



**Tender Reference Number: COR7694/2024/RFP**

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**REQUEST FOR PROPOSAL FOR THE MANUFACTURE, SUPPLY, DELIVERY AND MAINTENANCE OF 8X8 AIRCRAFT RESCUE AND FIRE FIGHTING VEHICLES FOR AIRPORTS COMPANY OF SOUTH AFRICA (ACSA) FOR A PERIOD OF 84 MONTHS ON AN AS AND WHEN REQUIRED BASIS.**

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**DECEMBER 2024**

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**Tel +27 11 723 1400 Fax +27 11 453 9354**  
**Western Precinct, Aviation Park, O.R. Tambo International Airport, 1 Jones Road, Kempton Park, Gauteng, South Africa, 1632**  
**P O Box 75480, Gardenvue, Gauteng, South Africa, 2047**  
**[www.airports.co.za](http://www.airports.co.za)**

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: F Zikalala Mvelase (Interim Chairperson), Dr K Badimo, D Hlatshwayo, A Khumalo, G Mancotywa, L Mbotya (Chief Financial Officer), M Mpofu (Chief Executive Officer), Y Pillay, S Sambo, N Siyotula, F Sefara (Company Secretary)

**COR7694/2024/RFP**



**AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED INVITES SUITABLY  
QUALIFIED SERVICE PROVIDERS TO BID FOR THE:**

**REQUEST FOR PROPOSAL FOR THE MANUFACTURE, SUPPLY, DELIVERY AND  
MAINTENANCE OF 8X8 AIRCRAFT RESCUE AND FIRE FIGHTING VEHICLES FOR  
AIRPORTS COMPANY OF SOUTH AFRICA (ACSA) FOR A PERIOD OF 84 MONTHS ON  
AN AS AND WHEN REQUIRED BASIS.**

**Bid Number** : COR7694/2024/RFP

**Issue Date** : 04 DECEMBER 2024

**Query Closing Date** : 24 JANUARY 2025

**Compulsory Briefing Session  
Date and Time** : 11 DECEMBER 2024 @ 10:00 AM – MEDIA BRIEFING ROOM,  
OR TAMBO INTERNATIONAL AIRPORT, JOHANNESBURG AND  
MICROSOFT TEAMS

**Site Visit Date and Time** : NOT APPLICABLE

**Bid Closing Date and Time** : 31 January 2025 AT 12:00 PM

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1.	NAME OF TENDERER (BIDDING ENTITY)	(FULL NAME, i.e. (CC, (Pty) Ltd, JV, SOLE PROPRIETOR
2.	TEL NUMBER	
3.	EMAIL	
4.	NAME OF CONTACT	
5.	NATIONAL TREASURY CSD REGISTRATION NUMBER	

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## 1. SECTION 1: INSTRUCTIONS TO BIDDERS

### 1.1. Access to RFP documents

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

#### Submission of bid documents

The envelopes containing bid documents must have on the outside, the bidder's return address, the full description of the tender, tender number, and the details of the Tender Management Office/Procurement department where the bid will close. (Ref 1.2.1). The documents must be signed and completed by a person who has been given authority to act on behalf of the bidder. The bottom of each page of the bid documents must be signed or stamped with the bidder's stamp as proof that the bidder has read the tender documents. Bid documents must be submitted on or before the 31<sup>ST</sup> of January 2025 at 12:00pm using the following methods:

**PLEASE NOTE THAT BOTH METHODS MUST BE UTILIZED. BIDDERS SHOULD NOT CHOOSE JUST ONE OF THEM AND THE PHYSICAL SUBMISSION INFORMATION WILL TAKE PRECEDENCE SHOULD THERE BE A DISCREPENCY BETWEEN THE TWO SUBMISSION METHODS.**

**FAILURE TO SUBMIT THE PHYSICAL DOCUMENTS BEFORE THE CLOSING TIME WILL RESULT IN A DISQUALIFICATION.**

#### 1.1.1. Hand delivery:

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

**CONTRACT NO: COR7694/2024/RFP**

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**[NAME OF TENDERER]**

**O.R. Tambo International Airport**

**1 Jones Road, Kempton Park, Gauteng, South Africa**

**1632**

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1.1.2. Tender box:

The Tender box is located at:

**TENDER BOX B**

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**THIRD FLOOR TERMINAL A BUILDING, NORTH WING OFFICES**

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**FOLLOWING AIRCRAFT VIEWING DECK SIGNS.**

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**LATE OR NO SUBMISSION OF PHYSICAL TENDERS WILL RESULT IN DISQUALIFICATION.**

**Please ensure that the packaging of the tender document is not a box but an arch lever file size package that can fit in the tender box insertion point.**

**Please arrive early at the airport in order to avoid being late to the tender box/closing. Please follow instructions for parking at the airport as some parking is closed.**

1.1.3. Email submissions:

Electronic copies/links of the tenders are to be e-mailed to the following email address:

[thami.mncube@airports.co.za](mailto:thami.mncube@airports.co.za)

**ENSURE THAT THE ELECTRONIC COPY IS WELL LABELLED IN SEPARATE ANNEXURES AS PER THE RETURNABLES SCHEDULE**

- Bidders must not email their submission as one big attachment. Kindly break your submission into small attachments of not more than 4MB each.
- Bidders are requested to submit all bids in the format instructed, no other format will be acceptable.

1.1.4. Proposals must both be in printed format (an original and a copy) together with an electronic copy of the bid documents using email (pdf format or a link) or Memory Stick/Flash drive physically attached to the bid document. The original will be legal and binding, in the event of discrepancies between any of the submitted documents; the original will take precedence.

