

## BID SPECIFICATION

### RE-ADVERTISEMENT

#### INVITATION FOR BIDS

**REQUEST FOR PROPOSAL FOR TWO OPERATORS TO SUPPLY, OPERATE AND MANAGE A BOAT CRUISE AT BLYDE RIVER CANYON NATURE RESERVE, SWADINI DAM**

<b>BID NUMBER:</b>	<b>MTPA/20232024/COM/02B</b>
<b>NAME OF THE BIDDER</b>	
<b>TOTAL BID PRICE</b>	<b>R</b>
<b>CLOSING DATE:</b>	<b>20 JANUARY 2024</b>
<b>CLOSING TIME:</b>	<b>11H00</b>
<b>BID DOCUMENT DELIVERY ADDRESS:</b>	<b>SUPPLY CHAIN MANAGEMENT UNIT PROCUREMENT OFFICE HALLS' GATEWAY, MATAFFIN MTPA FINANCE BLOCK E MBOMBELA, 1200</b>



<b>BID VALIDITY PERIOD:</b>	<b>90 days (commencing from the advert Closing Date)</b>
<b>TECHNICAL RELATED QUERIES</b>	<b>zandile.mkhatshwa@mtpa.co.za</b> <b>013 065 0259</b>
<b>SCM RELATED QUERIES</b>	<b>noxolo.mgwenya@mtpa.co.za</b> <b>013 065 0873</b>
<b>DESCRIPTION OF THE BID</b>	<ul style="list-style-type: none"> <li><b>REQUEST FOR PROPOSAL FOR TWO OPERATORS TO SUPPLY, OPERATE AND MANAGE A BOAT CRUISE AT BLYDE RIVER CANYON NATURE RESERVE, SWADINI DAM</b></li> </ul>

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

Bidders shall submit proposal responses in accordance with the prescribed manner of submissions as specified above. Bids received after the time stipulated shall not be considered.

Bidders are not allowed to contact any other MTPA staff in the context of this BID other than the indicated officials under SBD 1 or as indicated above.

**NB: No proposal shall be accepted by MTPA if submitted in any manner other than as prescribed above.**

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	MTPA/20232024/COM/02B	CLOSING DATE:	20 JANUARY 2024	CLOSING TIME:	11:00
DESCRIPTION	REQUEST FOR PROPOSAL FOR TWO OPERATORS TO SUPPLY, OPERATE AND MANAGE A BOAT CRUISE AT BLYDE RIVER CANYON NATURE RESERVE, SWADINI DAM				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Noxolo Mgwenya		CONTACT PERSON	Zandile Mkhathshwa	
TELEPHONE NUMBER	013 065 0873		TELEPHONE NUMBER	013 065 0259	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	Noxolo.Mgwenya@mtpa.co.za		E-MAIL ADDRESS	Zandile.Mkhathshwa@mtpa.co.za	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES <input type="checkbox"/> NO	

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?

☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?

☐ YES ☐ NO

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

## PART B TERMS AND CONDITIONS FOR BIDDING

### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

### 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://WWW.SARS.GOV.ZA).
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

.....

DATE:

.....

# **REQUEST FOR PROPOSAL FOR TWO OPERATORS TO SUPPLY, OPERATE AND MANAGE A BOAT CRUISE AT BLYDE RIVER CANYON NATURE RESERVE, SWADINI DAM**

## IMPORTANT GENERAL NOTES

The MTPA requests proposals for the commercial use of operating and managing a Boat cruise in the Thaba Chweu Local Municipality, a Concession Opportunity.

The MTPA issues this Request for Proposals (RFP) in accordance with the Concession Management Framework.

This RFP overrides all other MTPA communications to bidders about this opportunity.

No **verbal** discussion with any staff or advisor of the MTPA 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 duly authorised staff of MTPA, circulated to each bidder. Email communications from MTPA to bidders will count as written communications.

Bidders are responsible for all costs related to their bid. The MTPA will not compensate bidders for any costs, regardless of the outcome of the bid.

