

REQUEST FOR PROPOSAL (RFP) DOCUMENT

DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF SERVICES FOR RENTAL OF NINE (9) MOBILE FLUSHABLE PORTABLE TOILETS (TRAILER UNITS) AT VLAKFONTEINMINE FOR A PERIOD OF THIRTY SIX (36)
Bid number:	AE/VLAK023/2021
Bid Issue Date	02 September 2021
Bid Available	This RFP may be downloaded directly from National Treasury's e-Tender Publication Portal at www.etenders.gov.za , and the African Exploration Mining and Finance Corporation website at www.aemfc.co.za .
Briefing Session	<p>A compulsory pre-proposal RFP briefing will be conducted at Vlakfontein Mine on the 10 September 2021, at 11:00am for a period of ± 2 hours. The briefing session will start punctually, and information will not be repeated for the benefit of Respondents arriving late.</p> <p>All interested bidders must register their interests by completing "Registration of Prospective Bidders Form" that will be attached on the advertisement and return to tenders@aemfc.co.za by 09 September 2021 to allow AEMFC to make arrangements.</p> <p>Bidders are expected to fill in and sign the "Certificate Of Briefing Session Attendance" during the briefing session together with the signature of AEMFC representative. The signed form shall form part of the tender submission. Failure for a bidder to submit the certificate before tender closing will result in the bid to being non-responsive.</p>
Closing Date	23 September 2021
Closing Time	12:00pm: Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.
Clarification on enquiry documents	Bidders will notify the AEMFC of any clarifications required before the closing time for clarification queries, which is 03 working days before the deadline for tender submission.
Bid validity period:	<p>120 days.</p> <p>Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.</p>
Delivery Instructions By Hand	<p>Bid documents should be deposited in the Bid Box situated at: African Exploration Mining and Finance Corporation (SOC) Ltd Building 1, 1st Floor 74 Waterfall Drive Waterfall City Gauteng 2090</p> <p>Access to the Bid Box is limited to the following hours: Monday to Friday: 08:30 to 16:00 Late Tenders will not be accepted Bidders must ensure that bids are delivered on time to the correct address. Bids received late shall not be accepted for consideration. All Bids must be submitted on the official forms provided by AEMFC – (not to be modified)</p>

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PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	AE/VLAK023/2021	CLOSING DATE:	23 September 2021	CLOSING TIME:	12H00
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR HIRING OF NINE (9) MOBILE CHEMICAL FLUSHABLE PORTABLE TOILETS (TRAILER UNITS) FOR A PERIOD OF 36 MONTHS AT VLAKFONTEIN MINE.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
African Exploration Mining and Finance Corporation (SOC) Ltd					
Building 1, 1 st Floor					
74 Waterfall Drive					
Waterfall City					
Gauteng					
2090					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	
		<input type="checkbox"/> No			
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
		<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
		<input type="checkbox"/>	A REGISTERED AUDITOR		
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY	AEMFC SOC LTD	CONTACT PERSON	Lulama Mangena
CONTACT PERSON	Lulama Mangena	TELEPHONE NUMBER	010 010 6100
TELEPHONE NUMBER	010 010 6100	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	Lulamam@aemfc.co.za
E-MAIL ADDRESS	Lulamam@aemfc.co.za		

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

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

1 TERMS OF REFERENCE (Confidential Information Disclosure Notice)

- 1.1 This document may contain confidential information that is the property of African Exploration Mining and Finance Corporation (AEMFC) SOC Ltd.
- 1.2 No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this bid, without prior written permission from African Exploration Mining and Finance Corporation SOC Ltd.
- 1.3 All copyright and intellectual property herein vests with African Exploration Mining and Finance Corporation SOC Ltd.

2 INTRODUCTION

African Exploration Mining and Finance Corporation (SOC) Ltd ("AEMFC") is a state-owned Mining Company established to secure South Africa's energy supply primarily through the mining and supply of coal for the generation of electricity, as well as securing other resources that will provide energy for the future, including key minerals for beneficiation in the energy and steel value chain. As a growing company, AEMFC is currently operating an opencast coal mine (Vlakfontein Mine) established in 2011 which is located near Ogies in Mpumalanga Province.

Vlakfontein mine is managing mining operations on a 24hr basis, that comprises of mining, plant, machine yards area, and weighbridge. Operators require ablution facilities as part of the hygiene management systems on-site for both male and female employees.

Thus, the Service Provider is requested to provide a proposal based on the scope of work (**Section 5 - SOW**).

