

Tender Reference Number: BFIA7267/2023/RFP

**REQUEST FOR PROPOSALS FOR THE PROVISION OF QUANTITY SURVEYING
PROFESSIONAL SERVICES FOR THE UNDERGROUND MAIN WATER LINE AND
SERVICE ROADS PROJECT FOR A PERIOD OF 36 MONTHS AT BRAM FISCHER
INTERNATIONAL AIRPORT**

OCTOBER 2023

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, Gardenview, Gauteng, South Africa, 2047
www.airports.co.za

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



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

**REQUEST FOR PROPOSALS FOR THE PROVISION OF QUANTITY SURVEYING
PROFESSIONAL SERVICES FOR THE UNDERGROUND MAIN WATER LINE AND
SERVICE ROADS PROJECT FOR A PERIOD OF 36 MONTHS AT BRAM FISCHER
INTERNATIONAL AIRPORT**

Bid Number: : BFIA7267/2023/RFP

Issue Date : 09 OCTOBER 2023

Query Closing Date : 31 OCTOBER 2023 @ 16:00

**Compulsory Briefing Session
Date** : 16 OCTOBER 2023 @ 10:00

Bid Closing Date and Time : 07 NOVEMBER 2023 @ 10:00

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Table 1: Summary of Bidder's Details

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 and www.airports.co.za. Kindly print and complete.

Submission of bid documents

The envelopes containing bid documents must have on the outside, the bidder's return address, the full description of the bid, bid number and the details of the Supply Chain Management department where the bid will close. The documents must be signed and completed by a person who has been given authority to act on behalf of the bidder. The bottom of each page of the bid documents must be **signed or stamped** with the bidder's stamp as proof that the bidder has read the bid documents. Bid documents must be submitted on or before 10:00 AM on 7th of November 2023 using the following method(s):

PLEASE NOTE THAT BOTH METHODS MUST BE UTILIZED. BIDDERS SHOULD NOT CHOOSE JUST ONE OF THEM.

1.1.1. Hand delivery:

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

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ECC Boardroom

1 Old Thaba Nchu Road, Bloemfontein, 9323

Bram Fischer International Airport

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.**

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1.1.2. Email submissions:

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

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 at least (04) four or more attachments of 4MB each.
- Bidders are requested to submit all bids in the format instructed, no other format will be acceptable.

1.1.3. Proposals must both be in printed format (**an original and a copy**) together with an electronic copy of the bid documents using an accessible link. The original will be legal and binding, in the event of discrepancies between any of the submitted documents; the original will take precedence.

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, 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
Email:	Thami.Mncube@airports.co.za
Tel:	+27 (0) 61 653 0462

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- 1.4.1. Request for clarity or information on the bid may only be requested until September 2023. 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.

1.5. **Compulsory Briefing/Site Inspection Session**

A compulsory briefing session shall be held at the address indicated below which will be followed by a compulsory site inspection. Details of the Compulsory Briefing Session:

1.5.1.Address:

Fire and Rescue Lecture Room
Bram Fischer International Airport
1 Old Thaba Nchu Road,
Bloemfontein,
9323

1.5.2.Time & Date: @ 10h00 on the 16 OCTOBER 2023

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 allows;
- 1.7.5. To reject the lowest acceptable bid received; and/or
- 1.7.6. Cancel this bid.

1.8. Validity Period

- 1.8.1. ACSA requires a validity period of hundred and twenty (120) 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

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SECTION 2: BACKGROUND, PURPOSE, AND SCOPE OF WORK

2.1 Background and/or Purpose of this Bid

This project consists of two projects that were brought together for ease of execution. The first project is the underground main water line project which addresses the water supply challenges at BFIA and the second project is the Service Road project which addresses road infrastructure challenges at the airport.

Both projects were initiated pre-covid and delivered up to Stage 3: Design Development but had to be halted due to the challenges that the business was faced with during COVID 19. ACSA is now ready to implement both projects and due to the locality of the projects a decision to combine both projects was taken for ease of execution.

