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document expires an updated document must be submitted. The duty is on the bidder to provide updated information to ACSA immediately after such information has changed.

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**SECTION 5: RETURNABLE DOCUMENTS**

**FORM 5.1 ACCEPTANCE OF TERMS AND CONDITIONS OF RFP AND BIDDERS PARTICULARS**

TO: The Airport Manager  
Airports Company South Africa Limited.

Proposal No: **PEA7468/2024/RFP**

**1. Bidder's Name and Contract Details**

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

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**2. Proposal Certification**

We hereby submit a Proposal in respect of the Provision of professional project management, electrical/electronic engineer, quantity surveyor and construction health and safety agent services on the joint monitoring team (JMT) for the fire detection and suppression system for a period of 30 months (incl. 12 months defects liability period) at Airports Company South Africa O.R Tambo International Airport.

- We acknowledge that Airports Company South Africa’s terms and conditions (as amended and mutually agreed between the parties if necessary) shall apply to the agreement with the successful Bidder,
- We have read, understand and agree to be bound by the content of all the documentation provided by Airports Company South Africa in this Request for Proposal.
- We accept that Airports Company South Africa’s Tender Board’s decision is final and binding.
- We certify that all forms of Proposal as required in the Proposal document are included in our submission.
- We certify that all information provided in our Proposal is true, accurate, complete and correct.
- This Proposal is specific to this project only; it has no impact, influence or effect on any other project for which a Proposal may be submitted.
- The undersigned is/are authorized to submit and sign the Proposal that shall be binding on closure of the Proposal submission.
- The Proposal is binding on this Tenderer for a period which lapses after one hundred and twenty (120) business working days calculated from the closing date for Proposal submission.

|                         |  |             |  |        |  |      |
|-------------------------|--|-------------|--|--------|--|------|
| Thus done and signed at |  | on this the |  | day of |  | 2024 |
|-------------------------|--|-------------|--|--------|--|------|

|            |  |
|------------|--|
| Signature: |  |
| Name:      |  |

For and behalf of:

|                        |  |
|------------------------|--|
| Tendering entity name: |  |
| Capacity:              |  |

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**FORM 5.4: RECORD OF ADDENDA**

**We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:**

|           | <b>Date</b> | <b>Title or Details</b> |
|-----------|-------------|-------------------------|
| <b>1.</b> |             |                         |
| <b>2.</b> |             |                         |
| <b>3.</b> |             |                         |

Attach additional pages if more space is required

Signed..... Date.....

Name..... Position.....

Tenderer.....

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**FORM 5.5: COMPANY EXPERIENCE**

The experience of the tenderer or joint venture partners in the case of an unincorporated joint venture or consortium as opposed to the key staff members / experts in similar projects or similar areas and conditions in relation to the scope of work over the last 10 years. Bidders are requested to submit a comprehensive portfolio of relevant (value and complexity) projects successfully completed. As a minimum the bidder is to have successfully completed at least one each project with contract value of RXX or more to achieve a satisfactory score.

| No | Company Name | Contact Name | Contact Telephone number | Description of project in the relevant Category of service and location | Project Construction Value inclusive | Project duration(start date and completion date) | Original letter of reference attached (Yes/No) |
|----|--------------|--------------|--------------------------|---|--------------------------------------|--|--|
| 1  |              |              |                          |   |                                      |  |  |
| 2  |              |              |                          |   |                                      |  |  |
| 3  |              |              |                          |   |                                      |  |  |
| 4  |              |              |                          |   |                                      |  |  |
| 5  |              |              |                          |   |                                      |  |  |
| 6  |              |              |                          |   |                                      |  |  |
| 7  |              |              |                          |   |                                      |  |  |
| 8  |              |              |                          |   |                                      |  |  |

Note: When completing the above schedule, Tenderer's must take cognisance of the evaluation criteria :

**Attach the reference letter must contain the following;**

- **Company name,**
- **Should be in a letterhead from the company / client,**
- **Type of Services Provided**
- **Value of Contract,**
- **Duration of Contract,**
- **Contact number, Email address and It must be signed by authorised official.**