3 PRE-QUALIFICATION

The following tenderers may respond –

- 3.1 A tenderer having a stipulated minimum B-BBEE status level of contributor of **level 1 and Exempt Micro Enterprise (EME)**.
- 3.2 A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender.

NB: A valid original (or certified) B-BBEE certificate or a sworn affidavit must be submitted as proof of B-BBEE status level contributor.

4 OBJECTIVE CRITERIA

- 4.1 Not Applicable (N/A)

5 SCOPE OF WORK (SOW) (REQUIREMENTS)

The services required was for the Appointment of a Service Provider for Provision of Services for Rental of nine (9) Mobile Chemical Flushable Portable Toilets (Trailer Units) at Vlakfontein Mine for a period of thirty-six (36) months.

5.1 Hiring of nine (9) mobile flushable toilets.

- 5.1.1 4 x female
- 5.1.2 5 x male

5.2 The toilets must be trailer units and must have the following features

- 5.2.1 Flushable with basin.

- 5.2.2 The toilets must be trailer units.
- 5.2.3 The toilets must have the handwashing facility and soap dispenser.
- 5.2.4 Provide sanitary bins for female toilets.
- 5.2.5 Soap dispensers must be refilled twice a week.
- 5.2.6 The toilets must be labelled accordingly (male & female signs).
- 5.2.7 Toilet must be cleaned and serviced twice a week to maintain good hygiene.
- 5.2.8 The toilets waste must be emptied and disposed twice a week.
- 5.2.9 The contractor must come with own water of about 600 litres whenever the service and cleaning are done.
- 5.2.10 The toilet waste must be disposed of at a licensed wastewater treatment facility.
- 5.2.11 The contractor must provide a disposal certificate to the mine.
- 5.2.12 The toilets must be lockable whenever it is being used.

6 SERVICES, FACILITIES, AND INFORMATION TO BE SUPPLIED BY THE BIDDER

- 6.1 Transportation of own employees
- 6.2 Compliance with applicable environmental legislation on wastewater management
- 6.3 Induction at the mine's training centre at a cost per person
- 6.4 Medical certificates at mine contracted clinic at a cost
- 6.5 Water for servicing and cleaning the toilets.
- 6.6 PPE for own personnel

7 SERVICES, FACILITIES, AND INFORMATION TO BE SUPPLIED BY AEMFC (to the winning bidder)

- 7.1 Monthly safety file to obtain monthly work permit.
- 7.2 Security service for main security check points

8 PROPOSAL SUBMISSION AND OPENING OF BIDS

Bids should be sealed and externally endorsed:

CLIENT NAME: African Exploration Mining and Finance Corporation (AEMFC)

BID DESCRIPTION: Appointment of a Service Provider for Provision of Services for hiring of nine (9) Mobile Flushable Portable Toilets (Trailer Units) at Vlakfontein Mine for a period of thirty-six (36) months.

BID NO: AE/VLAK023/2021

BIDDER NAME:

ENVELOPE TITLE: FUNCTIONAL RESPONSE/COMMERCIAL RESPONSE

- 8.1 There shall be no public opening of the Bid received, however the list of Bids received may be published on the AEMFC website or National Treasury e-tender portal unless specifically provided for in the RFP.
- 8.2 Bids submitted by means of email, telegram, telefax, facsimile or similar means shall not be considered.
- 8.3 Bidders will be disqualified in the event of there being scratching out, witing over or painting out rates or information, affecting the evaluation of the bid, without initialling next to the amended rates or information.
- 8.4 Bidders will be disqualified in the event of the use of correction fluid (e.g. tippex), any erasable ink, or any erasable writing instrument (e.g. pencil).

- 8.5 Bidders will be disqualified if the entity or any of its directors is listed on the register of Bid Defaulters in terms of the Prevention and Combating of Corruption Activities Act of 2004 as a person prohibited from doing business with the public sector.

9 MULTIPLE BIDDING

- 9.1 AEMFC does not allow Bidders to do multiple bidding.

*Note: Bidders submitted multiple bidding **will** be deemed to be non-responsive).*

10 FUNCTIONAL RESPONSE

The following information must be included in the functional response envelope:

FUNCTIONAL RESPONSE ENVELOPE	
Proposal documents comprising of a response to the functional evaluation criteria inclusive of the following (Refer to Section 12).	Comply [Yes/No]
Completed Functional Response	
Company experience: Provide reference letters of the company worked with	
Provide environmental permit/license or authorisation of the waste water treatment plant to be used	

Functional response envelope shall consist of the following

- Two (2)** hard copies of which **one (1)** shall be an **original** and the remaining **one (1) copy** of the original.
- The original copy must be marked clearly as an original version.