Objectives of the project are as follows:

Main water lines:

1. Upgrade the main water line that is running through the terminal building basement complete with isolation valves.
2. Construct new domestic water line from Mangaung Municipality at Masselspoort water line to provide an additional water feeder to the airport reservoirs.
3. Installation of two new water bore holes on airport for emergency situations during municipal water shutdowns.
4. Upgrade the fire water pump to comply with SANS and ASIB Regulations.
5. Removal of old asbestos pipe.
6. Replacing all eight (8) hydrant boosters including pipelines
7. Re-establish the other leg of the booster pipeline that was previously blanked off to increase the hydrant boosters by an additional two (2) taking the total hydrant boosters to ten (10).
8. The upgrading the fire hydrant water line to a minimum of 5 bar when 2 out of 10 fire hydrants are opened simultaneously

Service Roads:

1. Provision of land-side access for solar plant farm and reservoir pump station including the road to the solar plant. This entails new junctions/intersection to the facilities.
2. Provision of all-weather surface to the land-side truck turning circle, which is predominantly used by heavy vehicles.
3. Repair of the concrete standing panels outside of the fire station (airside).
4. Rehabilitation of the airside service road adjacent to the main terminal building.
5. Provision of all-weather surfaced road around the maintenance complex.
6. Rehabilitation/improvement of the stormwater management associated with the service roads.

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2.2 Scope of Work

2.2.1 Quantity Surveying Services

Standard and full Quantity Surveying services (Stages 3 to 6)* for the above-mentioned project as per the Guidelines for scope of services and Tariff of Fees Guideline in respect of services rendered by persons registered in terms of the South African Council of the Quantity Surveying Professions Act, 2000 (Act No. 49 of 2000). Quantity surveying services, in addition to the above standard, shall also include but not limited to the following:

- Agree on the format and procedures for cost control and reporting on the project with the client.
- Risk identification, management and reporting throughout the project lifecycle.
- All reports relevant to the project, including but not limited to the design report (scope document), monthly progress reports, ad-hoc reports and close out report will be submitted on set project calendar dates or as and when required by the Employer.
- The service provider will be required to attend as required the following regular meetings necessary for the management of the project, including but not limited to; progress, coordination, cost review, project board and project management meetings which will be scheduled during the life of the project.
- The service provider is required to provide all aspects of the service with all reasonable care, diligence and skill in accordance with generally accepted professional techniques and standards, and ensure that all legal requirements are met, and that all legal processes are adhered to.
- The professional services will be managed in terms of the approved project implementation plan and the project schedule.

2.2.2 Transformation Agent Services

The **Transformation Agent** will be responsible for implementing ACSA's Transformation Strategy and other relevant Policies and Legislative requirements that aims to generate growth and facilitates empowerment and opportunities for targeted enterprises. The strategy will be tailor made and is required to be project specific considering the set of requirements that the locality presents. It includes, but is not limited to the following:

- Monitoring and Reporting of Transformation Spend/ CPG Implementation by all Consultants appointed on the project.

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- Submission of a Transformation Proposal (Contract Participation Goals of minimum 50%) for the contract in line with following BBB-EE pillars:
 - i. Equity
 - ii. Management control and employment equity
 - iii. Skills development
 - iv. Enterprise and supplier development
 - v. Socio economic development
- Assist ACSA to Set Targets for local labour work opportunities, local supplier development and SED/ESD training and maximize specific contract participation targets in line with (but not limited to):
 - i. ACSA Transformation policy
 - ii. Available procedures
 - iii. Stated targets
 - iv. CIBD guidelines
 - v. BBBEE Act 53, As amended by BBBEE Amendment Act 46 of 2013
 - vi. BBBEE codes of good practice (May 2015)
 - vii. REFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000:
 - viii. PREFERENTIAL PROCUREMENT REGULATIONS, 2017
 - ix. ISO 10845
- All consultants will prioritise local content in specification with a 100% premium margin (subject to the Treasury, Department of Trade and Industry and SABS Standards Division guidelines/ practice notes in relation to local production and content) and local labour per following prioritisation order (this will be reviewed and vetted by the transformation agent and presented to ACSA for acceptance):
 - i. 5km radius of Bram Fischer International Airport
 - ii. Bloemfontein
 - iii. Free State
 - iv. South African
 - v. Regional (SADC)
 - vi. African
 - vii. Other