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## 1.2. Alternative Bids

As a general rule ACSA only accepts bids which have been prepared in response to the bid invitation. However, for this bid alternative bids will be accepted **provided** the alternative bid is accompanied by the original bid response which materially complies with the specifications of this bid invitation. The alternative bid will only be considered where the bidder has submitted together with its alternative bid, an offer which materially complies with the requirements of this bid. Alternative bids will also be evaluated using the pre-determined evaluation criteria stipulated in this bid document.

## 1.3. Late Bids

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

## 1.4. Clarification and Communication

Name: Thami Mncube

Designation: Category Management Specialist: Commercial

Tel: +27 (0) 61 653 0462

Email: Thami.Mncube@airports.co.za

1.4.1. Request for clarity or information on the bid may only be requested until 16:00pm on 24 January 2025. Any responses to queries or for clarity sought by a bidder will also be sent to all the other entities which have responded to the Request for Proposal/Bid /Information invitation.

1.4.2. Bidders may not contact any ACSA employee on this bid other than those listed above. Contact will only be allowed between the successful bidder and ACSA Business Unit representatives after the acceptance of the letter of award bid. Contact will also only be permissible in the case of pre-existing commercial relations which do not pertain to the subject of this bid.

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#### 1.5. Compulsory Briefing and Site Visit Session

A **Compulsory** briefing session will be held on the 11<sup>TH</sup> of December 2024 at 10:00 (AM). The session will be held at the following location:

ACSA Media Room

OR Tambo International Airport

Next to the Terminal A International Arrivals

Between the Post Office and the Inter Africa Bureau de Change kiosks.

**Proof of Briefing Attendance will be via the attendance register. Entity names must match with those on the register. In the case of a Joint Venture, at least one of the entities must have attended the Compulsory Briefing.**

OR

Online via MS Teams

**Interested bidders to forward an email to [Thami.Mncube@Airports.co.za](mailto:Thami.Mncube@Airports.co.za) to receive an invite to the meeting by no later than 30 minutes before the briefing takes place**

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#### **SITE VISIT TIME AND LOCATION:**

THERE WILL BE NO SITE VIEWING FOR THIS TENDER

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#### 1.6. Bid Responses

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

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#### 1.7. Disclaimers

It must be noted that ACSA reserves its right to:

- 1.7.1. Award the whole or a part of this bid.
- 1.7.2. Split the award of this bid.
- 1.7.3. Negotiate with all or some of the shortlisted bidders.
- 1.7.4. Award the bid to a bidder other than the highest scoring bidder where objective criteria allow.
- 1.7.5. To reject the lowest acceptable bid received; and/or
- 1.7.6. Cancel whole or a part of this bid.

#### 1.8. Validity Period

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

#### 1.9. Confidentiality of Information

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

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1.10. **Hot – Line**

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

Airports Company South Africa TIP-OFFS ANONYMOUS

Free Call: 0800 00 80 80 or 086 726 1681

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

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

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

Since its inception 31 years ago, Airports Company South Africa SOC Limited (ACSA) has transformed into a focused commercial enterprise that is market-driven and customer service oriented. The company was formed in 1993 as a public company under the Companies Act of 1973, as amended, and the Airports Company Act of 1993, as amended.

ACSA operates South Africa's Nine (9) principal airports, comprised of the country's major international airports, namely, O.R. Tambo (ORTIA), Cape Town (CTIA) and King Shaka (KSIA) and the smaller regional airports, namely, Chief Dawie Stuurman International Airport (PLZ), King Phalo Airport (ELN), George Airport (GRJ), Bram Fischer (BRAM), Kimberley Airport (KMB), Upington (UTN). ACSA's registered corporate office operates from Airport Park in Kempton Park right next to the OR Tambo International Airport.

ACSA's vision is to be the most sought-after partner in the world for the provision of sustainable airport management solutions by 2030. ACSA's strategy is to create and operate world-class airports measuring up to international standards, its strategic intent is supported by three strategic pillars, namely:

- Run Airports: Run our airports efficiently, optimally, and innovatively.
- Develop Airports: Optimise assets and plan for new capacity and growth opportunities.
- Grow Footprint: Seek growth opportunities in the continent and world.



Run airports



Develop airports



Grow footprint

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### **2.1.1 Purpose of this Bid**

The purpose of this tender is to obtain bids from Bidders, in respect to the relevant scope of services, and to evaluate these bids in order to appoint a Service Provider and set up an advantageous agreement with the most suitably qualified and experienced service provider for the Manufacture, supply and delivery and maintenance of Aircraft rescue and fire fighting vehicles over a period of seven (7) years on an as and when required basis.

## **2.2 Scope of Work**

ACSA requires a service provider for the Manufacture, supply, delivery and maintenance of 8x8 Aircraft rescue and fire fighting vehicles as per scope of works attached to this bid document.

The scope of work includes but is not limited to the following:

- Manufacture, Supply and Delivery of 8x8 Airport Rescue and Fighting Vehicles as per specifications,
- over a seven-year period.
- Supply and fitment of any additional accessories as per specifications.
- Inclusion of the original equipment manufacturer warranties.
- Apply signage and branding as per ACSA specifications.
- Registration and licensing of the vehicles at the respective ACSA sites.
- Delivery to the respective location and airport sites.
- Maintenance support contract over a period of seven years.

### **2.2.1 Contract Management**

ACSA will conclude an agreement with the service provider detailing all aspects around contract management.

- ACSA will enter a seven (7) year term manufacture, supply and delivery agreement for 8x8 ARFF vehicles.
- ACSA will enter a seven (7) year term maintenance agreement for 8x8 ARFF vehicles.
- The costs should be rates based for seven (7) year periods.
- ACSA will enter a standard terms and conditions contract.