The MTPA may change the timetable in paragraph 12. It may also make other changes to the RFP, add to it, or provide clarification, at any time. The MTPA may cancel the bid at any time without prior notice, and may disqualify any bidder as provided for in this RFP.

The MTPA will not be responsible for any costs or damages whatsoever if it makes any changes to the bid, cancels the bid, or disqualifies any bidder. The MTPA will not be responsible for any costs or damages whatsoever if it exercises any other rights as described in this RFP or available to it under the laws of the Republic of South Africa.

The bid is governed by the laws of the Republic of South Africa and this RFP.

## **THE CONCESSION OPPORTUNITY**

A concession opportunity exists within the Blyde River Canyon Nature Reserve, Swadini dam in Mpumalanga Province. The opportunity available for two operators to supply, operate and manage a boat cruise. The nature reserve is managed by the MTPA and is under land claim through the Land Reform Restitution Act.

## **SITE DUE DILIGENCE**

A non-compulsory due diligence can be conducted by the bidders for the opportunity, It will be permissible at no cost upon personal arrangements. Bidders are encouraged to book their own site visits through Ms Zandile Mkhathshwa on [zandile.mkhatshwa@mtpa.co.za](mailto:zandile.mkhatshwa@mtpa.co.za)

## **OTHER DUE DILIGENCE**

Each bidder will be responsible for its own due diligence investigation of the investment opportunities, environmental compliance requirements, proposed contractual terms and anything else relating to this RFP. Neither the MTPA nor any of its staff makes any suggestions or guarantees, directly or indirectly, about anything affecting this RFP, except for those set out in 'Annexure 8: Draft concession agreement'.

## **INFRASTRUCTURE:**

### **5.1. ACCESS ROAD**

Access road available.

### **5.2. SEWERAGE**

Sewerage system is in place drawn to a septic tank, which has a pump. The drainage goes to Graskop. It will be the responsibility of the operator to provide a drainage service. The current tanks were installed before the current Water Act was



promulgated, it is the responsibility of the operator to ensure the compliance of the tanks with Department of Water and Sanitation

### **5.3. REFUSE**

The operator will be responsible for removal and complete disposal of all refuse generated on the site. There is an internal disposal site. The disposal area for waste is about 35 km from the boat area. The operator should have a waste management plan and to be responsible for own waste removal.

### **5.6. WATER**

The current infrastructure for water supply from the dam will remain unchanged. Water purification standard operating procedure is in place.

### **5.7. MAINTENANCE**

There are processes and procedures in place that needs to be followed for maintenance purposes.

### **5.8. SAFETY**

This relates more to 'internal' safety requirements/recommendations but may include

- Housekeeping
- Use of alcohol
- Actions by clients in the case of an emergency
- Activities at night e.g. Travel to and from the gate
- Management of Monkeys

The operator must ensure that all legal insurance requirements are met specifically around public liability and assets.

The operator should ensure to provide security for the premises.

## **5.9. ROAD**

It should be noted that the road leading to the dam is tarred but some maintenance is required.

## **BACKGROUND AND CURRENT TOURISM TRENDS**

The mandate of the Mpumalanga Tourism & Parks Agency (MTPA) is to sustainably manage conservation and tourism in the Province. The MTPA is governed by the Mpumalanga Tourism & Parks Agency Act 5 of 2005 and the objective of the Act further expresses the sustainable development of tourism, ensuring participation of previously disadvantaged individuals and revenue generation. The agency has current and planned commercial initiatives within the protected areas amongst others accommodation, boat cruise as well as a boat cruise, tourism activities, retail facilities that are outsourced to the private sector.

The MTPA intends to outsource the the service of a boat cruise activity at Blyde River Canyon Nature Reserve, Swadini dam, to a service provider to supply, operate and manage it. The MTPA intends to enter into a Concession Agreement with a service provider who is interested in providing the services required.

The nature reserve is managed by the MTPA and falls within community land claims. The local communities are represented by four Communal Property Associations (CPAs) namely Maorabjang, Moletele, Setlhare, and Mahubahuba aBokone Communal Property Association.