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

|          |  |          |  |
|----------|--|----------|--|
| Signed   |  | Date     |  |
| Name     |  | Position |  |
| Tenderer |  |          |  |

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**FORM 5.6: KEY PERSONNEL EXPERIENCE**

|   |   |
|---|---|
| Name :  |   |
| Surname :   |   |
| Nationality :   |   |
| Date of Birth :   |   |
| Current Residence :   |   |
| Name of current position in tendering enterprise:   |   |
| Qualifications: <i>(degrees, diplomas, grades of membership of professional societies and professional registrations)</i> |   |
| Overview of post graduate working experience <i>(year, organisation and position)</i>                                     |   |
| Outline of recent experience of projects implemented in the built environment:  |   |
| Project Description and VALUE<br>(Note: value refers to total value of project <b>NOT</b> value of fees)                  | Duration of project<br>(e.g. 2001 – 2005) |
|   |   |
|   |   |
|   |   |
|   |   |

***(Attach CV's of project personnel to this page)***

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**Commitment to the Project**

The undersigned commits himself / herself to the overall project. He/she does not intend to cancel his/her contract or to leave the company which employs him/her within the overall duration of this project.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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**FORM 5.7: DECLARATION OF INTEREST AND POLITICALLY EXPOSED PERSONS FORM**

**Making a Declaration**

Any legal person or persons having a relationship with persons employed by ACSA, including a blood relationship, may submit a bid in terms of this tender document. In view of possible allegations of unfairness, should the resulting bid, or part thereof, be awarded to persons connected with or related to ACSA employees, it is required that the bidder or his/her authorised representative declare his/her position in relation to ACSA employees or any member of the evaluation or adjudication committee which will consider bids.

ACSA requires all bidders to declare that they have not acted in any manner inconsistent with the law, policy, or fairness. Furthermore, ACSA requires bidders to declare if they have Politically Exposed Persons (PEP) also known as Domestic Prominent Influential Persons (DPIP) in their organisation. See below definition of PEP/DPIP.

Politically Exposed Persons or DPIP are individuals who are or have been entrusted with prominent public functions in the country or a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state-owned corporations, important political party officials. Business relationships with family members or close associates of PEPs involve reputational risks similar to those with PEPs themselves. PEP status in the following areas shall be declared:

- Current or former senior official in the executive, legislative, administrative, military, or judicial branch of government or foreign government (elected or not)
- A senior official of a major political party or major foreign political party;
- A senior executive of government owned commercial enterprise
- or a foreign government owned commercial enterprise, being a corporation, business or other entity formed by or for the benefit of any such individual;
- A related and or inter-related immediate member of such individual; meaning spouse, parents, siblings, children, and spouse's parents or siblings etc

**5.7.1 All bidders must complete a declaration of interest form below:**

Full name of the bidder or representative of the bidding entity \_\_\_\_\_

Identity Number \_\_\_\_\_

Position held in the bidding entity \_\_\_\_\_

Registration number of the bidding entity \_\_\_\_\_

Tax Reference number of the bidding entity \_\_\_\_\_

VAT Registration number of the bidding entity \_\_\_\_\_

I/We certify that there is / no PEP/DPIP conflict of interest/ no relationship between the bidding entity or any of its shareholders / directors / owner / member / partner/ senior management with any ACSA employee or official.

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Where a relationship or PEP/DPIP conflict of interest exists, please provide details of the ACSA employee or official and the extent of the relationship below:

---



---



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**PEP/DPIP Declaration**

DPIP/PEP Declaration for self/family member or close associate:

| Nature of Political Exposure | Term of the office | Description of activities relating to political exposure |
|------------------------------|--------------------|--|
|                              |                    |  |
|                              |                    |  |
|                              |                    |  |
|                              |                    |  |
|                              |                    |  |

Full Names of Directors / Trustees / Members / Shareholders/ Senior Management of the bidding entity

| Full Name | Identity Number | Personal Income Tax Reference Number |
|-----------|-----------------|--------------------------------------|
|           |                 |                                      |
|           |                 |                                      |
|           |                 |                                      |
|           |                 |                                      |
|           |                 |                                      |