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- Rationalise packaging of construction contracts to create more opportunities for CIDB level 2 to 8 contractors.
- Detail a high-level conceptual overview for acceptance by the Client.
- Develop opportunities for designated groups to access contract participation by breaking the contract down into the full value chain and give specific weighting to priority elements.
- Provide full analysis and breakdown that identifies the transformation needs, skill levels, local resource capacity, appropriate use of local technology and supplier capacity.
- Auditing, monitoring, evaluating and reporting on achievement targets through the various stages of construction and assist the contractor to achieve goals as set.
- The Transformation Agent is expected to play an active role throughout the lifecycle of the project:

2.2.2.1 Pre-Tender Project Phase

- Assist in developing a clear project specific transformation strategy as part of the project brief in line with ACSA transformation approach and policy.
- Attend fortnightly appointment initiation meetings.
- Advise on the procurement strategy for the appointment of the contractor to ensure that the ACSA set transformation targets are achievable.
- Concluding the terms of the client/transformation agent professional services agreement with the client.
- Attending fortnightly design and consultants' meetings
- Receiving relevant data and cost estimates from the other professional consultants in order to ensure that the transformation strategy is a key driver for the project.
- Liaising, co-operating and providing necessary information to the client, **principal consultant** and other professional consultants in order to determine the contract participation goals (CPG) for emerging contractors.
- Preparing draft transformation strategy with reference to preliminary and elemental or equivalent estimates of construction cost.
- Reviewing the documentation programme/ cost estimates/ design specifications with the **principal consultant** and other professional consultants.
- Receiving relevant data and cost estimates from the other professional consultants.
- Preparing detailed project specific CPG strategy.

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- Prepare and Submit Detailed transformation strategy/ proposal with CPG targets for approval in line with the following BBB-EE pillars:
 - i. Equity
 - ii. Management control and employment equity
 - iii. Skills development
 - iv. Enterprise and supplier development
 - v. Socio economic development
- Mutually agreed additional services

2.2.2.2 Tender Stage

- Attending fortnightly tender preparation and consultants' meetings
- Assisting the principal consultant in reviewing working drawing, specifications, estimates etc. to ensure compliance with approved transformation strategy.
- Preparing documentation for both principal and subcontract procurement to comply with transformation targets.
- Assisting with preparation of contract documentation for signature

2.2.2.3 Construction Stage

- Establishing and maintaining a financial control system to ensure contractors adherence to transformation strategy/ deliverables.
- Conduct monthly audits throughout the construction period for both work packages / construction phases.
- Attending fortnightly technical, site and consultants' meetings
- Preparing detailed reports/ schedules/ forecasts/ status reports of cash flow/ spend to ensure CPG targets are met in line with the following BBB-EE pillars:
 - i. Equity
 - ii. Management control and employment equity
 - iii. Skills development
 - iv. Enterprise and supplier development
 - v. Socio economic development

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- Implement corrective action in consultation with the consultant team, the contractor/s, the client and other stakeholders (i.e. local community, tenants and general public if necessary) in the event of non-performance.
- Assist QS in Concluding final account(s), identifying and confirming transformation targets have been met.
- Attending fortnightly consultants' and progress meetings
- Preparing detailed concluding transformation report including lessons learnt
- Mutually agreed additional services

2.3 Minimum Scope of Work Requirements

2.3.1 Company Experience

We are looking for an Quantity Surveying Consulting Firm with expertise in (preferably) road construction projects. Preferably this company should have more than two projects completed above the project value of R21 million including VAT.