The MTPA and the CPAs have entered into a co-management agreement for activity based tourism and projects in the Blyde Nature Reserve. The land restitution process has been concluded through the finalisation of the land settlement agreement in terms of the Rural Land Restitution Act. The Blyde River Canyon Nature Reserve (BRCNR) is internationally renowned for its natural splendour. It is characterized by striking rock

formations, with quartzite layers visible as sheer cliff faces in the Blyde River Canyon as well as on the edge of the escarpment. It forms the third largest canyon in the world (after the Grand Canyon in the USA and the Fish River Canyon in Namibia), and it is regarded as the largest 'green' canyon, and has become one of the key attractions for the international and domestic tourist market in South Africa.

This Reserve is the highest revenue generation source amongst all other reserves managed by MTPA. It receives a high volume of tourists both locally and internationally close to 1 million visitors annually. It generates a considerable income which ranges between R400 000 to R600 000 monthly depending on the season from 5 view sites namely: Bourke's Luck Potholes, God's window, Three Rondavels, Swadini, Pinnacle and five hours (5) Belvedere day walk hiking trail.

### **POSSIBLE COMMERCIAL OPPORTUNITIES**

It is envisaged that the following can be considered as possible commercial opportunities:

- Boat cruise
- Hiking trail
- Camping

### **INITIAL VALUE-FOR-MONEY TARGETS**

High-level commercialisation objectives for MTPA include the following:

- Revenue Generation
- Job creation;
- Infrastructure upgrades;
- Tourism promotion
- Loss minimization or savings from existing operations
- Optimal use of under-performing assets
- Further biodiversity protection and conservation

## **QUALIFYING CRITERIA**

### **REQUIRED QUALIFICATIONS TO CONCESSION OPPORTUNITY**

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

#### **Financial capacity**

Given the fact that the project is of a high value and may entail risk to both the preferred bidder and MTPA, it is important that interested parties demonstrate financial strength.

As the preferred bidder 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 MTPA's 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 to illustrate any assertion made by an interested party in this regard.

#### **Hospitality and Tourism experience**

The projects require interested parties with substantial experience and expertise in hospitality and in other similar adventure activities. A minimum 5 years' experience in operating such an activity will be required. This coupled with a minimum of two years' experience in the tourism industry will be required. Interested parties are therefore required to provide examples of similar or related projects conducted by them. The interested bidder must have either:

Affiliation with at least 1 of the recognised Tourism bodies

- I. Regional Tourism Organisations
- II. Local Tourism Organisations
- III. Information Centres
- IV. Southern Africa Tourism Services Association

## V. Local Municipalities

The bidder must also demonstrate exceptional knowledge and expertise pertaining to safety and emergency standards required to operate such kind of tourism operations.

A minimum of 5 years' experience in the tourism industry. This criterion may be met with reference to one of the Bidding Company's parent shareholders or partners, if the parent involved holds at least 20% of total company equity or interest.

### Technical and certification

<b>Boat trip/cruise</b>	<p>Certification and demonstration of skill and/or have experience as a small boat operator. Have knowledge of the following</p> <ol style="list-style-type: none"> <li>1. An understanding of the vessel, its systems, and equipment.</li> <li>2. Trailer procedure and checklist.</li> <li>3. Perform a pre-cruise/field trip check (complete appropriate checklist).</li> <li>4. Knowledge and use of installed safety and emergency equipment.</li> <li>5. VHF-FM radio operation and protocol; distress procedures.</li> <li>6. Fire, emergency and man overboard procedures.</li> <li>7. Docking and undocking the vessel.</li> <li>8. Boat handling skills and judgment while underway.</li> <li>9. An understanding of Navigation Rules.</li> <li>10. Recognition of Aids to Navigation.</li> <li>11. Anchoring the vessel.</li> <li>12. Post cruise/field trip obligations, fuelling and log book entries.</li> </ol>
<b>Adventure activities:</b>	<p><b>Certification</b></p> <p>Valid first aid certificate required.</p> <p>Valid CPR certificate</p> <p>Skipper license</p> <p><b>Off Site</b></p> <p>Instructors must hold an equivalent or higher or have undergone site-specific training and assessment by a qualified trainer.</p> <p>Assistants to be trained by appropriate person in the use and maintenance of equipment. This must cover basic climbing / abseiling skills rope work, knot tying and emergency procedures.</p>