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## 2.3 Pricing

### **PRICING SCHEDULE UNDER FORM 5 OF THE RETURNABLE DOCUMENTS**

Bidders must only price in accordance with the pricing schedule above, this will enable ACSA to compare priced offers. Failure to submit a priced offer using the prescribed schedule will make the bid liable for disqualification.

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## SECTION 3: EVALUATION CRITERIA

### 3.1 Evaluation Criteria

- 3.1.1 ACSA will use a pre-determined evaluation criterion when considering received bids. The evaluation criteria will consider the commitment made under Mandatory administrative, Functionality/Technical, Price and B-BBEE. During the evaluation of received bids ACSA will make an assessment whether all the bids comply with set minimum requirements and whether all returnable documents/information have been submitted. Bidders which fail to meet minimum requirements, thresholds or have not submitted required mandatory documents will be disqualified from the bid process.
- 3.1.2 The requirements of any given stage must be complied with prior to progression to the next stage. ACSA reserves the right to disqualify bidders without requesting any outstanding document/information.

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

Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Check if all the documents have been received.	Mandatory Requirements	Evaluate on functionality or the technical aspect of the bid.	Evaluate price and Preference (B-BBEE)	Post tender negotiations. (if needed)	Security Vetting (If needed)

\*Security vetting if deemed necessary.

### 3.3 Mandatory Administrative Requirements

A list of mandatory returnable documents must be consulted to understand which documents are required at the closing date and time. Further, to the mandatory returnable documents/information ACSA will only consider bidders which have:

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1. Attendance of the Compulsory Briefing – **The attendance register (Physical and Online Teams) will be used as proof of attendance.**

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2. Duly filled in Pricing Schedule for the offer – **FORM 5.**

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3. A letter of support or any form of supporting document from the Original Equipment manufacturer/bidder who will design and manufacture the final product being a completed 8x8 Aircraft Rescue & Fire tender confirming availability of spare parts supply for a minimum of 15-years.

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4. Declaration letter confirming proof of maintenance support capabilities available at the cities where the respective airports are based and where the Aircraft Rescue and Fire Fighting Vehicle will be operating.

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5. Bidders shall demonstrate the level of compliance to the 8x8 technical specification by completing and signing the 8x8 compliance declaration form provided as a separate document to this tender.

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**NB: No Bid will be awarded to any person whose tax matters have not been declared in order by South African Revenue Service.**

**No award will be made to an entity which is not registered on the CSD (Central Supplier Database) with National Treasury. Bidders must supply their unique number.**

### 3.4 Local Content and Production

Not Applicable

### 3.5 Functionality

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

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### **Functionality Evaluation Criteria**

Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below. **The Bidder must score at least the minimum score per criterion and the overall minimum of 70 out of 100 points in order to be eligible for further evaluation on Price and Preference**

The minimum requirements of each element must be achieved for further evaluation and are as follows.

NOTE: The Professional registration status and company experience will be verified during evaluation stage, Only Active status will be allocated points.

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	FUNCTIONALITY/TECHNICAL			
1	<b>COMPANY EXPERIENCE</b>	<b>Measure</b>	<b>Min</b>	<b>Max</b>
			35	50
	Bidders must provide proof that they (bidding entity)/Original Equipment Manufacturer (OEM) have manufactured, supplied and delivered 8x8 Aircraft Rescue and Firefighting vehicles.	<p>Bidders must submit proof in the form of a minimum of two (2) relevant contactable reference letters to confirm experience in supply of 8x8 Airport Rescue and Firefighting vehicles.</p> <p>The timeline of the reference letters should be more than 5 years in line with the minimum years of experience required and not less than 5 years. Reference letters with less than 5 years will not score any points under this criterion.</p>		
	<p>Ten (10) years of experience and more = 40 Points</p> <p>Five (5) years of experience and more <b>but less than</b> Ten (10) years = 35 Points.</p> <p>Less than Five (5) years = 0 Points</p>			

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	MANUFACTURER CAPABILITY	Measure	Min	Max
			15	30
2	<p>Bidders must be able to demonstrate that they (bidding entity) /Original Equipment Manufacturer (OEM) have the capacity to manufacture at least three (3) 8x8 Aircraft Rescue and Firefighting vehicles within a maximum of eighteen (18) months period.</p> <p>Delivery on site from date of signed contract being issued.</p>	<p>Bidders must include a detailed preliminary Scope of Programme indicating each stage from order date to delivery on site. Lead times for each stage to be included (e.g. manufacturing, shipment, licencing, delivery to site etc).</p> <p>Bidders that only provide a delivery date and a detailed scope of programme will be penalised with zero (0) points.</p> <p>For illustrative purpose use <b>01 February 2025</b> at the purchase order date.</p>		
	<p>Twelve (12) months and less than Eighteen (18) months = 30 points</p> <p>Eighteen (18) months and more but less than Twenty-four 24 months = 15 points</p> <p>Twenty-four (24) months and more = 0 points</p>			

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3	AFTER SALES SUPPORT	Measure	Min	Max
			10	20
	<p>The bidder shall demonstrate and provide proof of maintenance support capabilities available at cities where the respective airports are based (Cape Town, Durban and Johannesburg) where the 8x8 Aircraft Rescue and Firefighting vehicle will be operating.</p> <p>The following key areas must be addressed</p> <ul style="list-style-type: none"> <li>a) How will regular services, adhoc breakdowns and maintenance be attended to at each respective airport detailing the availability of technicians/outsourced service providers.</li> <li>b) Confirm the requirements to meet the call out response times as stipulated in the service level requirements in the technical specification</li> </ul>	<p>Bidders must include a detailed plan that clearly demonstrate maintenance support capability at all the respective airports cities where the 8x8 Aircraft Rescue and Firefighting vehicle will be operating including all points (a), (b) and (c).</p>		

