



REQUEST FOR PROPOSALS (RFP)

**ISSUED BY SOUTH AFRICAN NATIONAL PARKS IN RESPECT OF
THE CAPE AGULHAS LIGHTHOUSE PRECINCT FACILITIES PPP
OPPORTUNITY IN THE AGULHAS NATIONAL PARK**

**A Tourism PPP Opportunity for a Private Operator(s) to operate a
restaurant and take away**



IMPORTANT NOTICE

This Request for Proposals ("RFP"), incorporating all its attachments, has been produced by South African National Parks ("SANParks") in connection with the public, private Partnership (PPP) opportunity available for a selected private party (ies) that includes a restaurant with a takeaway through a public private partnership agreement. Bidders must submit a bid for each PPP opportunity, i.e., a restaurant with a takeaway.

No representation or warranty, express or implied, is made, or responsibility of any kind is or will be accepted, by South African National Parks, with respect to the accuracy and completeness of the RFP and any liability in connection with the use by any interested party of the information contained in this RFP is hereby disclaimed.

The RFP is provided to the recipient to assist in making its own appraisal of the Public Private Partnership ("PPP") opportunity presented herein and in deciding whether to submit a proposal in connection with the opportunity. However, this RFP is not intended to serve as the basis for an investment decision on the opportunity, and each recipient is expected to make such independent investigation and obtain such independent advice as he or she may deem necessary for such a decision.

South African National Parks may amend or replace any information contained in this RFP at any time without giving any prior notice or providing any reason.

Should this RFP lead to the award of the PPP Project, the award will only become binding after SANParks and the Private Party have signed the agreement.

August 2023

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General Information

1. INTRODUCTION

1.1 This Request for Proposals ("**RFP**") is issued by South African National Parks ("**SANParks**") in accordance with the guidelines for Public Private Partnerships ("**PPPs**") contained in the National Treasury's Tourism PPP Toolkit and in compliance with Treasury Regulation 16 issued in terms of the Public Finance Management Act 1999.

1.2 As part of its Strategic Plan for Commercialisation, SANParks identified the tourism PPP opportunity for the commercial use of the Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park through a public private partnership agreement.

1.3 It is intended that by SANParks entering into the PPP with a Private Party, SANParks may be able to generate additional revenue through PPP fees paid to SANParks by the Private Party while enabling SANParks to focus on its core activity of conservation. It is intended that the Private Party, in compliance with strict environmental standards maintained by SANParks, will develop the Project.

1.4 **Value-for-Money Objectives**

The value-for-money objectives for the Project are aligned with SANParks' strategic objectives included in the Strategic Plan for Commercialisation. During the management of the PPP agreement, they are used to measure the success of the Project. Setting these objectives at the inception phase is vital as they provide the benchmarks for the feasibility and procurement phases.

The Value-for-Money Objectives for the Project are:

- Tourism promotion;
- Job creation;
- Participation of local enterprises and suppliers;
- Revenue generation for SANParks;
- Biodiversity protection and conservation.

2. GENERAL RULES OF THE TENDER

- 2.1 This RFP supersedes all other SANParks communication to Bidders about this PPP opportunity and the rules and conduct of the Bid.
- 2.2 No verbal discussion with any staff or advisor of SANParks can change, add to or clarify any of the terms and conditions contained in this RFP. Bidders should only rely on written changes, additions, or clarifications from the duly authorised Project Officer of SANParks circulated to each Bidder. Email communications from SANParks to Bidders will count as written communication.
- 2.3 SANParks reserves the right to modify the timetable in Article 5 or otherwise amend, supplement or clarify the RFP at any time. SANParks may cancel the Bid at any time without prior notice and may disqualify any Bidder as provided in this RFP. SANParks shall not incur any liability whatsoever in exercising any rights in this Article 2.3 or otherwise granted in this RFP or available under the laws of the Republic of South Africa.
- 2.4 The Bid will be conducted in accordance with and shall be governed by the laws of the Republic of South Africa and this RFP.
- 2.5 Bids and all correspondence and documents relating to Bids shall be in the English language.
- 2.6 The submission of a Bid by a Bidder implies full knowledge and acceptance of, and submission to, all the terms and conditions set out in this RFP, the PPP Agreement, and under the applicable laws of the Republic of South Africa.
- 2.7 Bidders shall be responsible for any and all costs, expenses, and losses incurred by them in the preparation and submission of Bids or otherwise in connection with the Tender. SANParks will not compensate Bidders for any such costs, expenses, or losses, regardless of the outcome of the Tender.
- 2.8 The draft PPP Agreements will be included in the Tender Documents and will be ready for distribution in August 2023. SANParks reserves the right to modify or otherwise amend, supplement or clarify the PPP Agreements at any time. SANParks shall not incur any liability whatsoever in exercising any rights in this Article or otherwise granted in this RFP, PPP Agreements, or available under the laws of the Republic of South Africa.

3. IDENTITY OF BIDDERS

- 3.1 A Bidder may be a single company or an incorporated/unincorporated joint venture, or a trust. The Bidder must meet the operational and financial criteria as contained in this document.
- 3.2 Public institutions are specifically excluded from submitting proposals or bidding for the Tender.
- 3.3 Each submission must set out, in detail, the structure that will be adopted for the entity. The shareholders should be clearly identified, and their roles and responsibilities listed. The submission should list the Equity, ownership, and directorships held by shareholders. SANParks requires that Interested Parties create a newly formed special purpose vehicle ("**SPV**") for bidding purposes. Individuals may not constitute an SPV – only legal entities. The sole purpose of the SPV will be to undertake the PPP Project. Where any parties are not shareholders but will be integrally involved in the operation of the SPV, such parties should also be listed. It will be expected that the SPV is legally constituted prior to the Signature Date of the PPP Agreement.
- 3.4 Interested Parties will also be required to provide information on ownership of the entities of which the Interested Parties are comprised, together with organograms reflecting the ownership proportions.
- 3.5 As the Project might require a substantial amount of capital investment, Interested Parties must demonstrate their ability to raise debt and Equity and to provide security to SANParks' satisfaction.
- 3.6 When preparing submissions on the identity of the Bidders, Interested Parties are required to structure their submissions following the format:
 - 3.6.1 submit to SANParks the information set out in Section 1A in relation to the Qualification Criteria;
 - 3.6.2 submit to SANParks the information set out in Section 1B in relation to the company, unincorporated joint venture or trust and its shareholders, partners of beneficiaries; and
 - 3.6.3 certify to SANParks that the information contained therein is true, accurate, and complete in all respects.

- 3.7 SANParks reserves the right to request, at any time, additional information or documentation from Bidders.
- 3.8 Where a Bidder is made up of a number of parties, shareholders in one SPV may not in any way be shareholders of other SPVs bidding for the same PPP Opportunity in the tender process.

Information on the opportunity

4. A DESCRIPTION OF TOURISM PPP OPPORTUNITY FOR CAPE AGULHAS LIGHTHOUSE FACILITIES IN THE AGULHAS NATIONAL PARK

- 4.1 The Cape Agulhas Lighthouse Tourism Precinct Facilities PPP in ANP is available to Bidders and is discussed in detail in the Information Memorandum. Herewith summarised as follows:
- 4.2 SANParks identified the tourism PPP opportunity for the Cape Agulhas Lighthouse Tourism Precinct Facilities PPP, ANP, as part of its Strategic Plan for Commercialisation through a public-private partnership agreement. The opportunity approves a selected private party's rights to the Cape Agulhas Lighthouse Tourism Precinct Facilities PPP for the ANP for a ten- year concession through a public-private partnership agreement.

Tender process Information

5. TIMETABLE

- 5.1 The Tender shall take place in accordance with the timetable set out in this Article 5. SANParks reserves the right to modify the timetable at any time. SANParks shall not incur any liability whatsoever in exercising any rights in this Article 5 or otherwise granted in this RFP or available under the laws of the Republic of South Africa.

EVENT	
Public Advertisements for the PPP Opportunity	19-Aug-23
Provide Information Memorandum and RFP to Interested Parties	19-Aug-23
Registration for Due Diligence Site Visit	29-Aug-23

Due Diligence Meeting via MS Teams	30-Aug-23
Due Diligence Site Visit	31-Aug-23
Submission by Bidders of Comments & Questions	08-Sep-23
Response to Bidders Questions	21-Sep-23
Registration of Interested Bidders for Bidders Conference	03-Oct-23
Bidders Conference via MS Teams	04-Oct-23
Submission by Bidders of Comments & Questions	13-Oct-23
Distribute minutes of Conference Qs and As	27-Oct-23
Tender Submissions	05-Dec-23

6. BIDDERS REQUIRED QUALIFICATION CRITERIA

In order to participate in the bidding process, bidders are required to meet the qualification criteria as outlined in Section 1A – Qualification. If not met, the Bid will not be considered.

7. SITE VISIT AND DUE DILIGENCE

- 7.1 SANParks has given all bidders the information which gives details as to the heritage and environmental conditions of the site.
- 7.2 The Site Visit and Due Diligence process are being organised for the Bidders with the following objectives:
 - 7.2.1 to provide all Bidders the opportunity to ascertain all information they need to present informed and competitive bids for the sites they are qualified to bid for, including physical facilities; and
 - 7.2.2 to ensure that such access to information is equal for all Bidders.
- 7.3 The Due Diligence Meeting will be held via MS Teams on 30 August 2023 at 11h00; please download the MS Team app.
- 7.4 The proposed date for the site visit will be on 31 August 2023 at 11h00 held at Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park. Specific arrangements for the site visits will be communicated to Bidders prior to site visit registration.

7.5 The site visit is highly recommended, as this will inform Bidders of challenges and opportunities that may or may not have an impact on the feasibility studies conducted by Bidders and will further serve to ensure the accuracy of viabilities conducted for the opportunity.

7.6 Please note that traveling and accommodation costs for this visit will be for the Bidder's account.

7.7 All interested Bidders are required to register by the day before for the site visit by sending their Names, Company, Contact telephone, fax number, and email to:

Wendy Davids

Email: wendy.davids@sanparks.org

7.8 These site visits will form part of the due diligence process and should be attended by the Bidders or a duly authorised representative.