	<p><b>On Site</b></p> <p>As above but instructor not holding a qualification as outlined above will have been subject to in-house training and assessment from the Technical Advisor, and be approved by centre management.</p> <p><b>Equipment</b></p> <p>Have knowledge on how to use the relevant equipment e.g. harnesses, safety robes, abseil ropes.</p>
<b>Vessel</b>	Supply detail deck layout of the vessel

## COMPULSORY DOCUMENTATION

Bidders are to submit the following documentation with their proposal, a failure to submit will result in the bid documentation not to be considered:

- ☐ Company registration documents;
- ☐ Valid Tax Compliance Status (TCS Pin to be supplied);

## WHAT MUST BE INCLUDED IN THE BID AND HOW TO SUBMIT IT

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

Submissions must contain three copies of:

The anticipated capital investment required in the project requires that interested bidders demonstrate financial strength.

The asset value of the interested bidder must be at least R 2 000 000. It must demonstrate financial strength with reference to the asset value of its shareholders in proportion to their shareholding. The interested bidder must also demonstrate, to Mpumalanga Tourism and Parks Agency's 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 to support any assertions made.

Interested bidders must demonstrate their ability to raise debt and equity and to provide security.

Interested bidders must provide information on the ownership of the entities of which the interested bidders are comprised, together with organograms reflecting this.

The Bidder information, in the format given in 'Annexure 1 – Information on Bidders'

the financial information, in the format given in 'Annexure 2 - Financial information'

a business and operational plan, in the format given in 'Annexure 3 - Business and operational plan'

a development and environmental proposal, in the format given in 'Annexure 4 - Development and environmental proposal'

a completed risk matrix, in the format given in 'Annexure 5 - Risk matrix'

a tax clearance certificate, issued by the South African Revenue Service (SARS) within six months of the bid date, for each South African member of the bidder.

the details of the bidder's fee offer, in the format in 'Annexure 6- Draft Concession Fee offer'

a mark-up of the draft concession agreement, provided in 'Annexure 7 - Draft concession agreement', clearly indicating any amendments that the bidder proposes.

All information provided in the bid must be valid for 90 business days from the bid date.

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.

### **THE DATE AND PLACE FOR SUBMITTING BIDS**

Bids must be submitted to Mpumalanga Tourism and Parks Agency N4 National Road, Hall's Gateway Mbombela 1200 for the attention of the Senior Manager Supply Management, Office of the CFO, N4 National Road, Halls Gateway, Mataffin Nelspruit on the 20<sup>th</sup> of January 2024

### **HOW THE BIDS WILL BE OPENED**

The bids will be opened by MTPA' staff members.

### **INCOMPLETE BIDS**

If a bid is not complete or something in it is not clear, the BEC 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.



A bid that is not complete or requires clarification may be disqualified without a request for further information. This is the MTPA' decision.

## **HOW THE BIDS WILL BE EVALUATED AND THE PREFERRED BIDDER CHOSEN**

The three main elements of the bid

Bids will be evaluated on three main elements: functionality and the concession fee offer.

The weighting of the elements

Functionality will be weighted at 70 % of the overall bid score.

The concession fee offer will be weighted at 80% of the overall bid score. And total point of 20 will be allocated on Specific goals.

The provisions of the Preferential Procurement Policy Framework Act, 2022 (PPPFA) apply

How functionality is evaluated

MTPA will evaluate functionality in terms of the elements set out in the functionality scorecard below.