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	for 8x8 Airport Rescue and Firefighting vehicle. c) Detail the outsourced Service Provider for maintenance support available at the cities where the respective airports are based as mentioned above.		
	<p>A plan demonstrating maintenance capability as per point (a), (b) and (c) = 30 points</p> <p>A plan demonstrating maintenance capability as per point (a) and (b) = 20 points</p> <p>A plan demonstrating maintenance capability as per point (a) <b>only</b> and no submission of a plan = 0 points</p>		
<b>TOTAL</b>		70	100

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### 3.6 Price and Preference

This is the final stage of the evaluation process and will be based on the PPPFA preference point system of 90/10. Price will amount to 90 points, whilst preference will be 10 points. The award of business will be made to a bidder which has scored the highest overall points for this stage of the evaluation, unless objective criteria exist, justifying an award to another bidder or ACSA splits the award or cancels the bid, etcetera.

A maximum of 90 points is allocated for price based on the following formulae.

$$Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where:

Ps	=	Points scored for price of tender under consideration
Pt	=	Price of tender under consideration
Pmax	=	Price of highest acceptable tender

Please refer to Pricing Instructions and Schedule (FORM 5)

Bidders are requested to submit B-BBEE certificates. In the event of a tie-on points for two or more bidders, the contract will be awarded to a bidders/s that scored the highest points for specific goals. If two or more entities score the same points for specific goals, the award will be decided by drawing of lots.

Please refer to **Pricing Instructions and Schedule FORM 5 (Separate Pricing Schedules)**

Bidders are requested to submit B-BBEE certificates. In the event of a tie-on points for two or more bidders, the contract will be awarded to a bidders/s that scored the highest points for specific goals. If two or more entities score the same points for specific goals, the award will be decided by drawing of lots.

#### Identification of Preference Point System.

Airports Company South Africa SOC Limited has taken a decision to adopt the following specific goals for which preference points may be awarded, based on categories of persons/ groups previously disadvantaged by unfair discrimination based on race, gender or disability as follows:

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- Entities owned by black people.
- Entities which are owned by black people who are women.
- Entities which are owned by people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; and
- Entities which hold a specific Broad-Based Black Economic Empowerment status/level.

Airports Company South Africa SOC Limited has determined that it will further apply the following RDP-specific goals to award preferential points in the preference points system of its procurement processes, as follows:

- Exempted Micro Enterprises (EMEs) and Qualifying Small business Enterprises (QSE);
- Entities which are owned by black people who are youth as defined in the National Youth Development Agency Act of 2008.
- EMEs and QSEs in general.
- The promotion of South African-owned enterprises; and
- The promotion of supplier development through sub-contracting of a minimum of 30% of the value of a contract to/with the following:
  - Historically Disadvantaged Individuals.
  - Entities with a specified minimum B-BBEE Level.
  - EMEs and/or QSEs 51% owned by black people, youth, women or disabled people; or
  - South African-owned enterprises.

The promotion of enterprises located in a specific province/ region/ municipal area, including rural areas, for work to be done or services to be rendered in that province/region/municipal area; and

The promotion of local content and local production.

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### Evaluation of Preference

Specific Goals Transactions above the value of R50 000 000 (Fifty million Rands)

- In respect of transactions above this threshold, preference points may be allocated for up to 2 specific goals; however, B-BBEE level status shall be applied at all times as part of the specific goals, in the following manner:

<b><i>Specific Goals</i></b>	<b><i>Number of points (90/10 system)</i></b>
<b><i>B-BBEE Status Level 1</i></b>	<b><i>5</i></b>
<b><i>B-BBEE Status Level 2</i></b>	<b><i>4.5</i></b>
<b><i>B-BBEE Status Level 3</i></b>	<b><i>4</i></b>
<b><i>B-BBEE Status Level 4</i></b>	<b><i>3</i></b>
<b><i>B-BBEE Status Level 5</i></b>	<b><i>2</i></b>
<b><i>B-BBEE Status Level 6</i></b>	<b><i>0.5</i></b>
<b><i>B-BBEE Status Level 7</i></b>	<b><i>0.3</i></b>
<b><i>B-BBEE Status Level 8</i></b>	<b><i>0.1</i></b>
<b><i>Black youth majority-owned entities</i></b>	<b><i>5</i></b>
<b><i>Black women majority-owned entities</i></b>	<b><i>5</i></b>
<b><i>Company majority owned by people with disabilities</i></b>	<b><i>5</i></b>
<b><i>Sub-contracting of South African EMEs and/or QSEs 51% owned by black people, youth, women, or disabled people</i></b>	<b><i>5</i></b>
<b><i>Non-compliant contributor</i></b>	<b><i>0</i></b>

Bidders must submit their valid Broad Based Black Economic Empowerment (B-BBEE) Certificates together with the supporting documentation (workings) of the certificate. Bidders who qualify as EMEs in terms of the B-BBEE Act must submit an affidavit stating its annual turnover, certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

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- (a) Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS. QSEs have an additional option of submitting a sworn affidavit as its B-BBEE certificate in terms of the amendments to the B-BBEE Codes of Good Practice in 2013.
- (b) A trust, consortium, or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- (c) A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- (d) Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- (e) A consortium or joint venture must provide a joint venture agreement.
- (f) In the event that there is a split up / break away / termination of the partnership / joint venture / consortium, your appointment to the panel will be terminated.
- (g) The certificate must be in the bidder's name, where the service is subcontracting (through sub-contracting / joint venture);
- (h) The certificate must be in both the bidder's name and the appointed sub-contractor. In the case the service is sub-contracted the bidder must attach the documentation confirming the JV or sub-contractor.
- (i) In the event a trust, JV, sub-contracting, or consortium exists the principal contractor, each need to submit mandatory legislative requirements documentation as per mandatory requirements.
- (j) A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 30% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- (k) A person awarded a contract may not sub-contract more than 30% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status