7.9 The programmes will be distributed to interested Bidders upon registration.

7.10 Each Bidder shall be solely responsible for its own due diligence investigation of the investment opportunity, the proposed PPP Agreement terms, and all matters relating to this RFP. Neither SANParks nor any of their respective officers, employees, agents, or advisers makes any representation or warranty, express or implied, concerning any matter affecting the PPP opportunity, except for the representations and warranties of SANParks that will be set out in the PPP Agreement.

7.11 No verbal agreement or conversation with, nor any verbal clarification from, any officer or employee of SANParks or any of their advisers shall affect or modify any of the terms and conditions contained in this RFP. Only written amendments, supplements, or clarifications to this RFP from duly authorised Project Officer of SANParks, circulated to each Bidder, should be relied upon as authorised. For the purposes of this Article 7.11, communications sent from a duly authorised staff of SANParks to Bidders via electronic mail shall be deemed as communications in writing.

7.12 Contact for Due Diligence-related Matters

The principal contact in SANParks for all matters relating to the Due Diligence process will be by email only to ensure transparency and will be to :

Wendy Davids

Email: wendy.davids@sanparks.org

8. BID SUBMISSIONS

8.1 Bids must be submitted to:

The Cape Regional Business Development Manager

Wendy Davids

c/o Annemi van Jaarsveld

South African National Parks

643 Leyds Street,

Muckleneuk,

Pretoria.

8.2 Bid Submissions should be made by the latest 11h00 on the 5 December 2023 (the "**Bid Date**").

8.3 Submissions delivered after 11h00 on the Bid Date shall be regarded as invalid and returned to the Bidder, unopened.

9. CONTENTS OF BID SUBMISSIONS

9.1 Bids and all related correspondence and documents must be in English.

9.2 The bid submission from each Bidder must contain all the information necessary for SANParks to evaluate the PPP fee offer, Bidder's existing B-BBEE rating, and functionality capabilities of the Bidder. Bidders are required to submit two sealed envelopes for each of their bids that they submit in accordance with the directions below.

9.3 The **first Envelope** shall be clearly marked "Functionality - original" on the outside and shall contain all the original non-financial and B-BBEE proposals of the submission ("**Functionality**"). The contents of the Functionality Bid shall consist of:

9.3.1 The original of the Bidder Information, in the format given in Section 1A – Qualification;

9.3.2 The original of the Bidder Information, in the format given in Section 1B –

Information on Bidders;

- 9.3.3 Original of the Financing and Capital plan, in the format given in Section 2 – Financing and Capital Plan;
- 9.3.4 Original of the Business and Operational plan, in the format given in Section 3 – Business and Operational Plan;
- 9.3.5 Original of the Development and Environmental Proposal, in the format given in Section 4 – Development, Environmental, and Design Proposal ;
- 9.3.6 Original of a completed Risk Matrix, in the format given in Section 5 – Risk Matrix;
- 9.3.7 Original of the B-BBEE Proposal, in the format given in Section 6 – B-BBEE Proposal;
- 9.3.8 Tax compliance:
 - 9.3.8.1 Bidders must ensure compliance with their tax obligations.
 - 9.3.8.2 Bidders are required to submit their unique personal identification number (PIN) issued by SARS to enable SANParks to view the taxpayer's profile and tax status.
 - 9.3.8.3 Bidders must also submit a Tax Compliance Status (TCS) certificate together with the Bid.
 - 9.3.8.4 In bids where consortia / joint ventures / sub-contractors are involved, each party must submit a separate TCS certificate / PIN. An original signed version of the final PPP Agreement including all the relevant sections of the Bid Submission to be included in the PPP Agreement, with each page initialled by the duly authorised representative;
- 9.3.9 An original Bid Bond from a reputable bank in a form substantially similar to that set out in Annexure 2 - Acceptable wording of bid and development bond; and
- 9.3.10 **VERY IMPORTANT:** An electronic copy containing all the Sections (clearly marked) of each of the bid submissions should be submitted on USB disk. The Sections should be in non-edited PDF form and will be used for evaluation purposes. Please note that the PPP fee offer should **NOT** be disclosed anywhere on the USB in electronic format.

- 9.4 The **second Envelope** shall be clearly marked "Bidders Existing B-BBEE Rating and PPP Fee Offer" on the outside and will only be opened and evaluated if the minimum threshold for Functionality is met. The contents of this Envelope shall be the current B-BBEE status of the Bidder (verified by a B-BBEE certificate), as well as the PPP Fee Offer in the format in Section 7 – PPP Fee Offer. Please note that SANParks reserves the right to disqualify any Bidder who does not submit a valid B-BBEE certificate or whose PPP fee offer is not in the specified format. Please note that PPP fee tranches are not allowed unless requested as part of the PPP Fee Offer Format.
- 9.5 Envelopes should be clearly marked as to whether they are Envelope 1 or 2 and must have the bid cover letter in the format provided in Annexure 1 – Bid Cover Sheets attached to the front of each Envelope.
- 9.6 All information provided in the Bid must be valid for 150 business days from the Bid Date.
- 9.7 Submitting a bid implies that the Bidder knows and understands all the terms and conditions set out in this RFP and under the applicable laws of the Republic of South Africa and that the Bidder accepts these terms and conditions.

10. HOW THE BIDS WILL BE OPENED

- 10.1 The Project Officer will separate Envelopes 1 and 2 of all the bids. The unopened Financial Envelopes will be locked away in the safekeeping of SANParks' legal advisors until they are opened following the evaluation of the bids.
- 10.2 The Functionality Envelopes will be opened by members of a bid evaluation committee representing SANParks in the presence of SANParks' Project Officer.
- 10.3 Functionality elements will be evaluated and scored according to the procedure set out in Articles 11 to 14 below.

11. BID EVALUATION METHODOLOGY (FOLLOWING QUALIFICATION)

- 11.1 The three main elements of the Bid and the two-Envelope system
- 11.1.1 Bids will be evaluated on three main elements: Functionality, Bidder's existing B-BBEE rating, and the PPP Fee Offer.
- 11.1.2 Envelope 1 is for Functionality and is opened first. Bidders must score at least

70% for Functionality (Please note that Functionality will contain a section that outlines the B-BBEE plans for the SPV and will be scored as part of Functionality).

- 11.1.3 Envelope 2 contains the Bidder's existing B-BBEE rating (verified by a B-BBEE certificate), as well as the PPP Fee Offer, and will only be opened and evaluated if the minimum threshold in Article 11.1.2 is met.

12. HOW B-BBEE IS EVALUATED

- 12.1 B-BBEE will be evaluated in two ways:

- 12.1.1 In round one, as part of Functionality in which, the Private Party SPV will outline their plans through the Tourism B-BBEE scorecard with targets per sub-section, as well as a section that undertakes that enterprise development initiatives will be identified and implemented.

- 12.1.2 In round two (together with price), as per the PPPFA – only Bidders who passed the functionality threshold will be evaluated on their existing B-BBEE certificate.

13. SCORING FOR FUNCTIONALITY (ENVELOPE 1)

The functionality aspects of a bid will be scored out of 100 points. A Bidder must achieve 70% of the total functionality points in order to pass Functionality is made up of the elements and weights as outlined in Table 1: Sub-functionality weightings.

- 13.1 **Sub - functionality Weighting:**

Elements	Financing and Capital Plan	Business and Operational Plan	Development and Environmental Plan	Risk Matrix	B-BBEE Proposal
Weight	20%	35%	15%	10%	20%
Threshold	50%	50%	50%	50%	N/A

Table 1: Sub-functionality weightings

13.2 Financing and Capital Plan (20%)

13.2.1 A Bidder is expected to provide financing information in line with the requirements set out in Section 2 – Financing and Capital Plan.

13.2.2 The purpose of the Financing and Capital Plan is to assess the ability of the Bidder to secure adequate finance to implement the Project and determine the capital investment proposed for the Project. It will indicate how much capital will be needed, where it will come from (own capital, grants, loans), the expected amount and terms (interest rate, repayment period, security) of any proposed loans, whether the necessary financing has been secured and appropriate proof.

13.3 Business and Operational Plan (35%)

13.3.1 A Bidder is expected to provide a business and operational plan in line with the requirements set out in Section 3 – Business and Operational Plan.

13.3.2 The purpose of the evaluation of the business and operational plans is to ensure that the Bidder has fully developed all business aspects of the proposed tourism project and is proposing credible schemes which are based on generally accepted business principles applicable to tourism projects and which are in line with SANParks' specifications given in this RFP.

13.4 Development, Environmental and Design Plan (15%)

13.4.1 SANParks shall review and evaluate the Development, Environmental and Design plans submitted by Bidders in accordance with the specifications and information given in Development, Environmental, and Design Proposal.

13.4.2 The purpose of the evaluation of Development, Environmental and Design proposals is to ensure that Bidders understand and have fully planned for the prevailing environmental issues that apply to the investment area as well as the Environmental Guidelines and have factored those issues into their plans.

13.4.3 Approval by the evaluation committee of such plans will not be taken to mean that the individual details of the Proposal can be implemented – in all cases, the Proposal must go through the environmental and heritage authorisation process (Operator responsible for all environmental and heritage approvals and processes and cost associated - including all specialist studies).

- 13.4.4 Bidders will also be expected to provide a Conceptual and Design Plan in accordance with the provisions of Article 24.11.

13.5 Risk Matrix (10%)

- 13.5.1 A Bidder must indicate the extent to which the Bid complies with the risk allocation of the risk matrix given in Section 5 – Risk Matrix.

13.6 B-BBEE Proposal (20%)

- 13.6.1 The Private Party SPV is expected to outline their B-BBEE plans through the Tourism B-BBEE scorecard with targets per sub-section.
- 13.6.2 An accredited B-BBEE auditor will audit the targets set and the number of enterprises developed on an annual basis.