### Functionality scorecard

Evaluation Area	Evaluation Criteria		Points Per Criterion	Maximum Points achievable
<b>Evaluation:1</b>  <b>Business Plan</b>  NB: Business plan must include a financial section and indicating capital investment requirements and appropriate resources to set up and sustain business.	Extent to which the business plan meets the objectives to manage boat cruise			<b>10</b>
	No business plan		0	
	Partial detailed plan		5	
	Fully detailed project plan with timeframes and clear deliverables		10	
<b>Evaluation Area 2:</b>  Company Profile, experience and/or expertise of tenderer	Current /past portfolio of similar business being successfully operated:			<b>20</b>
	No company profile		0	
	Between one to five years		10	
	Between five to ten years		15	
	More than ten years:		20	
	Demonstrate experience and/or expertise of key operator(s) to run operations related to the operating and			<b>20</b>

	managing paradise camp business.		
	Less than two years:	5	
	Between two to ten years:	10	
	More than ten years:	20	
<b>Evaluation Criteria 3:</b> Financial capability	Proof of available capital funding and/or access to finance to lease and operate the property as it relates to the business proposal.		<b>20</b>
	No proof of funding	0	
	Adequate proof of funding	20	
<b>Evaluation Criteria 4:</b> Safety plan	Safety plan with Proof attached		<b>10</b>
	No Plan	0	
	Submission of Environmental Management plan, SHEQ, Risk Management plan equals	10	
<b>Evaluation Criteria 5</b> Liability insurance and vessel	Liability insurance	10	<b>20</b>

	No Liability insurance	0	
	<b>Supply detail deck layout of the vessel</b>		
	No detail deck layout of the vessel	0	
	Detail deck layout of the vessel	10	
<b>TOTAL EVALUATION POINTS</b>			<b>100</b>

The bid will be evaluated utilizing the PPPFA Act of 2022 upon invitation and award of bids. An 80/20 system will be utilized to evaluate the bid as follows;

- Price will be allocated **(80)** points

The functionality of a bid is scored out of 100 points. A bidder must score 70% or more for functionality or the bid will be disqualified.

#### 14.4 How the concession fee offer is evaluated?

Price: 80%

$$P_s = 80(1 + [(P_t - P_{max})/P_{max}])$$

Where

$P_s$  = Points scored for price of tender under consideration;

$P_t$  = Price of tender under consideration; and

$P_{max}$  = Price of highest acceptable tender.

##### 14.4.1 Preference points (20) will allocated utilizing the below specific goals;

SPECIFIC GOALS	POINTS ALLOCATED
Historically disadvantaged by unfair discrimination on the basis of race,	6
Gender (Women)	5
Disability	5
Youth	4

**In order for the points to be allocated to a bidder, the ownership status must at least be equals to or above 50 + 1% on any of the above specific goals.**

#### 14.5 The preferred bidder

The bidder that receives the highest overall score will be appointed the preferred bidder.

The bidder that receives the second highest overall score will be appointed the reserve bidder

The functionality of a bid is scored out of 100 points. A bidder must score 70% or more for functionality or the bid will be disqualified.

## **FINALISING THE CONCESSION AGREEMENT**

MTPA will negotiate the marked-up concession agreement submitted by the preferred bidder.

If MTPA and the preferred bidder fail to come to agreement on the concession agreement within six weeks, MTPA may withdraw the appointment as preferred bidder and begin negotiations with the reserve bidder.

## **ANNEXURE 1 – INFORMATION ON BIDDERS**

Bidders must provide the following information labelled as “**Information on (Bidder Name)**”; the following must be specified:

The name, address, telephones and fax numbers of Bidder, and the trading name of the Bidder if different from the registered name.

Directors/Partners/Trustees and their responsibilities.

Registration address.

Registration number.

Certified copy of Memorandum and Articles of Association or Memorandum of Incorporation (or equivalent constitutive documents).

Certified copy of Signed Shareholders Agreement/Partnership or Joint Venture Agreement/Trust Deed.

Certified copy of shareholders' or partner register at the date of submission of the bid indicating each shareholder or partner's beneficial interest and in the event that there is more than 1 (one) class of shares, the percentages held by each;

An irrevocable confirmation, to the satisfaction of MTPA by the bidder that it has irrevocably waived any right it may have to seek and obtain a writ of injunction or prohibition or restraining order against MTPA to prevent or restrain the tender or any proceedings related to it. 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.