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level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

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## SECTION 4: RETURNABLE DOCUMENTS

### 4.1 Mandatory Returnable documents

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

MANDATORY RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
<b>FORM 5:</b> <i>Priced offer as per Pricing Instruction and Schedule</i>	
<b>FORM 5.7:</b> <i>Pro Forma SLA</i>	
<b>FORM 5.16:</b> <i>All Other Mandatory Criteria Documents for this Tender</i>	
<b>FORM 5.17:</b> <i>All Functional Criteria Documents for this Tender</i>	

### 4.2 Other Returnable Documents and information

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

OTHER RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
<b>FORM 5.1:</b> <i>Declaration of Interest Form and Politically Exposed Persons</i>	
<b>FORM 5.2:</b> <i>SBD 4 Bidder's Disclosure Form</i>	
<b>FORM 5.3:</b> <i>Confidentiality and Non- Disclosure Agreement</i>	
<b>FORM 5.4:</b> <i>Acceptance of Terms and Conditions of RFP And</i>	

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<i>Bidder's Particulars</i>	
<b>FORM 5.5:</b> Certificate of Authority to Sign Tender	
<b>FORM 5.6:</b> Certificate of Authority of Joint Ventures (where applicable)	
<b>FORM 5.8:</b> BEE Certificate and Scorecard	
<b>FORM 5.9:</b> Tax Pin number (ACSA may not award to a bidder whose tax affairs have not been declared to be in order by SARS)	
<b>FORM 5.10:</b> VAT Questionnaire for Entities bidding as a Partnership, Joint Venture or Consortium	
<b>FORM 5.11:</b> Certified Copies of Identity documents of Directors, / Trustees / Members / Shareholders and Senior management	
<b>FORM 5.12:</b> Certificate of Incorporation	
<b>FORM 5.13:</b> Central Supplier Database Report (CSD)	
<b>FORM 5.14:</b> Company profile, executive summary, and organogram	
<b>FORM 5.15:</b> Latest audited financial statements/management accounts	

#### 4.3 Validity of submitted information.

Bidders must ensure that any document or information which has been submitted in pursuance to this bid remains valid for the duration of the contract period (in the event where a validity document expires an updated document must be submitted). The duty is on the bidder to provide updated information to ACSA immediately after such information has changed.

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## SECTION 5: RETURNABLE DOCUMENTS

### FORM 5: PRICING SCHEDULE

The pricing schedule must be completed on the spreadsheet. The sheets that form part of the Bidder's submission are to be initialled or stamped on the footer of each page. The electronic or soft copy of the document is to accompany the submission as a separate file.

Please note that the following spreadsheets have been sent separately with this tender as

**8x8 Specification Declaration Form and Prices Schedule.**

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

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

*Tenderer* .....

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## FORM 5.1: DECLARATION OF INTEREST AND POLITICALLY EXPOSED PERSONS FORM

### Making a Declaration

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

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

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

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

#### 5.1.1 All bidders must complete a declaration of interest form below:

Full name of the bidder or representative of  
the bidding entity

Identity Number

Position held in the bidding entity

Registration number of the bidding entity

Tax Reference number of the bidding entity

VAT Registration number of the bidding entity

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

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

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### PEP/DPIP Declaration

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

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

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

Full Name	Identity Number	Personal Income Tax Reference Number

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

**Declaration:**

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

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

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## 5. 2 BIDDER'S DISCLOSURE FORM SBD 4

### 1. PURPOSE OF THE FORM

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

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

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

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

Full Name	Identity Number	Name of State institution

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

2.2.1 If so, furnish particulars:

.....  
.....

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

2.3.1 If so, furnish particulars:

.....  
.....

### 3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</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.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....

Signature

.....

Date

.....

Position

.....

Name of bidder

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**COR7694/2024/RFP**

**Form 5.3: CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT**

between

**AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED**

(Registration No. 1993/004149/30)

**(“Airports Company”)**

of

Western Precinct, Aviation Park

O.R. Tambo International Airport

1 Jones Road

Kempton Park

1632

**AND**

**[NAME OF SERVICE PROVIDER]**

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

(“\_\_\_\_\_”)

of

[Service Providers Address]

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## 1. **INTERPRETATION**

In this agreement -

- 1.1 "confidential Information" – is information which is confidential to the disclosing party, and includes whether in written, graphic, oral, proprietary, tangible, intangible, electronic or other form, and, -
  - 1.1.1 any information in respect of know-how, formulae, statistics, processes, systems, business methods, marketing, trading and merchandising methods and information, promotional and advertising plans and strategies, pricing, financial plans and models, inventions, long-term plans, research and development data, user or consumer/ customer data and profiles, ideas, computer programmes, drawings and any other information of confidential nature of the disclosing party, in whatever form it may be;
  - 1.1.2 the contractual business and financial arrangements of the disclosing party and others with whom it has business arrangements of whatever nature;
  - 1.1.3 all information peculiar to the business of the disclosing party which is not readily available to a competitor of the disclosing party in the ordinary course of business;
  - 1.1.4 the fact of and content of any discussions between the disclosing party and the receiving party as well as the existence and content of any agreement, which may be concluded between the disclosing party and the receiving party;
  - 1.1.5 all other matters of a confidential nature which relate to the disclosing party's business;
  - 1.1.6 generally, information which is disclosed in circumstances of confidence or would be understood by the parties, exercising reasonable business judgement, to be confidential;
  - 1.1.7 all information of whatsoever nature relating to the disclosing party as contemplated in 2.1 below; but does not include information which -
    - 1.1.8 is or hereafter becomes part of the public domain, otherwise than as a result of a breach or default of the receiving party or of a representative or affiliate of the receiving party;
    - 1.1.9 can be shown to have been lawfully in the possession of the receiving party or its affiliates or consultants prior to its disclosure and is not subject to an existing agreement between the disclosing party and the receiving party;
    - 1.1.10 is acquired by the receiving party independently from a third party who lawfully acquired such information without restriction and who had not previously obtained the confidential information directly or indirectly under a confidentiality obligation from the disclosing party;