14. BIDDERS EXISTING B-BBEE RATING AND PPP FEE OFFER (ENVELOPE 2)

- 14.1 If the minimum threshold for Functionality is met by the Bidders for each commercial opportunity, envelope 2 will be opened for that specific commercial opportunity.
- 14.1.1 The Preferential Procurement Policy Framework Act, 2000 (PPPFA) will apply with an 80/20 split between the PPP Fee Offer and the Bidder's existing B-BBEE rating, respectively.
- 14.1.2 The PPP Fee Offer and the Bidder's existing B-BBEE rating are scored out of a total of 100 points.
- 14.1.3 The following table outlines the final score weightings for each commercial opportunity offered in this RFP:

Table 2: PPPFA score split

PPP Fee Offer	Bidder's existing B-BBEE rating
80%	20%

14.2 Bidder's existing B-BBEE rating

- 14.2.1 Bidders are required to submit their existing B-BBEE rating (verified by a B-BBEE certificate), in line with the requirements of the B-BBEE Codes of Good Practice (or amended Tourism B-BBEE Sector code for tourism enterprises):

- 14.2.1.1 For Large Enterprises, a SANAS Accredited B-BBEE certificate must be provided;
- 14.2.1.2 For Qualifying Small Enterprises with less than 51% black ownership, a SANAS Accredited B-BBEE certificate must be provided;
- 14.2.1.3 For Qualifying Small Enterprises with at least 51% black ownership, a sworn affidavit must be provided;
- 14.2.1.4 For Exempted Micro-Enterprises, a sworn affidavit or CIPC EME certificate must be provided.
- 14.2.2 For Bidders that are bidding as an unincorporated joint venture, a Joint Venture B-BBEE certificate must be submitted for evaluation of the Bidder's existing B-BBEE rating.
- 14.2.3 The provisions of the Preferential Procurement Policy Framework Act, 2000 ("PPPFA") will apply for the calculation of the score out of 20 for the Bidder's existing B-BBEE rating, as per the following table:

Table 3: Score for Bidder's existing B-BBEE rating

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

14.3 PPP Fee Offer

- 14.3.1 Under the PPP Agreement, the PPP fee income to SANParks shall be, as

outlined in Section 7 – PPP Fee Offer, the higher of:

- 14.3.1.1 the Minimum PPP Fee is increased annually by CPI, or
- 14.3.1.2 the Variable PPP Fee is expressed as a flat percentage of the gross revenue of the operation.
- 14.3.2 Each PPP Fee Offer will be inspected by SANParks' financial and legal advisors to verify that it has been submitted in the form corresponding to the requirements. A PPP Fee Offer that does not conform to the requirements may result in disqualification of the Bid.
- 14.3.3 The points for the PPP Fee Offer are calculated using the prescribed price formula in the regulations of the PPPFA. The maximum points will be awarded to the qualified Bidder that makes the highest PPP Fee Offer and the remaining points being allocated pro rata to the remaining qualified Bidders. Bidders should be aware that a minimum PPP fee might be applied. If the minimum is not reached, the contract might not be awarded.

15. INCOMPLETE BIDS

- 15.1 The bid evaluation committee, in consultation with its financial and legal advisors, will check Envelope 1 of each Bid to see whether all the documentation that this RFP requires has been submitted correctly.
- 15.2 If a bid is not complete or something in it is not clear, the bid evaluation committee may, but is not obliged to, ask Bidders for more information. Bidders will receive such requests for more information in writing. No substantial changes to the Bid will be asked for or allowed, except if there is a clear mistake in the Bid.
- 15.3 SANParks may, but is not obliged to, disqualify a bid that is not complete or requires clarification without a request for further information.
- 15.4 SANParks shall not be obliged to reimburse Bidders for any costs and/or damage they incurred during the preparation of Bid Submissions in the event of cancellation, disqualification, suspension, modification, or delay of the Tender.

16. SELECTION OF PREFERRED BIDDER

- 16.1 The functionality score is only used to pre-qualify the Bidders and only Bidders who achieved the 70% for Functionality are considered in the final stage where B-BBEE and the PPP fee offer will be the determining factor.
- 16.2 SANParks shall calculate the scores of each Bid to calculate an overall bid score.
- 16.3 The following outlines how the overall score (for all qualified Bidders) will be determined:

$$a*(B-BBEE \text{ score}/100) + b*(PPP \text{ fee score}/100) = c$$

a is the weighting for B-BBEE as outlined in 14.1.3

b is the weighting for the PPP fee as outlined in 14.1.3

c is the Bidder's overall score

- 16.4 The Bidder that receives the highest overall bid score will be declared the preferred Bidder, and the Bidder that receives the second highest overall bid score will be declared the reserve Bidder.
- 16.5 The scores will be presented to the SANParks Bid Adjudication Committee (BAC) and the Board for ratification.
- 16.6 Once ratified, the preferred Bidder will be announced.

17. SIGNATURE AND EFFECTIVENESS OF PPP AGREEMENT

- 17.1 The Private Party will be sent a letter of award to notify them that they are the preferred Bidder for the PPP opportunity. Subsequent to the receipt of this letter, the Private Party will have one month to clarify any outstanding issues regarding the PPP Agreement. Thereafter, SANParks will provide the Private Party with the final PPP Agreement, whereupon the Private Party will have two months from receipt of the final PPP Agreement to sign and submit it to SANParks to be countersigned. Failure to meet any of these timelines may result in the cancellation of the award to the preferred Bidder. In such a case, SANParks reserves the right to award the contract to the reserve bidder.
- 17.2 The PPP Agreement becomes legally binding and enforceable from the Signature Date. Only after completion of certain Compliance Events can operation commence.

- 17.3 There will be no PPP Fees payable before the Effective Date with Effective Date defined in the PPP Agreement.

18. BID BOND

- 18.1 At the time of submitting its Bid, each Bidder must submit a single Bid Bond ("**Bid Bond**") payable to SANParks in the format prescribed in **ANNEXURE 2 - ACCEPTABLE WORDING OF BID AND DEVELOPMENT BOND**.
- 18.2 Bid Bonds should be the amount of R 168 000 (One Hundred and Sixty Eight Thousand Rand) exclusive of VAT;
- 18.3 The posting of the Bid Bond is for the purpose of ensuring that all Bidders present valid and serious bids and that the Winning Bidder subsequently executes the PPP Agreement.
- 18.4 Bid Bonds must be valid until the Effective Date, which shall not be later than 12 months from the signature date.
- 18.5 The Bid Bonds of all Bidders other than the Winning Bidder shall be returned to them following signature by SANParks of the PPP Agreement. Money paid into the SANParks' account will be paid back to the Bidder after an original letter of the bank account is received from the Bidder.
- 18.6 Any of the following shall be grounds for the forfeiture of a Bidder's Bid Bond:
- 18.6.1 Any material misrepresentation made by the Bidder in its Bid Submission or any other information and documentation submitted by it under this RFP;
- 18.6.2 The withdrawal or modification of its Bid during the period of validity;
- 18.6.3 Failure by the preferred Bidder to furnish the required Performance Bond under the PPP Agreement in accordance with the provisions of the PPP Agreement.
- 18.7 The Bid Bond shall be callable upon first demand by SANParks in the event that one or more of the circumstances described in Article 18.6 above has occurred. Forfeiture of the Bid Bond shall not preclude SANParks from pursuing any other remedies it may have against the Bidder under the laws of South Africa.

19. FURTHER INFORMATION

- 19.1 All enquiries and requests for further information in respect of the RFP must be in writing, and directed to SANParks at the following address:

SOUTH AFRICAN NATIONAL PARKS

Wendy Davids

P O Box 787

Pretoria, 0001

643 Leyds Street

Muckleneuk, Pretoria

Email: wendy.davids@sanparks.org

- 19.2 All responses to enquiries may be circulated to other Interested Parties. No other communication with SANParks in respect of the RFP will be permitted.

Bid Submission Sections

20. SECTION 1A – QUALIFICATION

20.1 In order to participate in the bidding process, Bidders are required to meet the following qualification criteria:

20.1.1 Financial Capacity

20.1.1.1 Given that the Project may entail risk to both the preferred Bidder and SANParks, interested parties must demonstrate financial strength.

20.1.1.2 In this regard, the selected private party can be a single concessionaire with an asset value of the interested party must be at least R 1 million, with a minimum business turnover of R 2 million per annum.

20.1.1.3 As the preferred Bidder must be an SPV, it must demonstrate financial strength with reference to the asset value of its shareholders in proportion to their shareholding. The interested party must also demonstrate, to SANParks' satisfaction, that its shareholders are solvent. Audited financial statements, along with a letter confirming that the asset value exceeds the stipulated amount and that the shareholders are solvent, must be provided if demanded by SANParks in order to illustrate any assertion made by an interested party in this regard.

20.1.2 Financial Requirements

20.1.2.1 The Submitting Company shall submit the following economic and financial documentation:

20.1.2.1.1 audited or independently reviewed financial statements corresponding to the last two (2) years;

20.1.2.2 If the qualification criteria are being met by reference to any other companies, whether current or intended Shareholders or partners, then these companies must submit the same information.

20.1.2.3 If the financial criteria are being met by companies that are privately held, and do not produce audited statements or independently reviewed financial statements, or by private individuals, then these companies or individuals must produce a statement of assets, with confirmation of ownership,

certified by a qualified auditor.

20.1.3 Confirmation of funding within 150 days from the date on which the email with this letter notifying you of such was sent by SANParks.

20.1.4 **Tourism and Hospitality Experience**

20.1.4.1 The PPP project requires interested parties with at least five (5 years) experience and expertise in the hospitality sector. Interested parties are therefore required to provide examples of similar or related projects conducted by the interested parties.

20.1.4.2 The interested Bidder must have either:

20.1.4.2.1 Extensive experience of five years in the hospitality sector and registration with the relevant accreditation bodies. Must demonstrate knowledge of the health and safety laws and regulations as well as have the relevant Licenses, or

20.1.4.2.2 This criterion above-mentioned may be met with reference to one of the Bidding Company's parent shareholders or partners if the parent involved holds at least 30% of total company equity or interest.