11 COMMERCIAL RESPONSE

The following information must be included in the commercial response envelope:

11.1 ADMINISTRATIVE DOCUMENTS

- Company Registration Documents Certified copies of identity documents of all directors/ main shareholders of the company, which copies must not be older than three months.

11.2 JOINT VENTURE /CONSORTIUM AGREEMENT

- If the bidder is a Joint Venture or Consortium, a Joint Venture / Consortium agreement signed by all member entities of the Joint Venture or Consortium must be attached together with the registration document of all member entities.

11.3 BROAD BASE BLACK ECONOMIC EMPOWERMENT (B-BBEE) Act

- Valid Original or Certified Copy of B-BBEE Certificate/ Sworn Affidavit for EMEs and QSEs.
- If the bidder is a Joint Venture or Consortium, a consolidated B-BBEE certificate (of the Joint Venture or Consortium (inclusive of all member entities) must be submitted.
- AEMFC reserves the right to verify the B-BBEE certification against the actual turnover as per Annual Financial Statements submitted by the bidder. Any discrepancy between the certification and the actual turnover as verified by AEMFC arising out of any misrepresentation in this regard shall lead to a disqualification.*
- Further, the original or certified copy of an individual or consolidated B-BBEE certificate or sworn affidavit will also be used for awarding preference points. The B-BBEE certificate must be submitted on the day of bid closure.
- B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-

BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80 points for price and will score 0 points for B-BBEE level /status (out of 20).

11.4 NATIONAL TREASURY'S SUPPLIER DATABASE (CSD) REGISTRATION

- a) Bidders must submit proof of registration on the National Treasury's Central Supplier Database (CSD).
- b) Bidders are requested to register on the National Treasury CSD and include the copy of supplier number in order to enable the institution to verify the supplier's tax status on CSD.
- c) Registration can be completed online at www.csd.gov.za.

11.5 FINANCIAL STATEMENTS

Bidders to proof of financial Soundness - Annual Financial Statements:

- a) If a bidder is a registered company required by law to have its annual financial statements audited or independently reviewed in compliance with the requirements of the Companies Act, Act No. 71 of 2008, or any other law, audited or independently reviewed annual financial statements, as the case may be, prepared within six(6) months of the end of the bidders most recent financial year together with the audited or independently reviewed annual financial statements for two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which case all of its annual financial statements must be submitted.
- b) If a bidder is a registered close corporation, annual financial statements in compliance with the provisions of the Close Corporation, annual financial statements in compliance with the provisions of the Close Corporations Act, Act No. 69 of 1984, prepared within nine (9) months of the end of the bidders most recent financial year together with the annual financial statements for the two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which all of its annual financial statements must be submitted.
- c) Annual financial statements submitted must comply with the requirements of the Companies Act or the Close Corporations Act.
- d) If the bidder only commenced business within the past three years, the bidder is required to submit annual financial statements in compliance with the provisions of (5.1) and (5.2) above for each of its financial years since commencing business.
- e) If a bidder is not required by law to have its annual financial statements audited or independently reviewed, or is not a Close Corporation, then non-audited annual financial statements for the periods referred to above must be submitted.
- f) If a bidder is a new company, an affidavit must be provided where no annual financial statements have been prepared.

12 REQUIRED DOCUMENTS

The following standard bidding documents completed and signed:

COMMERCIAL RESPONSE	
MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]

A tenderer having a stipulated minimum B-BBEE status level of contributor of level 1 and Exempt Micro Enterprise (EME) . tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender.	
Bill Of Quantities Note (<i>Bids submitted without the completed BOQ will be deemed to be non-responsive</i>).	

COMMERCIAL RESPONSE	
ESSENTIAL RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Schedule A: Miscellaneous Information	
SBD 9: Certificate of Independent Bid Documentation	
National Treasury Registration on Central Data Base (CSD) (certificate).	
Valid and Original, or certified copy of Letter of Good Standing (COID) The above document will be required to be submitted at contracting stage.	
Resolution of Authority to Sign on behalf of the Bidding Entity / JV / Consortium	

Commercial response envelope shall consist of only **one** original hard copy

13 EVALUATION CRITERIA

The following evaluation method will be used:

- 13.1 After the closing date of the bid invitation, an appointed evaluation committee of AEMFC officials and / or external parties/ consultants (where necessary) will evaluate the proposal of the service providers.
- 13.2 The committee will evaluate each of the bid proposals received against the approved criteria as stated below:
 - a) Compliance Check of required documents
 - b) Functionality (Technical)
 - c) Price and B-BBEE status level of contribution in accordance with PPPFA and its Regulations.
 - d) A tenderer having a stipulated minimum B-BBEE status level of contributor (Level 1).