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- 1.1.11 is acquired or developed by the receiving party independently of the disclosing party and in circumstances which do not amount to a breach of the provisions of this agreement;  
is disclosed or released by the receiving party to satisfy an order of a court of competent jurisdiction or to otherwise comply with the provisions of any law or regulation in force at the time or the requirements of any recognised stock exchange; provided that, in these circumstances, the receiving party shall inform the disclosing party of the requirement to disclose prior to making the disclosure and provided further that the receiving party will disclose only that portion of the confidential information which it is legally required to so disclose; and the receiving party will use its reasonable endeavours to protect the confidentiality of such information to the widest extent lawfully possible in the circumstances (and shall co-operate with the disclosing party if it elects to contest any such disclosure);

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

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

## 2. **INTRODUCTION**

- 2.1 The parties intend to provide each other with certain information pertaining to their operations and the parties are in the process of discussing certain matters with a view to concluding an agreement (“the potential agreement”), which discussions have required and will require the disclosure to one another

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of information of a proprietary, secret and confidential nature. Whether or not the parties conclude the potential agreement will not affect the validity of this agreement.

- 2.2 If the confidential information so disclosed is used by the receiving party for any purpose other than that for which its use is authorised in terms of this agreement or is disclosed or disseminated by the receiving party to another person or entity which is not a party to this agreement, this may cause the disclosing party to suffer damages and material financial loss.
- 2.3 This agreement shall also bind the parties, notwithstanding the date of signature hereof, in the event that either party shall have disclosed any confidential information to the other party prior to date of signature hereof.
- 2.4 The parties wish to record the terms and conditions upon which each shall disclose confidential information to the other, which terms and conditions shall constitute a binding and enforceable agreement between the parties and their agents.

### **3 USE OF CONFIDENTIAL INFORMATION**

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

### **4 NON-DISCLOSURE**

- 4.1 THE RECEIVING PARTY undertakes that –
- 4.1.1 it will treat the disclosing party's confidential information as private and confidential and safeguard it accordingly;
- 4.1.2 it will not use (except as permitted in 3 above) or disclose or release or copy or reproduce or publish or circulate or reverse or engineer and/or decompile or otherwise transfer, whether directly or indirectly, the confidential information of the disclosing party to any other person or entity; and the receiving party shall take all such steps as may be reasonably necessary to prevent the disclosing party's confidential information falling into the hands of unauthorised persons or entities;
- 4.1.3 it shall not disclose the confidential information of the disclosing party to any employee, consultant, professional adviser, contractor or sub-contractor or agent of the receiving party (collectively referred

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

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

## 5. **COPIES**

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

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

- 6.1 The receiving party shall not use any intellectual property of the Company (including trademarks, service marks, logos, slogans, trade names, brand names and other indicia of origin) (collectively, the "**Company IP**") for any reason whatsoever without first obtaining the Company's prior written consent which consent the Company shall be entitled to grant solely at its own discretion.
- 6.2 If the receiving party requires the use of such Company IP, a request must be sent to the **Thami.Mncube@Airports.co.za**. Each single request by the same receiving party shall be treated as a new request.
- 6.3 Should the Company provide its consent in terms of clause 6.1 above, the receiving party shall comply with the Company's policies and standards with regard to the use of the Company IP. Such policies and standards shall be communicated to the receiving party at the time the Company grants the consent to the receiving party.
- 6.4 Failure to adhere to the provisions of this clause 6 or the policies, brand requirements and protocols that will be communicated by the Brand Custodians Office to the receiving party, shall result in the penalty equal to the value of 2% (two per cent) of the receiving party's annual turnover in the financial year in which the aforesaid failure occurred.

## 7. DURATION

- 7.1 Subject to Clause 2.3 this agreement shall commence or shall be deemed to have commenced on the date of signature of this agreement by the last party to sign the agreement.
- 7.2 This agreement shall remain in force for a period of **5 years** ("the term"), or for a period of one (1) year from the date of the last disclosure of confidential information to the receiving party, whichever is the longer period, whether or not the parties continue to have any relationship for that period of time.

7.3

## 8. TITLE

- 8.1 All confidential information disclosed by the disclosing party to the receiving party is acknowledged by the receiving party:
- 8.1.1 to be proprietary to the disclosing party; and
- 8.1.2 not to confer any rights to the receiving party of whatever nature in the confidential information.

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9. **RELATIONSHIP BETWEEN THE PARTIES**

- 9.1 The disclosing party is not obliged, by reason of this agreement, to disclose any of its confidential information to the receiving party or to enter into any further agreement or business relationship with the receiving party. Nothing herein shall imply or create any exclusive relationship between the Parties or otherwise restrict either Party from pursuing any business opportunities provided it complies at all times with the non-disclosure obligations set forth herein
- 9.2 The disclosing party retains the sole and exclusive ownership of intellectual property rights to its confidential information and no license or any other interest in such confidential information is granted in terms hereof or by reason of its disclosure.
- 9.3 The termination of the discussions referred to in 2.1 above shall not release the parties from the obligations set out in this agreement.