20.1.5 **Hospitality Track Record**

20.1.5.1 The qualifying hospitality Operator(s) or individuals, shareholders or partners must provide a general description of the hospitality facilities and services they have operated, including (i) the number of years in active existence (at least five years) ; (ii) the number of the restaurants they operated (at least one restaurant) ; (iii) the number of seats in their restaurant (at least 50 seats); (iv) geographic location of their restaurant(s) (at least 1 location) (v) type of menu(s) offered (at least three-course meals and with breakfast, lunch and dinner options) (vi) type of customers, i.e. local and international percentage split.

20.1.5.2 In the event that the Submitting Company satisfies the requirements under this Section by using the qualifications of a Partner, Shareholder or parent, these indicators must also be certified in the manner mentioned above. Additionally, each of the members of the Partnership, or the Shareholder or subsidiary as the case may be, must demonstrate that such Shareholder, parent or partner is willing and able to support the technical operations of

the Submitting Company for the PPP Project.

21. SECTION 1B – INFORMATION ON BIDDERS

Bidders must provide the following information labelled as "**Information on (Bidder Name)**";

21.1 Special purpose vehicle constitutional information

The successful Bidder must form a specific company, or special purpose vehicle ("**SPV**"), for the purposes of this PPP opportunity prior to the signature date of the PPP Agreement. The following must be specified for the bidding company and its partners (if relevant), as well as the SPV or specific company, if already formed. Where the SPV or specific company has not yet been formed, at minimum the intended shareholding and Directors/Partners/Trustees and their responsibilities must be demonstrated:

- 21.1.1 The name, address, telephone, and fax numbers of Bidder, and the trading name of the Bidder if different from the registered name.
- 21.1.2 Directors/Partners/Trustees and their responsibilities.
- 21.1.3 Place of registration.
- 21.1.4 Registration number.
- 21.1.5 Memorandum and Articles of Association (or equivalent constitutive documents).
- 21.1.6 Shareholders Agreement/Partnership or Joint Venture Agreement/Trust Deed.
- 21.1.7 Direct shareholder(s) joint venture, partner or beneficiary and percentage shareholding or other beneficial Interest or participation held by each; if there is more than one class or share or funding the percentages held by each.
- 21.2 A letter confirming that the Bidder and each of its members has irrevocably waived any right it may have to seek and obtain a writ of injunction or prohibition or restraining order against SANParks to prevent or restrain the Tender or any proceedings related to it. However, such waiver shall be without prejudice to the right of a disqualified or losing Bidder to question the lawfulness of their disqualification or the rejection of its Bid by appropriate administrative or judicial processes not involving the issuance of a writ or injunction or prohibition or restraining order.
- 21.3 Important for Bidders to note that the requirements for Tax compliance: a signed

PPP Agreement, and proof of Bid Bond are mandatory as part of the bid submission.

- 21.4 Confirmation of funding within 150 days from the date on which the email with this letter notifying you of such was sent by SANParks.

22. SECTION 2 – FINANCING AND CAPITAL PLAN

22.1 The Bidder should provide the following information:

22.2 Indicate how much capital will be needed, where it will come from (own capital, grants, loans), and the expected amount and terms (interest rate, repayment period, security) of any proposed loans. Specify whether the necessary financing has been secured, and provide appropriate proof; **(weighting 30%)**

22.2.1 A recent auditor's report confirming that all the members of the Bidder are solvent and liquid; if a member of the Bidder does not produce audited financial statements, it must produce a notarised statement of assets; **(weighting 10%)**

22.2.2 Confirmation of funding within 150 days from the date on which the email with this letter notifying you of such was sent by SANParks; and **(weighting 30%)**

22.3 A cash flow forecast (net of VAT) for the proposed term (number of years) of the PPP agreement. This may be in a spreadsheet format of the Bidder's choice, but must at least present the following: **(weighting 30%)**

	Start-up R'000	Year 1 R'000	Year 2 R'000	Year 3 R'000	Year 4 R'000	Year 5 R'000	Year 6 R'000	Year 7 R'000
Cash inflows								
Owners' capital								
Loans received								
Grants received								
Cash from sales and other operating revenue								
Cash from other sources								
Total cash inflow (A)								
Cash outflows								
Project costs and start-up expenses								
Salaries, wages and staff costs								
All other operating costs and expenses								
Loan repayments								

	Start-up R'000	Year 1 R'000	Year 2 R'000	Year 3 R'000	Year 4 R'000	Year 5 R'000	Year 6 R'000	Year 7 R'000
Infrastructure upgrades/Building additions/ internal décor etc.								
Replacement of equipment and vehicles								
Total cash outflow (B)								
Net cash flow [A – B] before PPP fees and tax								

**Adapt for proposed term*

23. SECTION 3 – BUSINESS AND OPERATIONAL PLAN

Bidders should provide the following information, with backup evidence where possible.

23.1 Background of Bidding Company (weighting 30%)

23.1.1 Rationale (weighting 25%)

- 23.1.1.1 The Bidder's objectives, the company, the concept and the Product and service to be offered

23.1.2 Current/previous operations (weighting 25%)

- 23.1.2.1 The qualifying hospitality Operator(s) or individuals, shareholders or partners must provide a general description of the hospitality facilities and services they have operated, including (i) the number of years in active existence (at least five years) ; (ii) the number of the restaurants they operated (at least one restaurant) ; (iii) the number of seats in their restaurant (at least 50 seats); (iv) geographic location of their restaurant(s) (at least 1 location) (v) type of menu(s) offered (at least three-course meals and with breakfast, lunch and dinner options) (vi) type of customers, i.e. local and international percentage split.

23.1.3 Record of accomplishment (weighting 10%)

- 23.1.3.1 The Bidder's track record on and knowledge of existing products or activities offered in the tourism, and hospitality sectors – at least five years' experience
- 23.1.3.2 Memberships and registrations (list any awards, accolades, or ratings) – at least two proofs

23.1.4 Operating standards (weighting 25%)

- 23.1.4.1 Current/previous operating standards, including an outline of any operations and procedures manuals for similar commercial venture as outlined in this RFP.

23.1.5 Management / employees (weighting 15%)

- 23.1.5.1 Current company structure with specific reference to the expertise required for the relevant PPP Opportunity
- 23.1.5.2 Number of personnel working in the tourism and hospitality industry and

their qualifications

23.1.5.3 Curriculum vitae of shareholders, directors, management, and staff. Specific reference should be made to relevant qualifications and experience that will ensure the safety of patrons and staff as well as the ability to conduct proposed activities.

23.1.5.4 Where skills and experience are lacking, outline the strategy to insource these skills

23.2 **Operational Vision, Plan, and Service Standards (weighting 30%)**

23.2.1 **Products / activities (weighting 40%)**

23.2.1.1 A detailed description of the Product envisaged for the Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park reference given to the following:

23.2.1.1.1 Restaurant model – target audience, menu, décor, rates etc.

23.2.1.1.2 Events model – target audience, activities offered to visitors, rates, the incentive to use

23.2.2 **Operating standards (weighting 20%)**

23.2.2.1 Propose Operating Standards for the following products: restaurant and events, including an outline of the operations and procedures manuals.

23.2.3 **Proposed organisational and staffing structures (weighting 10%)**

23.2.3.1 Management policies

23.2.3.2 Labour plan, including details of numbers of permanent and part-time staff that will be employed, staff recruitment policies, employment policies and socio-economic goals with employment

23.2.3.3 Incentives & Bonuses (Equity, bonus, etc.)

23.2.3.4 Disciplinary procedures

23.2.3.5 Staff transport, if applicable

23.2.4 **Menu (5%)**

23.2.4.1 Food Philosophy – values/commitment to freshness and uniqueness

23.2.4.2 Variety – vegetarian/non-vegetarian, choice of meats, choice of courses,

- Health Options, Halaal, Vegan, etc.
- 23.2.4.3 Ambience and atmosphere
- 23.2.4.4 Wine List, Cultivar selection
- 23.2.4.5 Beverage Service
- 23.2.4.6 Awareness and management of food allergies
- 23.2.4.7 Menu development & costing (portion control)/Menu to be designed in conjunction with Food and Beverage Manager and Head Chef
- 23.2.4.8 Food and beverage cost of sales
- 23.2.5 **Customer service (weighting 5%)**
 - 23.2.5.1 Guest feedback mechanism
 - 23.2.5.2 Guest complaints procedure
 - 23.2.5.3 Telephone / email ethics
 - 23.2.5.4 Reservation/ booking policy
- 23.2.6 **Proposed Health & Safety (weighting 15%)**
 - 23.2.6.1 Hygiene audits – The Private Operator agrees to undertake at least one hygiene audits a year performed by a hygiene audit supplier with an ISO 17025 accreditation. The Private Operator agrees to address issues outlined in the hygiene audit findings report and will agree to achieve at least 75% on all audit results. The full report of hygiene audits will be submitted to SANParks for record and monitoring compliance.
 - 23.2.6.2 Emergency evacuation plans
 - 23.2.6.3 Waste management/recycling
 - 23.2.6.4 Cleaning procedures
 - 23.2.6.5 Safety procedures, with specific reference to managing the safety of patrons and staff
 - 23.2.6.6 The Operator agrees to co-operate with SANParks in compiling a monitoring checklist that encompasses all Health and Safety requirements. The checklist may be used for auditing purposes during the set-up, operation, and management of the restaurant facilities.
- 23.2.7 **Proposed Distribution Channels (5%)**

23.2.7.1 Stock storage and rotation procedures

23.2.7.2 Stock control measures

23.3 Private Operator's assets (10%)

23.3.1 SANParks will provide property in its current condition. The Operator will be required to purchase their assets to operate Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park over the tenure. The Private Party, therefore, acknowledges and agrees to purchase their assets in order to operate and maintain the Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park for the entire concession period.

23.4 Maintenance (10%)

The Private Party agrees to submit a detailed maintenance plan for the Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park over the tenure.