2.3.2 Key Staff Experience

We are looking for a Quantity Surveyor registered with the South African Council for the Quantity Surveying Profession as a Professional Quantity Surveyor.

The Quantity Surveyor must have a minimum of two construction (inclusive of airport runways and Taxiways) completed as a Professional QS (post registration). Each project must have a minimum construction value of R21 Million inclusive of VAT.

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2.4 Pricing Schedule

Underground Main Water line and Service Roads Project at BFIA
Professional Services and fees per project stage (Main Pricing Schedule)

Item	Description	Price Excluding VAT		Price Including VAT	
Stage 3: Design Development	Basic fees are not fixed but are based on a percentage of the construction value. This contract's basic fee is _____% of the estimated construction value.	R		R	
Stage 4: Documentation and procurement		R		R	
Stage 5: Construction		R		R	
Stage 6: Close-out		R		R	
Subtotal 1		R		R	
Disbursements	All Prices shall remain fixed for the duration of the contract.	R	40 000.00	R	46 000.00
Subtotal 2		R	40 000.00	R	46 000.00
Contingencies @10% of (subtotal 1 + 2)	This contingency amount shall remain fixed for the duration of the contract	R		R	
Subtotal 3		R		R	
Total Fees (subtotal 1+2+3)		R		R	
Add 15% VAT		R			
Total Fee including VAT	Total to be carried to form of offer and acceptance	R			

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. Disbursements will be reimbursed at actual cost. The successful bidder will be required to provide proof of expenses in order to be reimbursed. Other expenses, for example accommodation (specify, e.g. three star hotel, bed and breakfast, telephone cost, reproduction cost, etcetera). On basis of these particulars, certified invoices will be checked for correctness.

SECTION 3: EVALUATION CRITERIA

3.1 Evaluation Criteria

3.1.1 ACSA will use a pre-determined evaluation criteria when considering received bids. The evaluation criteria will consider **mandatory administrative, functionality/ Price and Preference**. 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	Post tender negotiations	Security Vetting (if deemed necessary)

3.3 Mandatory 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:

Attendance of the Compulsory briefing session and Site Visit

Duly completed and signed Form of Offer

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3.4 Local Content and Production (N/A)

3.5 Functionality

Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below. Total points allocated shall be 100. Tenderer must score a minimum score per each sub criteria and an overall minimum threshold of 60 points out of 100 is required to be achieved for the tender to be eligible for further evaluation on Price and B-BBEE (80/20).

	Minimum Points	Maximum Points
Tendering organization experience – Number of Projects	30	40
Professional Quantity Surveyor's experience and qualification	30	60
Total Points	60	100

3.1.1 Evaluation

This will be conducted by the Bid Evaluation Committee which comprises of various skilled and experienced members from diverse professional disciplines. The evaluation process will be based on threshold criteria. Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below.

3.1.2 Threshold

The functional evaluation will be based on a threshold, where bidders **which fail to achieve a minimum on each functional criterion will not be considered further in the evaluation**. The criteria of the evaluation are expressed in the table below.

Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below. Total points allocated shall be 100. Tenderer must score a **minimum score per each sub criteria and an overall minimum threshold of 60 points out of 100** is required to be achieved for the tender to be eligible for further evaluation on Price and B-BBEE (80/20).

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

3.5.1. Functionality Criteria

(a) COMPANY EXPERIENCE: LIST OF COMPLETED RELEVANT PROJECTS.

- Relevant completed projects refer to **completed construction projects** each with a value of R21 million and above (including VAT).
- Refer to Annexure A for the schedule of the Bidding Entity's Experience. The bidding entity **must** complete in full the schedule.
- The Bidding entity must also provide the completion letters/references letters in Annexure B for the listed projects in Annexure A.