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

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**Declaration:**

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

\_\_\_\_\_  
Name of bidder

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**FORM 5.8: BIDDER’S DISCLOSURE FORM SBD 4**

**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 interest<sup>1</sup> 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 |
|-----------|-----------------|---------------------------|
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |

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 P O Box 75480, Gardenview, Gauteng, South Africa, 2047  
[www.airports.co.za](http://www.airports.co.za)

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofu (Chief Executive Officer), N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatswayo, Dr KH Badimo, F Sefara (Company Secretary)



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 |

**DECLARATION WITH REGARD TO COMPANY/FIRM**

- 3.1. Name of company/firm.....
- 3.2. Company registration number: .....

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## 3.3. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

3.4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

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.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....

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**FORM 5.9 CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT**

between

**AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED**

(Registration No. 1993/004149/30)

**(“Airports Company”)**

of

Western Precinct, Aviation Park

O.R. Tambo International Airport

1 Jones Road

Kempton Park

1632

**AND**

**[NAME OF SERVICE PROVIDER]**

(Registration No: \_\_\_\_\_)

(“ \_\_\_\_\_ ”)

of

[Service Providers Address]

**1. INTERPRETATION**

In this agreement -

- 1.1 "confidential Information" – is information which is confidential to the disclosing party, and includes whether in written, graphic, oral, proprietary, tangible, intangible, electronic or other form, and, -
- 1.1.1 any information in respect of know-how, formulae, statistics, processes, systems, business methods, marketing, trading and merchandising methods and information, promotional and advertising plans and strategies, pricing, financial plans and models, inventions, long-term plans, research and development data, user or consumer/ customer data and profiles, ideas, computer programmes, drawings and any other information of confidential nature of the disclosing party, in whatever form it may be;

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- 1.1.2 the contractual business and financial arrangements of the disclosing party and others with whom it has business arrangements of whatever nature;
- 1.1.3 all information peculiar to the business of the disclosing party which is not readily available to a competitor of the disclosing party in the ordinary course of business;
- 1.1.4 the fact of and content of any discussions between the disclosing party and the receiving party as well as the existence and content of any agreement, which may be concluded between the disclosing party and the receiving party;
- 1.1.5 all other matters of a confidential nature which relate to the disclosing party's business;
- 1.1.6 generally, information which is disclosed in circumstances of confidence or would be understood by the parties, exercising reasonable business judgement, to be confidential;
- 1.1.7 all information of whatsoever nature relating to the disclosing party as contemplated in 2.1 below;
- but does not include information which -
- 1.1.8 is or hereafter becomes part of the public domain, otherwise than as a result of a breach or default of the receiving party or of a representative or affiliate of the receiving party;
- 1.1.9 can be shown to have been lawfully in the possession of the receiving party or its affiliates or consultants prior to its disclosure and is not subject to an existing agreement between the disclosing party and the receiving party;
- 1.1.10 is acquired by the receiving party independently from a third party who lawfully acquired such information without restriction and who had not previously obtained the confidential information directly or indirectly under a confidentiality obligation from the disclosing party;
- 1.1.11 is acquired or developed by the receiving party independently of the disclosing party and in circumstances which do not amount to a breach of the provisions of this agreement;
- is disclosed or released by the receiving party to satisfy an order of a court of competent jurisdiction or to otherwise comply with the provisions of any law or regulation in force at the time or the requirements of any recognised stock exchange; provided that, in these circumstances, the receiving party shall inform the disclosing party of the requirement to disclose prior to making the disclosure and provided further that the receiving party will disclose only that portion of the confidential information which it is legally required to so disclose; and the receiving party will use its reasonable endeavours to protect the confidentiality of such information to the widest extent lawfully possible in the circumstances (and shall co-operate with the disclosing party if it elects to contest any such disclosure);

For the purposes of this agreement the party, which discloses confidential information, shall be referred to as "the disclosing party" and the party, which receives the confidential information, shall be referred to as "the receiving party".