23.5 Institutional Depth to sell the Product (weighting 10%)

23.5.1 Current sales & marketing (weighting 60%)

23.5.1.1 Bidder's existing client base and market penetration

23.5.1.2 Existing plans and knowledge of the market, including existing relationships with tour operators and travel trade (include references)

23.5.1.3 Time is taken to establish market

23.5.1.4 Current marketing programmes

23.5.1.5 Current marketing channels

23.5.1.6 Database management

23.5.1.7 Discount policies

23.5.2 Understanding of the market for PPP opportunities (weighting 40%)

23.5.2.1 Market surveys

23.5.2.2 Differentiation

23.5.2.3 Target market (geographical, income, nature of the activity, etc.)

- 23.5.2.4 Product branding plans
- 23.5.2.5 Pricing range
- 23.5.2.6 Revenue growth strategy
- 23.5.2.7 Competitive analysis
- 23.5.2.8 Ongoing market evaluation

23.6 The economics of the business (weighting 10%)

- 23.6.1 Provide feasibility studies reflecting the following:
- 23.6.2 Turnovers (weighting 30%)
 - 23.6.2.1 The Bidder is to disclose the turnovers based on realistic inputs such as occupancy rates and tariffs and multiple sources of revenue included (events, alcoholic beverages) The revenue growth percentage ((Current year - previous year)/Previous year) x 100) for each year of operation is to be disclosed.
- 23.6.3 Gross and operating margins (weighting 40%)
 - 23.6.3.1 The Bidder is to provide disclosure of gross and operating margins used that fit into the proposed model.
- 23.6.4 Fixed, variable, and semi-variable costs (weighting 30%)
 - 23.6.4.1 The Bidder is to disclose the fixed, variable and semi-variable costs considered when the financial model was estimated.

24. SECTION 4 – DEVELOPMENT, ENVIRONMENTAL, AND DESIGN PROPOSAL

24.1 Environmental Responsibility (failure to commit to the following undertakings will result in disqualification)

- 24.1.1 Confirmation that all legislative requirements, including Environmental Impact Assessment (EIA) Regulations (2014) (as amended) and Basic Assessment Report (BAR) requirements, are understood and will be complied with.
- 24.1.2 Acknowledgement that the Operator must comply at all times with SANParks' Environmental Guidelines for Private Party Operation within the South African National Parks, which may change from time to time.
- 24.1.3 Undertaking from the Operator to conduct, manage, and carry out the Project at all times in an environmentally responsible way by adopting appropriate operating methods and practices for conducting such a Project in a proclaimed National Park.
- 24.1.4 Undertaking to take all reasonable steps in conducting the Project to prevent and limit the occurrence of any environmental or health hazards and to ensure the health and safety of the Private Parties and the public.
- 24.1.5 The Operator acknowledges that SANParks has an active role to play in ensuring Responsible Tourism in accordance with SANS 1162 in all of its National Parks. SANParks will therefore require that Private Parties that operate in National Parks must subscribe to the same standards when operating commercial outlets in National Parks.
- 24.1.6 Where fish might be part of the menu, the Operator must subscribe to the South African Seafood Initiative (SASSI) and only sell fish with green status or that is SASSI certified.

24.2 Environmental Officer Monitoring Activities (weighting 10%)

- 24.2.1 Acknowledgement by the Operator that an Environmental Officer (EO) will be appointed, at the cost to the Operator, for the duration of the agreement (note: this is in addition to the independent EO that conducts audits to ensure compliance against the environmental authorisation). The EO must conduct day-to-day monitoring activities to ensure compliance with all environmental requirements. The EO undertaking the day-to-day monitoring activities does not

necessarily need to be independent or be registered with the competent authority but should demonstrate previous experience in the field of environmental management and have an academic qualification in the field of nature conservation or environmental management (weighting 20%).

24.2.2 Describe activities that will be monitored by the EO and how issues of non-compliance will be addressed (weighting 80%).

24.3 Green Operations (weighting 10%)

24.3.1 Outline a proposed Green Operations policy and procedures (weighting 50%).

24.3.2 Outline a proposed Green Procurement policy to ensure that all produce, containers, and packaging comes from suppliers that apply sustainability and eco-friendly environmental principles that reduce Waste, conserve water and energy, use less packaging and single-use plastic, and produce Waste that is recyclable as much as possible (weighting 50%).

24.4 Environmental impact (weighting 15%)

24.4.1 Describe the anticipated environmental impact that will result during the construction and operations of the facility (weighting 50%).

24.4.2 Describe preliminary mitigation measures that demonstrate the types of initiatives/processes that could be implemented to ensure the minimal environmental impact on the site (weighting 50%).

24.5 Energy Usage (weighting 15%)

24.5.1 Describe the energy sources that will be used during operation (weighting 20%).

24.5.2 Describe how the use of solar energy installations and technology will be implemented during the operation (weighting 20%).

24.5.3 Outline measures that will be implemented to reduce fossil fuel energy consumption and ensure that operations are energy efficient (weighting 20%).

24.5.4 Describe the awareness programmes implemented to educate staff and guests on energy consumption (weighting 20%).

24.5.5 Undertaking that, energy usage will be measured during operation and initiatives implemented to reduce the usage to optimum levels (weighting 20%).

24.6 Water Management (weighting 15%)

24.6.1 Describe the water source(s) and water storage and supply infrastructure to be used during operation (weighting 20%).

24.6.2 Provide estimates of the average water usage and the total water usage requirements (weighting 20%).

24.6.3 Outline water conservation, re-use, and recycling measures that will be implemented during operation (weighting 20%).

24.6.4 Describe the awareness programmes that will be implemented to educate both staff and guests on water consumption (weighting 20%).

24.6.5 Undertaking that water usage will be measured during operation and initiatives implemented to reduce the usage to optimum levels (weighting 20%)

24.7 Waste Management (weighting 10%)

24.7.1 Describe the awareness programmes that will be implemented to educate both staff and guests on waste management (weighting 25%).

24.7.2 Liquid Waste (weighting 25%):

24.7.2.1 Describe design management techniques to ensure liquid waste management is economically viable and environmentally sustainable (weighting 25%).

24.7.2.2 Describe how sustainable waste management principles of avoidance and reduction, re-use, and recycling will be applied to liquid Waste (weighting 25%).

24.7.2.3 Describe how sewerage will be managed (weighting 25%).

24.7.2.4 Outline proposed operating procedures for liquid waste management, from source to disposal (weighting 25%).

24.7.3 Solid Waste (weighting 25%):

24.7.3.1 Describe how sustainable waste management principles of avoidance and

reduction, re-use, and recycling will be applied to solid Waste (weighting 20%).

24.7.3.2 Describe measures to eliminate non-recyclable or hazardous packaging or containers (including plastic water bottles and single-use plastics) at the procurement phase (weighting 20%).

24.7.3.3 Describe measures for the management of storage facilities and how these will remain clean and secured from problem animals (weighting 20%).

24.7.3.4 Indicate the proposed authorised waste disposal sites that will be used, inside and/or outside of the park, and outline why the usage of the site will be the best environmentally wise option (weighting 20%).

24.7.3.5 Outline proposed operating procedures for solid waste management, from source to disposal (weighting 20%).

24.7.4 Hazardous Waste (weighting 25%):

24.7.4.1 Outline proposed operating procedures for hazardous waste management, from collection to disposal (weighting 80%).

24.7.4.2 Undertaking that hazardous Waste will be stored and discarded safely and legally (weighting 20%).

24.8 **Pest control (weighting 5%)**

24.8.1 Indicate the measures and products used for pest management, considering SANParks' preferred pest control chemicals, integrated pest management plan, and bat management.

24.9 **Alien biota (weighting 5%)**

24.9.1 Describe proposed measures that will be implemented during construction and operations to reduce the risk of introducing alien biota into the park.

24.10 **Noise and visual pollution (weighting 5%)**

24.10.1 Describe the noise generated and the proposed measures implemented during construction and operations to reduce and minimise noise pollution (weighting 50%).

24.10.2 Describe the visual impacts of the facility and the proposed measures that will be implemented during construction and operations to reduce and minimise

visual pollution (weighting 50%).

24.11 Conceptual and Design Plan (10%)

- 24.11.1 The Development, Environmental and Design Proposal must contain a Conceptual and Design Plan with sufficient detail regarding the design of tourism facilities proposed to evaluate the overall high-level concept discussion of the appearance of both exterior and interior design.

25. SECTION 5 – RISK MATRIX

Type of risk	General description of risk	Project-specific risk	Mitigation measures	Allocation of risk (institution/ private party/ shared)
Financing risk	Required capital for CAPEX and OPEX may not be raised / secured; loans repayments might be difficult; tax obligations may not have been fully taken into account or may change; fluctuating inflation, interest rates, oil prices and currency fluctuations may affect assumptions			
Environmental authorisation risk	The risk that consent required from the DEA (where applicable), is not obtained or that it delays operation			
Design risk	The possibility that the Private Party's design may not achieve the required output specifications			
Availability risk	The possibility that the service provided by the Private Parties do not meet the output specifications			
Cost over-run risk	The possibility that actual project costs will exceed projected costs			
Environmental risk	The risk of liability for losses caused by environmental damage arising during the Project			
Exchange rate risk	The possibility that exchange rate fluctuations will impact on the affordability of the Project			
Force Majeure risks	The possibility that the occurrence of unexpected events beyond the control of either parties effect the operation of the Project			
Inflation risk	The possibility that the actual inflation rate may exceed the projected inflation rate			
Insurance risk	The risk of substantial increases in insurance premiums and/or costs related to excess payments			
Insolvency risk	The possibility of insolvency of a Private Party			
Interest rate risk	The possibility of interest rate fluctuations affecting the availability			

Type of risk	General description of risk	Project-specific risk	Mitigation measures	Allocation of risk (institution/ private party/ shared)
	and cost of funding			
Maintenance risk	The possibility that the cost of maintenance exceeds the projected maintenance costs			
Market, demand or volume risk	The possibility that the demand for the service generated by the Project may be less than anticipated			
Operating risk	Factors impacting on the operating requirements of the Project and related expenditure			
Planning risk	The possibility that the proposed use of the State Asset will not comply to the applicable legislation			
Political risk	The possibility of unforeseeable conduct by SANParks or expropriation of the assets			
Subcontractor risk	The risk of subcontractor defaults or insolvency			
Rehabilitation risk	The possibility that the cost of rehabilitation of the project site exceeds the projected rehabilitation costs			
Resource or input risk	The possibility of a failure or shortage in the supply of resources			
Tax rate change risk	The possibility that changes in applicable tax laws decrease the anticipated return on investment			
Third Party claims	The risk of injury or death due to the guests visiting your establishment			
Utilities risk	The possibility that the utilities required for operation may not be available			

26. SECTION 6 – B-BBEE PROPOSAL

Bidders should provide the following information, with supporting evidence wherever possible. Requirements for supporting evidence are described in Section 26.3.5.