The Bidders must certify by providing an attestation from a Legal Representative, notarised by a Notary Public, that the company or incorporated joint venture or trust meets the operational and financial criteria as contained in the RFP regarding the operational experience and financial prerequisites. They must also provide a summary

statement of the operational and financial criteria and how they are met in the reasonable opinion of the bidder.

## ANNEXURE 2 - FINANCIAL INFORMATION

Bidders must provide the following information.

### The Financing Plan

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.

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.

A simplified **Cash Flow** forecast (net of VAT) for the 5 year term of the concession agreement

	Start- up R'000	Year 1 R'000	Year 2 R'000	Year 3 R'000	Year 4 R'000	Year 5* R'000
Cash inflows						
Owners' capital						
Loans received						
Grants received						
Cash from sales and other operating						



	Start-up	Year 1	Year 2	Year 3	Year 4	Year 5*
	R'000	R'000	R'000	R'000	R'000	R'000
revenue						
Cash from other sources						
<i>Total cash inflow (A)</i>						
Cash outflows						
Project costs and start up expenses						
Salaries, wages and staff costs						
All other operating costs and expenses						
Loan repayments						
Replacement of equipment and vehicles						
<i>Total cash outflow (B)</i>						
Net cash flow						
[A – B] before concession fees and tax						

\* Adapt for the proposed term of the concession agreement

### **Suggested format for the cash flow forecast**

### **ANNEXURE 3 - BUSINESS AND OPERATIONAL PLAN**

Bidders should provide the following information, with back-up evidence wherever possible.

## **Rationale, background and capacity**

The bidder's objectives

The bidder's track record on and knowledge of existing products or activities offered in the tourism industry, including the size of existing operations in terms of turnover

Detailed description of products or activities envisaged for and how these will be managed

Current operating standards, including an outline of any operations and procedures manuals

Proposed organisational and staffing structures, including:

management policies

measures to transfer knowledge and expertise

labour plan, including details of numbers of permanent and part-time staff that will be employed, staff recruitment policies, and employment policies

Memberships and registrations (list any awards, accolades or ratings)

Curriculum vitae of shareholders, directors, management and staff (including copies of qualifications and etc.)

## **Market analysis**

The bidder's track record in and knowledge of the market, including existing relationships with tour operators and the travel trade (include references)

Target market (geographical, income, nature of activity, and so on)

Marketing channels

Product branding plans

Time taken to establish market

Growth in occupancy

Pricing range

Competitive analysis

#### **ANNEXURE 4 - DEVELOPMENT AND ENVIRONMENTAL PROPOSAL**

Bidders should provide the following information, with back-up evidence wherever possible.

##### **Environmental impact assessment requirements**

Bidders need to adhere to the Operational Environmental Management Plan of working within the reserve that there is limited or no impact on the environment.

##### **Staff and safety**

Give an estimate of the total number of staff, including number to be employed on site (including family members) and off site.

Describe proposed operating standards for facilities, including a detailed operations and procedures manual.

##### **Bulk infrastructure**

Electricity:

There is no electricity on the site. The site should operate via Solar System.

Water:

Water is not available in the area; however, JOJO Tanks are on site.

Roads and tracks:

Vehicular access to the facility by road is available and well maintained. Therefore, there is access on two-spool concrete strip track to the site.

## **Waste management**

Solid wastes:

All solid waste generated on the premises must be disposed of in the bins that are provided within the area.

## **Fire management**

The operator may not control natural fires occurring in the Blyde River Canyon Nature Reserve, except in the immediate surrounds of the facilities or to save human life or property.

## **Commitments**

Acknowledge that the operator must comply at all times with the MTPA environmental guidelines, code of conduct and regulations that may change from time to time. The MTPA will supply these with time.