- 1.2 "“affiliate” –of a Party means any person, now or hereafter existing, who directly or indirectly controls, (*holding company*) or is controlled or is under common control of such Party (subsidiary company); a Person “controls” another person if it holds or is beneficially entitled to hold , directly or indirectly, other than by way of security interest only, more than 50% of its voting , income or capital;
- 1.3 “disclosing party” – the party disclosing confidential information in terms of this agreement and being Airports Company;

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1.4 “receiving party” – the party receiving confidential information in terms of this agreement;

1.5 “the parties” – the Airports Company and \_\_\_\_\_.

## 2. **INTRODUCTION**

2.1 The parties intend to provide each other with certain information pertaining to their operations and the parties are in the process of discussing certain matters with a view to concluding an agreement (“the potential agreement”), which discussions have required and will require the disclosure to one another of information of a proprietary, secret and confidential nature. Whether or not the parties conclude the potential agreement will not affect the validity of this agreement.

2.2 If the confidential information so disclosed is used by the receiving party for any purpose other than that for which its use is authorised in terms of this agreement or is disclosed or disseminated by the receiving party to another person or entity which is not a party to this agreement, this may cause the disclosing party to suffer damages and material financial loss.

2.3 This agreement shall also bind the parties, notwithstanding the date of signature hereof, in the event that either party shall have disclosed any confidential information to the other party prior to date of signature hereof.

2.4 The parties wish to record the terms and conditions upon which each shall disclose confidential information to the other, which terms and conditions shall constitute a binding and enforceable agreement between the parties and their agents.

## 3 **USE OF CONFIDENTIAL INFORMATION**

Any confidential information disclosed by the disclosing party shall be received and used by the receiving party only for the limited purpose described in 2.1 above and for no other purpose.

## 4 **NON-DISCLOSURE**

4.1 THE RECEIVING PARTY undertakes that –

4.1.1 it will treat the disclosing party’s confidential information as private and confidential and safeguard it accordingly;

4.1.2 it will not use (except as permitted in 3 above) or disclose or release or copy or reproduce or publish or circulate or reverse or engineer and/or decompile or otherwise transfer, whether directly or indirectly, the confidential information of the disclosing party to any other person or entity; and the receiving party shall take all such steps as may be reasonably necessary to prevent the disclosing party’s confidential information failing into the hands of unauthorised persons or entities;

4.1.3 it shall not disclose the confidential information of the disclosing party to any employee, consultant, professional adviser, contractor or sub-contractor or agent of the receiving party (collectively referred

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to herein as "representative") or an affiliate of the receiving party, nor shall they be given access thereto by the receiving party -

- 4.1.4 unless it is strictly necessary for the purposes referred to in 2.1 above; and
- 4.1.5 the receiving party shall have procured that the representative, affiliate or consultant to whom or to which such information is disclosed or made available shall have agreed to be bound by all the terms of this agreement, and, in such event, the receiving party hereby indemnifies the disclosing party against any loss, harm or damage which it may suffer as a result of the unauthorised disclosure of confidential information by a representative, affiliate or consultant.
- 4.2 Any documentation or written record or other material containing confidential information (in whatsoever form) which comes into the possession of the receiving party shall itself be deemed to form part of the confidential information of the disclosing party. The receiving party shall, on request, and in any event if the discussions referred to in 2.1 above should not result in an agreement, return to the disclosing party all of its confidential information which is in physical form (including all copies) and shall destroy any other records (including, without limitation, those in machine readable form) as far as they contain the disclosing party's confidential information. The receiving party will, upon written or oral request from the disclosing party and within five (5) business days of the disclosing party's request, provide the disclosing party with written confirmation that all such records have been destroyed.

## 5. **COPIES**

- 5.1.1 The receiving party may only make such copies of the disclosing party's confidential information as are strictly necessary for the purpose and the disclosures which are not in breach of this agreement and authorised in terms of this agreement. The receiving party shall clearly mark all such copies as "Confidential".
- 5.1.2 At the written request of the disclosing party, the receiving party shall supply to the disclosing party a list showing, to the extent practical –
- 5.1.3 where copies of the confidential Information are held;
- 5.1.4 copies that have been made by the receiving party (except where they contain insignificant extracts from or references to confidential information) and where they are held; and
- 5.1.5 the names and addresses of the persons to whom confidential information has been disclosed and, if applicable, a copy of the confidentiality undertaking signed by such persons complying with the provisions of this agreement.