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

- 10.1 This agreement shall be governed by and interpreted according to the laws of the Republic of South Africa, without reference to the choice of laws' provisions of the Republic of South Africa. In the event of a conflict between or inconsistency in the laws applicable in the various provinces of the Republic of South Africa, the law as applied and interpreted in the Gauteng Province shall prevail.
- 10.2 The parties irrevocably submit to the exclusive jurisdiction of the High Court of South Africa, Witwatersrand Local Division, in respect of any action or proceeding arising from this agreement.
- 10.3 The parties agree that, in the event of a breach of this agreement, monetary damages would not be an adequate remedy. In the event of a breach or threatened breach of any provisions of this agreement by the receiving party, the disclosing party (and/or its relevant affiliate) shall be entitled to injunctive relief in any court of competent jurisdiction and the receiving party shall reimburse the disclosing party for any costs, claims, demands or liabilities arising directly or indirectly out of a breach. Nothing contained in this agreement shall be construed as prohibiting a party or its affiliate from pursuing any other remedies available to it for a breach or threatened breach.
- 10.4 The failure by the disclosing party to enforce or to require the performance at any time of any of the provisions of this agreement shall not be construed to be a waiver of such provision, and shall not affect

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either the validity of this agreement or any part hereof or the right of the disclosing party to enforce the provisions of this agreement.

## 11. **DOMICILIUM**

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

## 12. **GENERAL**

- 12.1 No party shall be bound by any representation, warranty, undertaking, promise or the like not recorded in this agreement.

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

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

\_\_\_\_\_  
AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED

the signatory warranting that he is duly authorised thereto.

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

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

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**AS WITNESSES**

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

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

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

\_\_\_\_\_  
**[NAME OF SERVICE PROVIDER]**

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

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

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

**AS WITNESSES**

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

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

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## FORM 5.4: ACCEPTANCE OF TERMS AND CONDITIONS OF RFP AND BIDDER'S PARTICULARS

TO: Airports Company South Africa SOC Limited (ACSA)

Airports Company South Africa Limited.

Proposal No: COR7694/2024/RFP

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

Bidder:	
Physical Address:	
Correspondence to be addressed to:	
Phone numbers:	
Email Address:	
Contact Person:	

### 2. Proposal Certification

We hereby submit a Proposal in respect of the 8X8 Airport Rescue and Firefighting Vehicles in accordance with Airports Company South Africa's requirements.

- We acknowledge that Airports Company South Africa's terms and conditions (as amended and mutually agreed between the parties if necessary) shall apply to the agreement with the successful Bidder,
- We have read, understand and agree to be bound by the content of all the documentation provided by Airports Company South Africa in this Request for Proposal.
- We accept that Airports Company South Africa's Bid Adjudication Committee decision is final and binding.

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Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: F Zikalala Mvelase (Interim Chairperson), Dr K Badimo, D Hlatshwayo, A Khumalo, G Mancotywa, L Mbotya (Chief Financial Officer), M Mpofu (Chief Executive Officer), Y Pillay, S Sambo, N Siyotula, F Sefara (Company Secretary)

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- We acknowledge that the bidder/s, directors, shareholders and employees may be subjected to security vetting Airport Company South Africa
- We certify that all forms of Proposal as required in the Proposal document are included in our submission.
- We certify that all information provided in our Proposal is true, accurate, complete and correct.
- This Proposal is specific to this bid only.
- The undersigned is/are authorized to submit and sign the Proposal that shall be binding on closure of the Proposal submission.
- The Proposal is binding on this Bidder for a period which lapses after *eighty-four (84) days* calculated from the closing date for Proposal submission.

Thus done and signed at		on this the		day of		2025
-------------------------	--	-------------	--	--------	--	------

Signature:	
Name:	

For and behalf of:

Bidding entity name:	
Capacity:	

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**FORM 5.5: CERTIFICATE OF AUTHORITY TO SIGN TENDER**

Insert certified copy of an extract from the minutes of a meeting of the Board of Directors or Members authorizing the person who signs the Submission to sign it on behalf of the Company, Corporation or Firm.

Signed

Date

Name

Position

Tenderer

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**FORM 5.6: CERTIFICATE OF AUTHORITY OF JOINT VENTURES (WHERE APPLICABLE)**

This Returnable Schedule is to be completed by joint ventures.

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

Please attach JV agreement stipulation % share of each JV

**Table 1 Authorisation Information**

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature: . . . . . Name: . . . . . Designation: . . . . .
		Signature: . . . . . Name: . . . . . Designation: . . . . .
		Signature: . . . . . Name: . . . . . Designation: . . . . .

Signed

Date

Name

Position

Tenderer

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**FORM 5.7: JOINT VENTURE (JV) AGREEMENT (IF APPLICABLE)**

Bidder to attach duly signed agreement/Memorandum of understanding between the parties.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Tender \_\_\_\_\_

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**FORM 5.8: BEE CERTIFICATE AND SCORECARD**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

*Tender* \_\_\_\_\_

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**FORM 5.9: TAX PIN NUMBER**

**ACSA MANY NOT AWARD TO A BIDDER WHOSE TAX AFFAIRS HAVE NOT BEEN DECLARED TO BE IN ORDERS BY SARS)**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Tender \_\_\_\_\_

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**FORM 5.10: VAT Questionnaire for Entities bidding as a Partnership, Joint Venture or Consortium (If Applicable)**

**VAT Questionnaire for entities bidding as a partnership, joint venture or consortium (i.e. Body of Persons). The following form is required to be completed by the winning bidder at contracting stage.**

1. Are you bidding as a partnership/ joint venture or consortium? **Yes/No (Mark with X below)**

<b>Yes</b>	<b>No</b>
------------	-----------

2. If you have answered yes to the above question, please provide the following:

- 2.1 A VAT registration certificate in the name of the joint venture, partnership or consortium which includes the VAT registration number of the partnership/joint venture.