- 26.1 SANParks will evaluate the Bidder's B-BBEE Proposal and will assess scores according to the methodology and weightings based on the *Amended Tourism B-BBEE Sector Code, 2015 Targets*.

- 26.1.1 Bidders that anticipate that the SPV will qualify as a Large Enterprise (SPV total annual revenue of R45 million or above), as defined by the *Amended Tourism B-BBEE Sector Code*, must complete the Large Enterprise Scorecard. Bidders that anticipate that the SPV will qualify as a Qualifying Small Enterprise ("QSE") (SPV total annual revenue of less than R45 million or above R5 million), as defined by the *Amended Tourism B-BBEE Sector Code*, must complete the QSE Scorecard.

Or;

- 26.1.2 Bidders that anticipate that the SPV will qualify as an Exempted Micro Enterprise ("EME") (SPV total annual revenue of R5 million or below), as defined by the *Amended Tourism B-BBEE Sector Code*, are not required to complete the B-BBEE Scorecard. As part of the Bid, the Bidder must confirm that the anticipated total annual revenue of the SPV will be R5 million or below and confirm the percentage of black ownership in the SPV. The Bidder should use the following wording:

"[Name of Bidder] hereby confirms that the total annual revenue anticipated for this PPP opportunity is R5 million or below and will submit a sworn affidavit or certificate issued by the Companies and Intellectual Property Commission on an annual basis to confirm the total annual revenue of the SPV. In the case of total annual revenue exceeding R5 million, [Name of Bidder] will timeously notify SANParks and acknowledges that SANParks may require the SPV to complete the relevant B-BBEE Scorecard and meet the minimum threshold required by SANParks.

The SPV commits to [percentage]% black ownership, which will be maintained as a minimum throughout the duration of the PPP Agreement."

In terms of the B-BBEE Proposal, Bidders that anticipate that the SPV will

qualify as an EME, will score as follows:

Black Ownership	B-BBEE Level	B-BBEE Proposal Score
100% Black Owned	Level One	100%
At least 51% Black Owned	Level Two	95%
Less than 51% Black Owned	Level Four	80%

Where the SPV's annual revenue exceeds or falls short of the thresholds for a Large Enterprise, QSE or EME, SANParks may require the Private Party to submit a revised B-BBEE Proposal. In this case, a maximum transitional period of one year will be allowed for the SPV to achieve the new targets.

26.2 Commitments and Scoring

For Bidders anticipating that the SPV will qualify as a QSE or Large Enterprise, the relevant Scorecard must be completed. The Bidder must make commitments in the 'bid offered' column and insert scores in the far right-hand column of the relevant B-BBEE Scorecard below. If the percentage committed to by the Bidder is less than the target, then the score must be weighted accordingly; for example, if the target is 1% and the maximum points to be scored are 5, and the Bidder's commitment is 0.5%, then only 2.5 points will be scored. If the percentage committed by the Bidder is equal to or more than the target, the total points will be scored. These commitments will become binding in the PPP Agreement. SANParks will confirm the scoring on the basis of supporting information provided and may use an accredited B-BBEE rating agency for this purpose.

26.3 B-BBEE Scorecard Definitions and Measurements

- 26.3.1 All B-BBEE definitions used are consistent with those used in the *Amended Tourism B-BBEE Sector Code, 2015*.
- 26.3.2 All measurements of scores are calculated consistently with those used in the *Amended Tourism B-BBEE Sector Code, 2015*

26.3.3 Large Enterprise Scorecard

Element	Element Weighting	Indicator	Measurement Category & Criteria	Weighting Points	Compliance Targets	Bid Offered	Score	
Ownership	27	Voting Rights	Exercisable Voting Rights in the entity in the hands of Black People	4	30%			
			Exercisable Voting Rights in the entity in the hands of Black Women	2	15%			
		Economic Interest	Economic Interest in the entity to which Black People are entitled	4	30%			
			Economic Interest in the entity to which Black Women are entitled	2	15%			
			Economic Interest of any of the following Black Natural Persons in the measured entity.					
			Black Designated Groups;	3	3%			
			Black Participants in Employee Share Ownership Programmes;					
			Black People in Broad-Based Ownership Schemes;					
			Black Participants in Co-operatives.					
		Black New Entrants	4	10%				
	Realisation Points	Net Value	8	As per Codes				
Score out of 27								
Management Control	19 (+2 Bonus)	Board Participation	Exercisable Voting Rights of Black Board Members as a percentage of all Board Members	2	50%			
			Exercisable Voting Rights of Black Female Board Members as a percentage of all Board Members	1	30%			
			Black Executive Directors as a percentage of all Executive Directors	2	50%			
			Black Female Executive Directors as a percentage of all Executive Directors	1	30%			
		Other Executive Management	Black Executive Management as a percentage of all Other Executive Management	2	60%			
			Black Female Executive Management as a percentage of all Other Executive Management	1	30%			

Element	Element Weighting	Indicator	Measurement Category & Criteria	Weighting Points	Compliance Targets	Bid Offered	Score
		Senior Management	Black Employees in Senior Management as a percentage of all Senior Management <i>Targets for Black People must be split according to the Economically Active Population</i>	2	60%		
			Black Female Employees in Senior Management as a percentage of all Senior Management <i>Targets for Black People must be split according to the Economically Active Population</i>	1	30%		
		Middle Management	Black Employees in Middle Management as a percentage of all Middle Management <i>Targets for Black People must be split according to the Economically Active Population</i>	2	75%		
			Black Female Employees in Middle Management as a percentage of all Middle Management <i>Targets for Black People must be split according to the Economically Active Population</i>	1	38%		
		Junior Management	Black Employees in Junior Management as a percentage of all Junior Management <i>Targets for Black People must be split according to the Economically Active Population</i>	1	80%		
			Black Female Employees in Junior Management as a percentage of all Junior Management <i>Targets for Black People must be split according to the Economically Active Population</i>	1	40%		
		Employees with disabilities	Black Employees with Disabilities as a percentage of all Employees	2	2%		
		Bonus Points	Number of Black Employees with Disabilities over and above the 2% target for Black Employees with Disabilities, as a percentage of all Employees	2	1% (over and above 2% target above)		
		Score out of 19 (+2 bonus)					
Skills Development	20 (+5 Bonus)	Skills Development	Skills Development Expenditure on Learning	5	6%		

Element	Element Weighting	Indicator	Measurement Category & Criteria	Weighting Points	Compliance Targets	Bid Offered	Score
		Expenditure on any programme specified in the Learning Programme Matrix for Black People as a percentage of the Leivable Amount	Programmes specified in the Learning Programme Matrix for Black People in any of the following three tourism sub-sectors as a percentage of Leivable Amount: - Accommodation; - Hospitality and related services; - Travel and related services. <i>Targets for Black People must be split according to the Economically Active Population</i>				
			Skills Development Expenditure on Learning Programmes specified in the Learning Programme Matrix for Black People with Disabilities in any of the above three tourism sub-sectors as a percentage of Leivable Amount	3	0.3%		
		Learnerships, Apprenticeships, and Internships	Number of Black Employees participating in Learnerships, Apprenticeships and Internships paid for by the measured entity as a percentage of total Employees <i>Targets for Black People must be split according to the Economically Active Population</i>	8	3.5%		
			Number of Black Unemployed Learners participating in Learnerships, Apprenticeships and Internships paid for by the measured entity as a percentage of number of total Employees <i>Targets for Black People must be split according to the Economically Active Population</i>	4	3%		
		Bonus Points	Number of Black People absorbed by the measured and/ or industry entity at the end of the Learnerships/ internship or Apprenticeship programme	5	100%		
		Score out of 20 (+5 bonus)					
Enterprise and Supplier Development	40 (+ 2 Bonus)	Preferential Procurement	B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE Procurement Recognition Levels as a percentage of Total	5	80%		

Element	Element Weighting	Indicator	Measurement Category & Criteria	Weighting Points	Compliance Targets	Bid Offered	Score
			Measured Procurement Spend				
			B-BBEE Procurement Spend from all Empowering Suppliers that are Qualifying Small Enterprises based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	3	15%		
			B-BBEE Procurement Spend from all Exempted Micro Enterprises based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	4	15%		
			B-BBEE Procurement Spend from Empowering Suppliers that are at least 51% Black Owned based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	9	40%		
			B-BBEE Procurement Spend from Empowering Suppliers that are 30% Black Women Owned based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	4	12%		
		Supplier Development	Annual value of all qualifying Supplier Development contributions made by the measured entity as a percentage of the target	10	3% of NPAT		
		Enterprise Development	Annual value of all qualifying Enterprise Development contributions and Sector Specific Contributions made by the measured entity as a percentage of the target	5	0.5% of NPAT		
		Bonus Points	Bonus point for graduation of one or more qualifying Enterprise Development beneficiaries to graduate to the Supplier Development level	1	Yes		
			Bonus point for creating one or more jobs directly as a result of qualifying Supplier Development	1	Yes		

Element	Element Weighting	Indicator	Measurement Category & Criteria	Weighting Points	Compliance Targets	Bid Offered	Score
			and Enterprise Development contributions by the measured entity				
	Score out of 40 (+2 bonus)						
Socio-economic Development	5 (+3 Bonus)	Socio-economic Development	Annual value of all Qualifying Socio-Economic Development contributions by the measured entity as a percentage of the target	5	1% of NPAT		
		Bonus Points	Status as TOMSA levy collector	3	Yes		
	Score out of 5 (+3 bonus)						
Total Points	111 (+12 Bonus)			111 (+12 Bonus)	Score out of 111		