### **ANNEXURE 5 - RISK MATRIX**

<b>Type of risk</b>	<b>General description of risk</b>	<b>Project-specific risk</b>	<b>Mitigation measures</b>	<b>Allocation of risk (institution/ private party/ shared)</b>
Financing	The required capital for capex and opex may not be able to raised; loans may not be able to be repaid; tax obligations may not have been fully taken into account or may change; fluctuating inflation, interest rates, and currencies may affect assumptions			

Type of risk	General description of risk	Project-specific risk	Mitigation measures	Allocation of risk (institution/private party/shared)
Supporting infrastructure	Supporting infrastructure may be inadequate to sustain the enterprise			
Planning, design and construction	Planning consents may not be acquired or granted; the design may not be fit for the purpose; construction may not be completed on time and in budget. Comply with section 21, (Water Act....)			
Utilities	Utilities may not be fully available or may cause delays			
Environment and heritage	Liability for losses caused by environmental or heritage damage or delays			
Maintenance	The costs of maintenance to required standards may vary from projections or maintenance may not be carried out			
Operations	Any factors (other than force majeure) that may impact on			

Type of risk	General description of risk	Project-specific risk	Mitigation measures	Allocation of risk (institution/private party/shared)
	operations			
Market, demand, volume	The demand for the product may be less than projected			
Political	Unforeseeable conduct by any government institution may adversely affect the project, or the government may expropriate private party assets			
Force majeure	Unexpected events beyond either party's control			

## **ANNEXURE 6: THE CONCESSION FEE OFFER**

Important note to bidders

Bidders must present the concession 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 concession bid as indicated:

To: Mpumalanga Tourism and Parks Agency N4 National Road, Hall's Gateway  
Mbombela 1200

[Name of bidder] hereby commits to pay to MTPA the higher of:

- (a) the minimum concession fee and
- (b) the variable concession fee, expressed as a percentage of aggregate gross revenue as defined in the concession agreement for the relevant project year.

The minimum concession fee is R [sum payable monthly/quarterly], which will be adjusted annually by CPIX.

The variable concession fee bid by [name of bidder] is [percentage] % of gross revenue.

[Name of bidder] hereby warrants that the committed minimum concession fee and the variable concession fee shall be included in the concession agreement, if accepted by the MTPA

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



	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7*
Gross revenue (net of VAT)							
Percentage of gross revenue due as variable concession fee (same for each year)							
<b>concession fee due</b> Minimum concession fee or variable concession fee, whichever is greater							

\* Adapt for the proposed term of the concession

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: \_\_\_\_\_

## **ANNEXURE 7 - DRAFT CONCESSION AGREEMENT**

The draft concession Agreements are not attached hereto but will be made available to bidders.

## **ANNEXURE 8 - BID COVER SHEETS**

Cover sheets which include the following information must be attached to each envelope:

**Bid for the sourcing of an operator to supply, operate and manage a Boat cruise through a concession agreement**

**ENVELOPE 1: PREQUALIFICATION REQUIREMENTS**

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:

*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 sourcing of an operator to supply, operate and manage a through a concession agreement**

**ENVELOPE 2: FUNCTIONALITY AND BEE BIDS**

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:

*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 sourcing of an operator to supply, operate and manage a Boat Cruise through a concession agreement**

**ENVELOPE 3: CONCESSION FEE OFFER AND MARKED-UP DRAFT CONCESSION AGREEMENT**

Name of bidder:

Postal address:

Street address:

Telephone:

Cell phone:

Fax:

Contact person:

Email address:

Signature of bidder:

Date:

Capacity under which it is signed:

*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.*

## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

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

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

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest 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

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:

.....  
.....

\_\_\_\_\_

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

2.3 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 consortium<sup>1</sup> 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.
- 3.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.6 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

<sup>1</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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.

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

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

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

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

## **PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

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### **1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to invitations to tender:

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

### **1.2 To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals



#### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

#### 3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

## 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point

system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
HDI		6		
Youth		4		
Gender (Women)		5		
Disability		5		

**In order for the points to be allocated to a bidder, the ownership status must at least be equals to or above 50 + 1% on any of the above specific goals.**

## DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name \_\_\_\_\_ of  
company/firm.....

4.4. Company \_\_\_\_\_ registration \_\_\_\_\_ number:  
.....

4.5. 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]

4.6. 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.

<p>.....</p> <p><b>SIGNATURE(S) OF TENDERER(S)</b></p>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	..... ..... ..... .....