## 6. **THE USE OF THE COMPANY'S INTELLECTUAL PROPERTY**

- 6.1 The receiving party shall not use any intellectual property of the Company (including trademarks, service marks, logos, slogans, trade names, brand names and other indicia of origin) (collectively, the "**Company IP**") for any reason whatsoever without first obtaining the Company's prior written consent which consent the Company shall be entitled to grant solely at its own discretion.
- 6.2 If the receiving party requires the use of such Company IP, a request must be sent to the [Potso.makgatho@airports.co.za](mailto:Potso.makgatho@airports.co.za). Each single request by the same receiving party shall be treated as a new request.

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6.3 Should the Company provide its consent in terms of clause 6.1 above, the receiving party shall comply with the Company's policies and standards with regard to the use of the Company IP. Such policies and standards shall be communicated to the receiving party at the time the Company grants the consent to the receiving party.

6.4 Failure to adhere to the provisions of this clause 6 or the policies, brand requirements and protocols that will be communicated by the Brand Custodians Office to the receiving party, shall result in the penalty equal to the value of 2% (two per cent) of the receiving party's annual turnover in the financial year in which the aforesaid failure occurred.

## 7. **DURATION**

7.1 Subject to Clause 2.3 this agreement shall commence or shall be deemed to have commenced on the date of signature of this agreement by the last party to sign the agreement.

7.2 This agreement shall remain in force for a period of **5** years ("the term"), or for a period of one (1) year from the date of the last disclosure of confidential information to the receiving party, whichever is the longer period, whether or not the parties continue to have any relationship for that period of time.

## 8. **TITLE**

8.1 All confidential information disclosed by the disclosing party to the receiving party is acknowledged by the receiving party:

8.1.1 to be proprietary to the disclosing party; and

8.1.2 not to confer any rights to the receiving party of whatever nature in the confidential information.

## 9. **RELATIONSHIP BETWEEN THE PARTIES**

9.1 The disclosing party is not obliged, by reason of this agreement, to disclose any of its confidential information to the receiving party or to enter into any further agreement or business relationship with the receiving party. Nothing herein shall imply or create any exclusive relationship between the Parties or otherwise restrict either Party from pursuing any business opportunities provided it complies at all times with the non-disclosure obligations set forth herein

9.2 The disclosing party retains the sole and exclusive ownership of intellectual property rights to its confidential information and no license or any other interest in such confidential information is granted in terms hereof or by reason of its disclosure.

9.3 The termination of the discussions referred to in 2.1 above shall not release the parties from the obligations set out in this agreement.

## 10. **ENFORCEMENT, GOVERNING LAWS AND JURISDICTION**

10.1 This agreement shall be governed by and interpreted according to the laws of the Republic of South Africa, without reference to the choice of laws' provisions of the Republic of South Africa. In the event of a conflict between or inconsistency in the laws applicable in the various provinces of the Republic of South Africa, the law as applied and interpreted in the Gauteng Province shall prevail.

10.2 The parties irrevocably submit to the exclusive jurisdiction of the High Court of South Africa, Witwatersrand Local Division, in respect of any action or proceeding arising from this agreement.

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- 10.3 The parties agree that, in the event of a breach of this agreement, monetary damages would not be an adequate remedy. In the event of a breach or threatened breach of any provisions of this agreement by the receiving party, the disclosing party (and/or its relevant affiliate) shall be entitled to injunctive relief in any court of competent jurisdiction and the receiving party shall reimburse the disclosing party for any costs, claims, demands or liabilities arising directly or indirectly out of a breach. Nothing contained in this agreement shall be construed as prohibiting a party or its affiliate from pursuing any other remedies available to it for a breach or threatened breach.
- 10.4 The failure by the disclosing party to enforce or to require the performance at any time of any of the provisions of this agreement shall not be construed to be a waiver of such provision, and shall not affect either the validity of this agreement or any part hereof or the right of the disclosing party to enforce the provisions of this agreement.