26.3.4 Qualifying Small Enterprise Scorecard

Element	Element Weighting	Indicator	Measurement Category & Criteria	Weighting Points	Compliance Targets	Bid Offered	Score
Ownership	26	Voting Rights	Exercisable Voting Rights in the entity in the hands of Black People	5	30%		
			Exercisable Voting Rights in the entity in the hands of Black Women	2	15%		
		Economic Interest	Economic Interest in the entity to which Black People are entitled	5	30%		
			Economic Interest in the entity to which Black Women are entitled	3	15%		
			Economic Interest of Black New Entrants or Black Designated Groups	3	3%		
		Realisation Points	Net Value	8	As per Codes		
		Score out of 26					
Management Control	15 (+2 Bonus)	Executive Management	Black representation at Executive Management	5	60%		
			Black Female representation at Executive Management	2	30%		
		Senior, Middle and Junior Management	Black representation at Senior, Middle and Junior Management	6	60%		
			Black Female representation at Senior, Middle and Junior Management	2	30%		
		Bonus Points	Number of Black Employees with Disabilities as a percentage of all Employees	2	1%		
		Score out of 15 (+2 bonus)					
Skills Development	25 (+5 Bonus)	Skills Development Expenditure on any programme specified in the Learning Programme Matrix for Black People as a percentage of the Leivable Amount	Skills Development Expenditure on Learning Programmes specified in the Learning Programme Matrix for Black People in any of the following three tourism sub-sectors as a percentage of Leivable Amount: - Accommodation; - Hospitality and related services; - Travel and related services.	10	3%		
			Skills Development Expenditure on Learning Programmes specified in the Learning Programme Matrix for Black Females in any of the above three tourism sub-sectors as a percentage of Leivable Amount.	9	1.5%		

Element	Element Weighting	Indicator	Measurement Category & Criteria	Weighting Points	Compliance Targets	Bid Offered	Score
		Learnerships, Apprenticeships, and Internships	Number of Black People participating in Learnerships, Apprenticeships and Internships specified in the Learning Matrix paid for by the measured entity as a percentage of total Employees	6	2.5%		
		Bonus Points	Number of Black People absorbed by the measured and/ or industry entity at the end of the Learnerships/ internship or Apprenticeship programme	5	100%		
	Score out of 25 (+5 bonus)						
Enterprise and Supplier Development	30	Preferential Procurement	B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	8	60%		
			B-BBEE Procurement Spend from Empowering Suppliers that are at least 51% Black Owned based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	10	30%		
		Supplier Development	Annual value of all qualifying Supplier Development contributions made by the measured entity as a percentage of the target	7	2% of NPAT		
		Enterprise Development	Annual value of all qualifying Enterprise Development contributions made by the measured entity as a percentage of the target	5	1% of NPAT		
	Score out of 30						
Socio-economic Development	5 (+3 Bonus)	Socio-economic Development	Annual value of all Qualifying Socio-Economic Development contributions by the measured entity as a percentage of the target	5	1% of NPAT		
		Bonus Points	Status as TOMSA levy collector	3	Yes		
	Score out of 5						
Total Points	101 (+10 Bonus)			101 (+10 Bonus)	Score out of 101		

26.3.5 Supporting information

Bidders are responsible for providing information to support their commitments, which includes the following (failure to provide supporting evidence may result in the Bidder being penalised during evaluation):

26.3.5.1 Large Enterprises

All supporting information relates to the SPV that will be formed for the PPP Opportunity.

1. Ownership		Input
1.1 Voting Rights		
a) Percentage of voting rights in the hands of:		
i. Black People		
ii. Black Women		
1.2 Economic Interest		
a) Percentage economic interest in the hands of:		
i. Black People		
ii. Black Women		
b) B-BBEE certificates of all shareholders (for EMEs and for QSEs (with black ownership above 51%), as per the Tourism Sector Code, a sworn affidavit or certificate issued by Companies and Intellectual Property Commission (CIPC) will suffice)		
1.3 Realisation Points		
a) Net value:		
If Equity held by Black Participants is unencumbered (debt free) and meets the minimum targets, or if 30% or more of the shares held by Black Participants are unencumbered, full points will be scored. A statement to confirm this is required for evaluation purposes. OR		
If shares held by Black Participants are encumbered, the following should be provided to verify the anticipated Net Value at the end of Year 1:		
i. Anticipated value at the end of Year 1 of the Equity held by Black Participants in the SPV (where multiple participants, specify for each Black Participant)		
ii. Anticipated value of Acquisition Debts of Black Participants in the SPV at end of Year 1 (where multiple participants, specify for each Black Participant). Where Black Ownership of a shareholder in the SPV is encumbered, this should be accounted for in this amount		
iii. Anticipated value of the SPV at end of Year 1		
2. Management Control		Input
2.1 Economically Active Population being applied for calculations (National / Provincial) – if Provincial, please specify province for evaluation purposes (North West and KZN do not apply as SANParks does not operate in these provinces)		

2.2 Board Participation											
a) Total anticipated number of Board Members											
b) Anticipated number of voting rights in the hands of the following Board Members:											
i. Black People											
ii. Black Women											
c) Total anticipated number of Executive Directors											
d) Anticipated number of:											
i. Black Executive Directors											
ii. Black Female Executive Directors											
2.3 Other Executive Management											
a) Total anticipated number of Other Executive Management											
b) Anticipated number of:											
i. Black Executive Managers											
ii. Black Female Executive Managers											
2.4 Management (Senior, Middle and Junior)											
Level of Management	Number of Proposed Employees per Group										
	African Male	African Female	Coloured Male	Coloured Female	Indian Male	Indian Female	White / Foreign Male	White / Foreign Female	Total		
Senior Management											
Middle Management											
Junior Management											
TOTAL											
2.5 Employees with disabilities											
a) Total anticipated number of employees anticipated to be on payroll											
b) Anticipated number of Black Employees with disabilities											
3. Skills Development								Input			
3.1 Skills Development Expenditure											
a) Anticipated Leviable Amount (total payroll amount)											
b) Anticipated Skills Development expenditure											
c) Anticipated Skills Development expenditure on Black People:											
Skills Development Expenditure (Rands)	African Male	African Female	Coloured Male	Coloured Female	Indian Male	Indian Female	White / Foreign Male	White / Foreign Female	Total		

d) Anticipated Skills Development expenditure on Black People with Disabilities									
Note: Provide an overview on the Skills Development Plan referring to the investment in skills development initiatives through both external training providers and the quantifiable costs of accredited internal training programmes.									
3.2 Learnerships, Apprenticeships and Internships									
a) Total anticipated number of employees anticipated to be on payroll									
b) Participation in Learnerships, Apprenticeships and Internships paid for by the SPV:									
Anticipated Number of Learnerships, Apprenticeships and Internships	African Male	African Female	Coloured Male	Coloured Female	Indian Male	Indian Female	White Male	White Female	Total
Employees									
Unemployed Learners									
c) Anticipated percentage of Black People to be absorbed at the end of the Learnership, Internship or Apprenticeship									
4. Enterprise and Supplier Development									Input
4.1 Preferential Procurement									
a) Anticipated Total Measured Procurement Spend in Rands									
b) Anticipated value of B-BBEE procurement spend (in Rands) with:									
i. Empowering Suppliers									
ii. Empowering Suppliers that are Qualifying Small Enterprises									
iii. Exempted Micro Enterprises									
iv. Empowering Suppliers that are at least 51% Black Owned									
v. Empowering Suppliers that are 30% Black Women Owned									
Note: Where possible, provide details for Black Enterprises or Black People targeted for subcontracting and procurement.									
4.2 Supplier Development									
a) Anticipated Net Profit After Tax (NPAT) in Rands									
b) Anticipated value of Supplier Development contributions in Rands									
Note: Where possible, provide planned qualifying Supplier Development contributions / activities.									
4.3 Enterprise Development									
a) Anticipated value of Enterprise Development contributions in Rands									
Note: Where possible, provide planned qualifying Enterprise Development contributions / activities.									
b) Bonus point anticipated for graduation of one or more qualifying Enterprise Development beneficiaries to graduate to the Supplier									

Development level	
c) Bonus point anticipated for creating one or more jobs directly as a result of qualifying Supplier Development and Enterprise Development contributions by the measured entity	
5. Socio-economic Development	Input
5.1 Socio-economic Development contributions	
a) Anticipated value of Socio-economic Development contributions	
Note: Where possible, provide planned qualifying Socio-economic Development contributions / activities.	
5.2 Status as a TOMSA levy collector	
a) If "Yes", the TOMSA levy contributor certificate must be provided, or if the SPV intends to become a TOMSA levy collector, a commitment must be given, which will be binding if the Bidder is successful	

26.3.5.2 Qualifying Small Enterprises

All supporting information relates to the SPV that will be formed for the PPP opportunity.