Criteria	Points	Minimum/ Maximum
< 2 Projects	0 Points	N/A
2-3 Projects	30 points	Minimum
> 3 Projects	40 points	Maximum

(b) KEY PERSONNEL: PROFESSIONAL QUANTITY SURVEYOR ASSIGNED TO THIS PROJECT

(i) Quantity Surveyor list of completed relevant projects

- Relevant completed projects refer to construction projects that each have a construction value of R21 million and above (including VAT).
- All projects submitted for evaluation **must** have commenced post professional registration with the South African Council for the Quantity Surveying Profession (SACQSP) – attach proof in Annexure D.
- Refer to Annexure C for the schedule of the Quantity Surveyor's experience. The Bidder **must** complete the schedule in full.

Criteria	Points	Minimum/ Maximum
< 2 Projects	0 points	N/A
2-3 Projects	20 points	Minimum
> 3 Projects	50 points	Maximum

(ii) Professional Registration as Professional Quantity Surveyor (Provide proof of registration) and proof of qualification.

Quantity surveying qualification and Registration. For this sub-criterion the bidder must attach in Annexure F to this submission the Quantity Surveyor's proof of Educational Qualification including and Professional Registration with the South African Council for the Quantity Surveying Profession.

- The Quantity Surveyor has a bachelor's degree (BSc/BEng/BTech) in Quantity Surveying and professional registration with the South African Council for the Quantity Surveying Profession as Professional Quantity Surveyor (Pr QS). **ACSA will verify the registrations. [10 Points]**
- No proof that The Quantity Surveyor has a bachelor's degree (BSc/BEng/BTech) in Quantity Surveying and professional registration with the South African Council for the Quantity Surveying Profession (SACQSP) as Professional Quantity Surveyor (Pr QS). **ACSA will verify the registrations. [0 Points]**

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Criteria	Points	Minimum/ Maximum
No registration	0 points	N/A
Registered with South African Council for the Quantity Surveying Profession	10 points	Minimum

5.1 Price and B-BBEE

This is the final stage of the evaluation process and will be based on the PPPFA preference point system of **80/20**. Price will amount to **80** points, whilst preference will be **20** 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 exists, justifying an award to another bidder or ACSA splits the award or cancels the tender, *etcetera*.

Bidders must only price in accordance with Part C2. 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.

3.5.2. Price and Preference

This is the final stage of the evaluation process and will be based on the PPPFA preference point system. Bidders will be ranked by applying the preferential point scoring *80/20 for bids with the rand value equal to or below R50 million*. A maximum of 80 or 90 points is allocated for price based on the following formulae (delete formula not applicable):

$$80/20$$

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

Where:

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

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Evaluation of Preference

ACSA will score specific goals out of 10 or 20 in accordance with the PPP Regulations 2022/2023. If a bidder fails to meet the Specific goals as outlined on the table below and to submit proof, the bidder will score zero (0) out of 20 or out of 10. ACSA will not disqualify the bidder. See below Specific goals that must be achieved for this bid:

Paste applicable goal here:

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

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SECTION 4: RETURNABLE DOCUMENTS

4.1 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]
<i>Priced offer (found in the NEC document)</i>	
<i>Declaration of Interest Form and Politically Exposed Persons</i>	
<i>SBD 4 Bidder's Disclosure Form</i>	
<i>SBD 6.1 Preference Points Claim Form</i>	
<i>Confidentiality and Non-Disclosure Agreement</i>	
<i>Attendance of compulsory Briefing session and Compulsory Site Inspection</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:

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OTHER RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
<i>BEE Certificate and Scorecard or BBBEE QSE/EME Affidavit</i>	
<i>Verifiable medical certificate of report as proof of disability (For preference claims)</i>	
<i>Tax Pin number (ACSA may not award to a bidder whose tax affairs have not been declared to be in orders by SARS)</i>	
<i>Names and identity numbers of Directors, / Trustees / Members / Shareholders and Senior management</i>	
<i>Certificate of Incorporation of the bidding entity showing ownership split</i>	
<i>Central Supplier Database Report (CSD)</i>	
<i>Annexure A - Schedule of Company Experience</i>	
<i>Annexure B – Contactable Reference Letters</i>	
<i>Annexure C – Schedule of Key Staff Experience: Quantity Surveyor</i>	
<i>Annexure D – Proof of Professional Registration for Key Staff</i>	
<i>Annexure E – Transformation Framework & Specification form</i>	
<i>Annexure F - Letter of Good standing with the workers compensation</i>	
<i>Annexure G – Certification of staff availability</i>	

4.3 Validity of submitted information

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

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:

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 interest¹ 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 consortium² will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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

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

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

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

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

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5.3 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 SBD 6.1

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

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);

1.2 To be completed by the organ of state

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) The **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 / Preference .

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 / PREFERENCE	20
Total points for Price and SPECIFIC GOALS	100

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- 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:

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

Where

Ps = Points scored for price of tender under consideration

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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/preference point allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
51% owned by Black male and Black women and Black youth and People living with disabilities	20	
51% owned by Black male or Black women or Black youth or People living with disabilities (at least two of the above designated groups must achieved)	15	
51% owned by Black male or Black women or Black youth or People living with disabilities	10	
Less than 51% owned by Black male, Black women, Black youth, People living with disabilities	5	
Other	0	

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]

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- 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.

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www.airports.co.za

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

	SIGNATURE(S) OF TENDERER(S)
SURNAME AND NAME:
DATE:
ADDRESS:

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Form 5.4: 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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Issue: 2

Issue Date: 09/10/2023

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;
 - 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

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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 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

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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 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

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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 authorised 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.

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 Lesego.Pitse@airports.co.za. Each single request by the same receiving party shall be treated as a new request.

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

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

7. **DURATION**

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

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

8. **TITLE**

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

8.1.1 to be proprietary to the disclosing party; and

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

9. **RELATIONSHIP BETWEEN THE PARTIES**

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

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- 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 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.

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- 11.4 Any notice given and any payment made by one party to the other ("the addressee") which:
- 11.4.1 is delivered by hand during the normal business hours of the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee at the time of delivery;
 - 11.4.2 is posted by prepaid registered post from an address within the Republic of South Africa to the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee on the fourth day after the date of posting;
 - 11.4.3 is transmitted by facsimile to the addressee's receiving machine shall be presumed, until the contrary is proved, to have been received within one (1) hour of transmission where it is transmitted during normal business hours or, if transmitted outside normal business hours, within one (1) hour of the resumption of normal business hours on the next normal business day.
12. **GENERAL**
- 12.1 No party shall be bound by any representation, warranty, undertaking, promise or the like not recorded in this agreement.
 - 12.2 No addition to, variation or agreed cancellation of this agreement shall be of any force or effect unless in writing and signed by or on behalf of the parties.
 - 12.3 Any indulgence which either party may show to the other in terms of or pursuant to the provisions contained in this agreement shall not constitute a waiver of any of the rights of the party which granted such indulgence.
 - 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.

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- 12.9 Each clause of this agreement is severable, the one from the other and if any one or more clauses are found to be invalid or unenforceable, that clause shall not affect the balance of the clauses which shall remain in full force and effect.

SIGNED at _____ on _____ day of _____ 202__

**AIRPORTS COMPANY SOUTH AFRICA SOC
LIMITED**

the signatory warranting that he is duly authorised
thereto.