## 11. **DOMICILIUM**

- 11.1 The parties choose as their *domicilium* the addresses indicated in the heading to this agreement for the purposes of giving any notice, the payment of any sum, the serving of any process and for any other purpose arising from this agreement.
- 11.2 Each of the parties shall be entitled from time to time, by written notice to the other, to vary its domicilium to any other address which is not a post office box or poste restante.
- 11.3 Any notice required or permitted to be given in terms of this agreement shall be valid and effective only if in writing.
- 11.4 Any notice given and any payment made by one party to the other ("the addressee") which:
- 11.4.1 is delivered by hand during the normal business hours of the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee at the time of delivery;
- 11.4.2 is posted by prepaid registered post from an address within the Republic of South Africa to the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee on the fourth day after the date of posting;
- 11.4.3 is transmitted by facsimile to the addressee's receiving machine shall be presumed, until the contrary is proved, to have been received within one (1) hour of transmission where it is transmitted during normal business hours or, if transmitted outside normal business hours, within one (1) hour of the resumption of normal business hours on the next normal business day.

## 12. **GENERAL**

- 12.1 No party shall be bound by any representation, warranty, undertaking, promise or the like not recorded in this agreement.
- 12.2 No addition to, variation or agreed cancellation of this agreement shall be of any force or effect unless in writing and signed by or on behalf of the parties.
- 12.3 Any indulgence which either party may show to the other in terms of or pursuant to the provisions contained in this agreement shall not constitute a waiver of any of the rights of the party which granted such indulgence.

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- 12.4 The parties acknowledge that this agreement and the undertakings given by it in terms hereof are fair and reasonable in regard to their nature, extent and period and go no further than is reasonably necessary to protect the interests of the parties.
- 12.5 The parties hereby confirm that they have entered into this agreement with full and clear understanding of the nature, significance and effect thereof and freely and voluntarily and without duress.
- 12.6 Neither party shall have the right to assign or otherwise transfer any of its rights or obligations under this agreement.
- 12.7 This agreement may be executed in several counterparts that together shall constitute one and the same instrument.
- 12.8 In this agreement, clause headings are for convenience and shall not be used in its interpretation.
- 12.9 Each clause of this agreement is severable, the one from the other and if any one or more clauses are found to be invalid or unenforceable, that clause shall not affect the balance of the clauses which shall remain in full force and effect.

SIGNED at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_

\_\_\_\_\_

**AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED**

the signatory warranting that he is duly authorised thereto.

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

**AS WITNESSES**

1. \_\_\_\_\_

2. \_\_\_\_\_

SIGNED at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_

\_\_\_\_\_

**[NAME OF SERVICE PROVIDER]**

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**AIRPORTS COMPANY**  
SOUTH AFRICA

the signatory warranting that s/he is duly authorised thereto.

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

**AS WITNESSES**

1. \_\_\_\_\_

2. \_\_\_\_\_

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**Western Precinct, Aviation Park, O.R. Tambo International Airport, 1 Jones Road, Kempton Park, Gauteng, South Africa, 1632**  
**P O Box 75480, Gardenview, Gauteng, South Africa, 2047**  
**[www.airports.co.za](http://www.airports.co.za)**

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofu (Chief Executive Officer), N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatswayo, Dr KH Badimo, F Sefara (Company Secretary)



**FORM 5.9 Certificate of Authority for Joint Ventures (JV)**

This Returnable schedule is to be completed by joint ventures.

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

| NAME OF FIRM | ADDRESS | DULY AUTHORISED SIGNATORY                                    |
|--------------|---------|--|
| Lead Partner |         | Signature:<br><br>Name.....<br>Designation.....<br>Date..... |
|              |         | Signature:<br><br>Name.....<br>Designation.....<br>Date..... |
|              |         | Signature:<br><br>Name.....<br>Designation.....<br>Date..... |
|              |         |  |

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**AIRPORTS COMPANY**  
SOUTH AFRICA

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