Name of the Body of Persons	VAT Number of Body of Persons	Valid registration certificate attached? Yes/No
1.		

ACSA management will use the following link to check your registration. [VendorExactSearch\ 1.0.4 \(sarsefiling.co.za\)](http://VendorExactSearch\ 1.0.4 (sarsefiling.co.za))

3. We recommend that the supplier warrants and represents that, where applicable, it is duly registered for VAT under the VAT Act.
4. Failure to comply with the VAT Act in supplying a valid VAT invoice relating to the Body of Persons will result in Airports Company South Africa SOC Limited being entitled to recover any losses, penalties and interest suffered. Failure includes but is not limited to the invoice having a VAT number that is not registered to the Joint Venture/partnership/consortium i.e. if the VAT number supplied relates to one party of the Body of Persons.

**The below definitions are in relation to the above requirement.**

1. Definitions

1.1 **Person**, as defined in section1(1) of the Value Added Tax Act No 89 of 1991("the VAT Act") – includes a public authority, any municipality, any company, any body of persons (corporate or unincorporated), the estate of any deceased estate or any insolvent person and any trust fund.

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The below terms are not defined in the VAT Act and as such, the ordinary meaning has been taken into account:

**1.2 Consortium or Joint Venture** - an arrangement between two or more persons based on an agreement to generally operate a single, limited or defined project. The parties to such an agreement will generally share control of the arrangement and share the product or output of the venture

**1.3 Partnership** - an arrangement between two or more persons based on an agreement. The parties to that arrangement should have the intention to be partners and the essential elements for a partnership being the partners' contributions, a profit objective and joint benefit for the partners must be evident from the agreement.

## 2. The Law

Section 51 of the VAT Act states that:

*(1) Subject to the provisions of section 46, where any body of persons, whether corporate or unincorporate (other than a company), carries on or is to carry on any enterprise-*

- a) such body shall be deemed to carry on such enterprise as a person separate from the members of such body;*
- b) registration of that body as a vendor shall be effected separately from any registration of any of its members in respect of any other enterprise;*
- c) liability for tax in respect of supplies by that body shall be determined and calculated in respect of the enterprise carried on by it as an enterprise carried on independently of any enterprise carried on by any of its members, and any refund relating to that body's enterprise which is payable in terms of section 44 shall be made to that body; and*

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- d) *the duties and obligations imposed by this Act on any vendor or other person shall, as respects the enterprise carried on by that body, be performed by it separately from the duties and obligations imposed on any of its members.*

### 3. Application of the Law

When a body of persons forms a joint venture, partnership or consortium, such a body is treated as a separate legal person for VAT purposes and, is in terms of section 51(1) of the VAT Act ,required to register for VAT with the South African Revenue Services (“SARS”)where the body’s taxable supplies exceed the registration threshold.

Should the joint venture or partnership or consortium not be registered for VAT, **VAT cannot be levied on any invoice** that will be issued out to Airports Company South Africa for services rendered.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Tender \_\_\_\_\_

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**FORM 5.11: CERTIFIED COPIES OF IDENTITY DOCUMENTS OF DIRECTORS, / TRUSTEES / MEMBERS /  
SHAREHOLDERS AND SENIOR MANAGEMENT**

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

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

*Tender* .....

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**FORM 5.12: CERTIFICATE OF INCORPORATION**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

*Tender* \_\_\_\_\_

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**FORM 5.13: CENTRAL SUPPLIER DATABASE REPORT (CSD)**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

*Tender* \_\_\_\_\_

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**FORM 5.14: COMPANY PROFILE, EXECUTIVE SUMMARY, AND ORGANOGRAM**

**Bidder to provide brief summary of their organisation and include their organisation's Organogram relevant to this opportunity with names, (starting with the Managing Directors/CEO)**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Tender \_\_\_\_\_

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**FORM 5.15: LATEST AUDITED FINANCIAL STATEMENTS/MANAGEMENT ACCOUNTS**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

*Tender* \_\_\_\_\_

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**FORM 5.16: MANDATORY CRITERIA DOCUMENTS****ALL MANDATORY CRITERIA REQUIRED AS PER SECTION 3.3 OF THIS TENDER DOCUMENT**

1. Attendance of the Compulsory Briefing – **The attendance register (Physical and Online Teams) will be used as proof of attendance.**

---

2. Duly filled in Pricing Schedule for the offer – **FORM 5.**

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3. A letter of support or any form of supporting document from the Original Equipment manufacturer/bidder who will design and manufacture the final product being a completed 8x8 Aircraft Rescue & Fire tender confirming availability of spare parts supply for a minimum of 15-years.

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4. Declaration letter confirming proof of maintenance support capabilities available at the cities where the respective airports are based and where the Aircraft Rescue and Fire Fighting Vehicle will be operating.

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5. Bidders shall demonstrate the level of compliance to the 8x8 technical specification by completing and signing the 8x8 compliance declaration form provided as a separate document to this tender.

---

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Tender \_\_\_\_\_

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**FORM 5.17: FUNCTIONAL CRITERIA DOCUMENTS**

**BIDDERS TO ATTACH OTHER RETURNABLE DOCUMENTS UNDER THE FUNCTIONAL CRITERIA AS SPECIFIED IN SECTION 3.5 OF THIS TENDER DOCUMENT**

Company Experience  
Manufacture capability  
After sales support

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

*Tender* \_\_\_\_\_

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