Name: _____

Designation: _____

AS WITNESSES

1. _____

2. _____

SIGNED at _____ on _____ day of _____ 202__

[NAME OF SERVICE PROVIDER]

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

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Name: _____

Designation: _____

AS WITNESSES

1. _____

2. _____

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FORM 5.5: 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: _____

1. Bidder's Name and Contract Details

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

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2. Proposal Certification

We hereby submit a Proposal in respect of the Professional Quantity Surveying Consultants for the Underground Main Water line and Service Road Project at Bram Fischer International Airport 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 conditions of this bid and 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.
- We acknowledge that the bidder/s, directors, shareholders and employees may be subjected to security vetting by Airport Company South Africa or its agent.
- 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 *one hundred and twenty (120) days* calculated from the closing date for Proposal submission.

Thus done and signed at		on this the		day of		202
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Signature:	
Name:	

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For and behalf of:

Bidding entity name:	
Capacity:	

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FORM 5.6: I.D for Directors / Trustees / Members / Shareholders and Senior management of the bidding entity

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FORM 5.7: Attendance of Compulsory Briefing session and Site Visit (add the table)

The bidder must bring along this form to the briefing session for the clients signature. This form will be used a proof that the bidder has attended the Briefing Session/Site Inspection.

If the form is not signed, the bidder must attach the briefing attendance register to this form proving presence at the briefing session.

For the tenderer:

Name of Representative
Signature
Date

For the client:

Name of Representative
Signature
Date

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Annexure A: Tendering Organization Experience



Name of Tendering organization:

No.	Project Name	Project Client	Project Description	Start date	End date	project value (inclusive of VAT)	Contactable Referee name	Contactable Referee Tel and Email Address



Annexure B: Client Reference Letters

Name of Consulting Company:					
Project Description:					
Name of Client Company/Organization:					
Confirmation that the project is complete and has a project value larger than R21 million (VAT Incl)				Yes	No
The following evaluation is to be completed by the Employer/Client based on performance and experience of working with the above-mentioned consultant. The purpose of the evaluation is to assist with the tender adjudication and to gain an understanding of the workmanship and management skills of the consultant. All information contained herein will be used strictly for tender evaluation purposes and will remain confidential.					
How satisfied were you with the project deliverables? (i.e design documents, status reports, documentation)	Poor	Average	Good	Excellent	
Effectiveness in communicating the project requirements status	Poor	Average	Good	Excellent	
Were the consultant’s staff skilled and/or knowledgeable in the area of expertise required for the project	Poor	Average	Good	Excellent	
Did the consultant provide a high level of knowledge transfer and value to your organization?	Poor	Average	Good	Excellent	
Comments:				Client company stamp:	

Referee details:

Signed:	Date:
Name:	Position:
Tel Phone number	Email Address

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Annexure C: Schedule of Quantity Surveyor Experience

Name of Tendering organization:

Name and Surname of Quantity Surveyor:

SACQSP Registration Number:



No.	Project Name	Project Client	Project Description	Start date	End date	project value (inclusive of VAT)	Contactable Referee name	Contactable Referee Tel and Email Address

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Annexure D: Proof of Professional Registrations with the South African Council for the Quantity Surveying Profession

Attach Proof of Professional Registrations with relevant council or registration body.

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Annexure E: Transformation Framework and Specification forms

Airports Company South Africa aims to contract predominantly with Empowering Suppliers per the definition in P010 004P (ACSA internal transformation policy) were this relates to:

- an increase in local production,
- raw material beneficiation
- retention and employment of black people
- the transfer of skills to black owned EME's and QSE's.

1. Contract Participation Goals (CPG)

CPG refers to the extent to which the contracted resources achieve predetermined transformation objectives, expressed as a percentage (%) of the contract value. Bidders are expected to achieve this target by the end of the project.

2. Bidders are to submit to submit a transformation proposal meeting the CPG target for all contracts over R1m including VAT.

3. CPG for this contract will be at 50% which will consist of the following B-BBEE elements:

- 3.1. Equity (Target 50%): 40% weighting.
- 3.2. Management (Target 50%): 10% weighting
- 3.3. Enterprise and supplier development: 50% weighting
- 3.4. Socio economic development: 2.5% weighting

Refer to table below which provides for a calculation table used to calculate the CPG score in Three (3) above.