1. Ownership	Input
1.1 Voting Rights	
a) Percentage of voting rights in the hands of:	
i. Black People	
ii. Black Women	
1.2 Economic Interest	
a) Percentage economic interest in the hands of:	
i. Black People	
ii. Black Women	
b) B-BBEE certificates of all shareholders (for EMEs and for QSEs (with black ownership above 51%), as per the Tourism Sector Code, a sworn affidavit or certificate issued by Companies and Intellectual Property Commission (CIPC) will suffice)	
1.3 Realisation Points	
a) Net value:	
If Equity held by Black Participants is unencumbered (debt free) and meets the minimum targets, or if 30% or more of the shares held by Black Participants are unencumbered, full points will be scored. A statement to confirm this is required for evaluation purposes. OR	
If shares held by Black Participants are encumbered, the following should be provided to verify the anticipated Net Value at the end of Year 1:	
i. Anticipated value at the end of Year 1 of the Equity held by Black Participants in the SPV (where multiple participants, specify for each	

Black Participant)	
ii. Anticipated value of Acquisition Debts of Black Participants in the SPV at end of Year 1 (where multiple participants, specify for each Black Participant). Where Black Ownership of a shareholder in the SPV is encumbered, this should be accounted for in this amount	
iii. Anticipated value of the SPV at end of Year 1	
2. Management Control	Input
2.1 Executive Management	
a) Total anticipated number of Executive Management	
b) Anticipated number of:	
i. Black Executive Managers	
ii. Black Female Executive Managers	
2.2 Management (Senior, Middle and Junior)	
a) Total anticipated number of Senior, Middle and Junior Management	
b) Anticipated number of:	
i. Black Employees in Senior, Middle and Junior Management	
ii. Black Female Employees in Senior, Middle and Junior Management	
2.3 Employees with disabilities	
a) Total anticipated number of employees anticipated to be on payroll	
b) Anticipated number of Black Employees with disabilities	
3. Skills Development	Input
3.1 Skills Development Expenditure	
a) Anticipated Leviable Amount (total payroll amount)	
b) Anticipated Skills Development expenditure	
c) Anticipated Skills Development expenditure on Black People	
d) Anticipated Skills Development expenditure on Black Females	
Note: Provide an overview on the Skills Development Plan referring to the investment in skills development initiatives through both external training providers and the quantifiable costs of accredited internal training programmes.	
3.2 Learnerships, Apprenticeships and Internships	
a) Total anticipated number of employees anticipated to be on payroll	
b) Anticipated number of Black People that will participate in Learnerships, Apprenticeships and Internships paid for by the SPV	
c) Anticipated percentage of Black People to be absorbed at the end of the Learnership, Internship or Apprenticeship	

4. Enterprise and Supplier Development	Input
4.1 Preferential Procurement	
a) Anticipated Total Measured Procurement Spend in Rands	
b) Anticipated value of B-BBEE procurement spend (in Rands) with:	
i. Empowering Suppliers	
ii. Empowering Suppliers that are at least 51% Black Owned	
Note: Where possible, provide details for Black Enterprises or Black People targeted for subcontracting and procurement.	
4.2 Supplier Development	
a) Anticipated Net Profit After Tax (NPAT) in Rands	
b) Anticipated value of Supplier Development contributions in Rands	
Note: Where possible, provide planned qualifying Supplier Development contributions / activities:	
4.3 Enterprise Development	
a) Anticipated value of Enterprise Development contributions in Rands	
Note: Where possible, provide planned qualifying Enterprise Development contributions / activities.	
5. Socio-economic Development	Input
5.1 Socio-economic Development contributions	
a) Anticipated value of Socio-economic Development contributions	
Note: Where possible, provide planned qualifying Socio-economic Development contributions / activities.	
5.2 Status as a TOMSA levy collector	
a) If "Yes", the TOMSA levy contributor certificate must be provided, or if the SPV intends to become a TOMSA levy collector, a commitment must be given, which will be binding if the Bidder is successful	

26.3.6 Milestones and Targets Going Forward

26.3.6.1 The B-BBEE Milestones and Targets for the duration of the PPP Term shall be determined by the restructured editions of the *Tourism Charter and Scorecard* as gazetted from time to time.

26.3.6.2 The milestones and targets of the *Tourism B-BBEE Charter and Scorecard* could thus be amended from time to time and the provisions of this Section and PPP Agreement would be modified accordingly. The Private Party would receive notification of such amendments and be provided a maximum transitional period of one year for the SPV to address the

amendments.

26.3.7 External B-BBEE Verification

26.3.7.1 Following the signature of the PPP Agreement:

26.3.7.1.1 *For SPVs qualifying as Large Enterprises and QSEs (as per SANParks' B-BBEE requirements), the Private Party shall appoint a reputable external verification agency to determine the SPV/s B-BBEE status, as per the B-BBEE Proposal. A copy of such an independent verification certificate shall be provided to SANParks within 15 (fifteen days) after the end of each Financial Year of the SPV. The B-BBEE Verification Certificate will categorise the SPV/s according to their contribution to B-BBEE, as per the requirements of the B-BBEE Proposal.*

26.3.7.1.2 *For SPVs qualifying as EMEs (as per SANParks' B-BBEE requirements), the Private Party shall submit a sworn affidavit or certificate issued by the Companies and Intellectual Property Commission (CIPC) on an annual basis to confirm that the SPV's total annual revenue is within the EME threshold, as per the B-BBEE Proposal, and confirm the SPV's level of Black Ownership. A copy of the such affidavit or CIPC certificate shall be provided to SANParks within 15 (fifteen days) after the end of each Financial Year of the SPV.*

26.3.7.2 SANParks reserves the right to monitor and audit the Private Party's B-BBEE status. The Private Party shall co-operate in any monitoring or audit activity and provide SANParks with all information, documents, records and the like to enable SANParks to conduct such audits or any other monitoring activities.

26.3.7.3 In the event of default by the SPV/s to comply with these provisions and the default is not remedied before the expiry of the period referred to in the notice by SANParks, SANParks will have the right to terminate the PPP Agreement with immediate effect by written notice to the SPV/s.

27. SECTION 7 – PPP FEE OFFER**(WITHIN ENVELOPE 2: BIDDERS EXISTING B-BBEE RATING AND PPP FEE OFFER)****27.1 Important note to Bidders**

- 27.1.1 Information on the PPP Fee Offer must be contained in Envelope 2 (Bidders' existing B-BBEE rating and PPP Fee Offer) and is not to be submitted in Envelope 1 (with the Functionality and B-BBEE proposals).
- 27.1.2 Bidders must stipulate in writing their commitment that there will be no dilution of rentals and that they will provide full disclosure of their audited or independently reviewed financial reporting on all commercial operations with this PPP opportunity **(failure to commit to this undertaking will result in disqualification)**.
- 27.1.3 The upgrades are to be done in phases and with SANParks' approval. Bidders must stipulate in writing their commitment to a phased approach to the site handover and upgrades so that it does not compromise the visitor experience. The turnover percentage would apply to any revenue-generating businesses from the signature date, not only from when all the phases are finalised. **(failure to commit to this undertaking will result in disqualification)**.
- 27.1.4 Bidders must present the PPP Fee Offer in the form of a letter on the Bidder's letterhead as follows, inserting the Bidder's name and the percentage of gross revenue for the variable PPP bid as indicated:

27.2 Form of Letter

To: South African National Parks

[Name of Bidder] hereby commits to pay to SANParks the higher of:

(a) the minimum PPP fee and

(b) the Variable PPP Fee expressed as a percentage of aggregate gross revenue as defined in the PPP agreement for the relevant project year.

The minimum PPP fee which will be adjusted annually by CPI is as follows:

MINIMUM PPP FEE	
R168 000	Per annum

The Variable PPP Fee bid by [name of Bidder] is _____ [percentage] % of gross revenue. [Name of Bidder] hereby warrants that the committed minimum PPP fee and the Variable PPP Fee shall be included in the PPP agreement if accepted by SANParks.

For indicative purposes only, our projection of fees payable to SANParks is:

	Year 1	Year 2	Year 3	Year 4	Year 5
Gross revenue (net of VAT)					
Percentage of gross revenue due as Variable PPP Fee (same for each year)					
PPP fee due Minimum PPP fee or Variable PPP Fee, whichever is greater					

**Adjust for PPP term*

The person signing below is a duly authorised representative of the Bidder with full power and authority to submit this financial offer and commit the Bidder to its terms.

Signed: _____

Name: _____

Title: _____

28. SECTION 8 – PPP AGREEMENT

The PPP Agreement does not form part of the RFP but will be available on the SANParks website: www.sanparks.org.

Annexures

29. ANNEXURE 1 – BID COVER SHEETS

Cover sheets that include the following information must be attached to each Envelope:

Bid for the commercial use of Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park through a PPP agreement.

ENVELOPE 1: FUNCTIONALITY

Name of Bidder:

Postal address:

Street address:

Telephone:

Cell phone:

Fax:

Contact person:

Email address:

Signature of Bidder:

Date:

Capacity under which Bid is signed:

The signature of this document means that the Bidder accepts the terms and conditions of this Bid. Failure by the Bidder to sign this form may disqualify the Bid.

Bid for the commercial use of the Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park through a PPP agreement.

ENVELOPE 2: BIDDERS EXISTING B-BBEE RATING AND PPP FEE OFFER

Name of Bidder:

Postal address:

Street address:

Telephone:

Cell phone:

Fax:

Contact person:

Email address:

Signature of Bidder:

Date:

Capacity under which Bid is signed:

The signature of this document means that the Bidder accepts the terms and conditions of this Bid. Failure by the Bidder to sign this form may disqualify the Bid.

30. ANNEXURE 2 - ACCEPTABLE WORDING OF BID AND DEVELOPMENT BOND

To: South African National Parks

[Name of Bidder] ("the Bidder") is to submit to SANParks a bid to enter into a PPP agreement with SANParks for the purpose of the set-up, operation, and management of the Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park;

And you require the Bidder to include in the Bid a bid bond for Cape Agulhas Lighthouse Restaurant and Takeaway Facility in the Agulhas National Park, the amount of R 168 000 (One Hundred and Sixty Eight Thousand Rand) exclusive of VAT;

And we have agreed to give you such a bid bond.

We hereby irrevocably and unconditionally undertake to pay you, upon your first written demand and without objection or argument, for the amount of R 168 000 (One Hundred and Sixty Eight Thousand Rand) exclusive of VAT; upon any or all of the following occurrences:

any material misrepresentation made by the Bidder in its bid submission or any other information and documentation submitted by it under the request for qualifications or the request for proposals;

the withdrawal or modification of its Bid during the period of bid validity;

failure by the preferred Bidder to furnish the required performance bond under the PPP agreement in accordance with the provisions of the PPP agreement.

This bid bond shall be valid until operation commences, which should not be more than 12 months after the signature date.

This bid bond shall be governed by the laws of the Republic of South Africa.

SIGNATURE AND SEAL

Name of bank _____

Address _____

Date _____

Please note: A Performance Bond will replace the Bid and Development Bond once

operation commences to the amount equal to the amount of R 168 000 (One Hundred and Sixty Eight Thousand Rand); exclusive of VAT, and will be increased yearly on 1 April with CPI.

31. ANNEXURE A – ANP PARK MANAGEMENT PLAN

32. ANNEXURE B – RESTAURANT BUILDING PLANS