4. To facilitate achievement of targets set out in 3, and transfer of skills, the tenderer **may** subcontract up to 30% of the contract value to sub-consultant that are black women owned, black youth owned, PWPDO, or allocate to EME, QSE that are 51% black owned entities.
5. In the event that the Contractor/consultant fails to substantiate that any failure to achieve the contract participation goal relating to the granting of a preference was due to quantitative underruns, the

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elimination of items, or any other reason beyond the Consultant's control which may be acceptable to the Employer, the Contractor/Consultant shall be liable to pay to the Employer a financial penalty calculated in the following manner:

$$P = (0,15 \times (D - Do) \times CA) / 100$$

- where D is the tendered contract participation goal percentage;
- Do is the contract participation goal which the Employer's representative, certifies based on the credits passed, as being achieved upon completion of the contract;
- CA is the contract amount.
- P is the monetary value of penalty payable

No financial award is due for over performance on CPG.

In addition to acknowledging the below, Tenderers must submit a proposal indicating how the targets stated in three (3) and/or four (4) above will be achieved.

6. Acceptance:

I/We _____ acknowledge that I/we have read and understood the contents of this section and we will further achieve the Contract Participation Targets stated above per clause three (3) of this section by the end of this project.

Signed: Date:

Name: Position:

Tenderer:

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AIRPORTS COMPANY

Contract Participation

Transformation score sheet									
<i>(Only Populate the white blocks/cells)</i>									
Ownership target 51%	Method 1	% of contract executed by prime contractor	% Black Ownership	Effective	Total CPG/ Element	Weighting CPG	Contract CPG		
		70%	55%	0.385					
	Method 2	% contract being executed by targeted JV Partners	% Black Ownership	0.3					
		30%	100%						
	Method 3	% Black Ownership	0						
		0%	53%						
Management target 51%	Method 1	% of contract executed by prime contractor	% Black Ownership	Effective	Total CPG/ Element	Weighting			
		70%	55%	0.385					
	Method 2	% contract being executed by targeted JV Partners	% Black Ownership	0.3					
		30%	100%						
	Method 3	% Black Ownership	0						
		0%	53%						
Skills Development	Method 2	% contract being executed by targeted JV Partners	% Black Ownership	Effective	Total CPG/ Element	Weighting			
		30%	100%					0.3	
	Method 3	% on contract being executed by targeted subcontractors	% Black Ownership					0	
		0%	53%						
ESD	Method 2	% contract being executed by targeted JV Partners	% Black Ownership	Effective	Total CPG/ Element	Weighting			
		30%	100%					0.3	
	Method 3	% on contract being executed by targeted subcontractors	% Black Ownership					0	
		0%	53%						
SED	Method 2	% contract being executed by targeted JV Partners	% Black Ownership	Effective	Total CPG/ Element	Weighting			
		30%	100%					0.3	
	Method 3	% on contract being executed by targeted subcontractors	% Black Ownership					0	
		0%	53%						

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Annexure F: Letter of Good Standing with the Workers Compensation Commissioner

Attach letter of good standing with Workmen's Compensation in accordance with the *Compensation for Occupational Injuries and Diseases Act, 1993 – COIDA*.

Signed		Date	
Name		Position	
Tenderer			

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Annexure G: Certification of Staff Availability

I certify on the behalf of _____
(Print Name of Tender)

Undertake that the same staff as proposed within this tender (including those proposed in the technical evaluation/functionality) will be utilized for this contract. Should the staff become unavailable at the start of or during the contract, for reasons beyond the organisations control, alternative staff (equivalent or better) are to be proposed and approved by the employer. The proposed alternative staff are to be equivalent (with respect to experience and qualifications) to the staff which are proposed for this tender.

Signed Date

Name Position

Tender

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