13.3 PHASE1: Compliance Check of Required documents

All proposals submitted will be evaluated to establish compliance to the commercial requirements such as for completion and signing of Standard Bidding Documents (SBD) forms, and submission of Central Supplier Database (CSD) registration number.

13.4 PHASE 2: Functionality

Minimum threshold value of **65** should be obtained by the service providers to qualify for the fourth phase.

EVALUATION CRITERIA					
NO	EVALUATION CRITERIA	SCORING PRINCIPLE	RETURNABLE SCHEDULE	RATING	WEIGHTING SCORE
1.	Company Experience - Provide a list of mobile flushable toilets/ablution services conducted by your company. .	More than Two (2) years' experience in providing mobile flushable toilets services.	Bidders are to provide detailed reference letters on referring company's letterhead. Failure to provide reference letters will lead to bidders scoring zero.	50	50
		More than one (1) to two (2) years' experience in providing mobile flushable toilets services.		25	
		Six (6) months to one (1) year experience in providing mobile flushable toilets services.		15	
		Less than six (6) months experience in providing mobile flushable toilets services.		0	
2.	Attach proof that the sewage or wastewater treatment facility to be used for the disposal purposes has been authorised/licensed in terms of relevant environmental legislation.	Sewage or wastewater treatment facility for disposal permit or license attached	Bidders are to provide environmental licence/authorisation/permit for the wastewater treatment plant. Failure to provide the environmental permit/licence/authorisation/ will lead to bidder scoring zero points.	50	50
		Sewage or wastewater treatment facility for disposal permit or license NOT attached		0	
	Total Threshold			100	
	Minimum Threshold			65	

13.5 PHASE 4: Price and B-BBEE

Price Quotations will be evaluated in accordance with the Preferential Procurement Policy Framework Act (PPPFA), using the 80/20 preference point system, where 80 points will be for price and the remaining 20 will be for B-BBEE Status of Level of contribution. Preference points shall be awarded as follows:

B-BBEE Status Level of Contribution	NUMBER OF POINTS (80/20)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

If particulars required in respect of the bid have not been completed, except if only the Broad Based Black Economic Empowerment Certificate as provided for in Regulation 10 of The Preferential Procurement Regulations 2017, is not submitted, the bid will not be disqualified but no preference points will be awarded, and thereby impact the total scoring negatively

14 PRICING

Arithmetic Errors, omissions, and discrepancies

- 14.1 Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.
- 14.2 If there is an error in the line-item total on the bill of quantities resulting from the product of the unit rate and the quantity, the rate shall govern, and the line-item total shall be corrected.
- 14.3 Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the addition of prices, the rates shall govern, and the total tendered price shall be revised to achieve an arithmetically correct total tendered price.
- 14.4 All prices and quotation rates shall comply with the following conditions.
 - a) Quotations to be in South African Rands;
 - b) Price quoted must include VAT;
 - c) Zero rated services or goods to be indicated as such;
 - d) Bids shall be valid for a period of 120 days from date of closing; and
 - e) Quotations to be submitted on the Company's letterhead.

AEMFC reserves the right to enter into mandated negotiations with any/more selected tenderers in accordance with AEMFC's approved procurement policies and procedures.

15 ADDITIONAL INFORMATION

- 15.1 During evaluation of the bids, additional information may be requested in writing from bidders only for the purpose of clarifying aspects mentioned in the bid. Replies to such request must be submitted, within 2 (two) working days or as otherwise indicated.

16 DISCLAIMERS

Notwithstanding anything else in this Request For Proposal (RFP) and without limiting its rights at law or otherwise, AEMFC reserves the right, in its absolute discretion at any time to:

- 16.1 Cancel and call for new tenders
- 16.2 Appoint more than one bidder or contractor
- 16.3 Reject any tender received after the closing time
- 16.4 Alter the structure and/ or the timing of this RFP or the tendering process
- 16.5 Consider and accept or reject any alternative tender
- 16.6 Reject any tender that does not comply with the requirements of this RFP
- 16.7 Terminate the participation of any Bidder or any other person in the Tendering process
- 16.8 Cease to proceed with or suspend the Tendering process prior to the execution of an official written contract.
- 16.9 Request additional information or clarification from any Service Provider or any other person or provide additional information or clarification.

AEMFC is not obliged to accept the lowest or any bid thereof and reserves the right to withdraw this bid.

ANNEXURE A: SCHEDULE A (MISCELLANEOUS INFORMATION)

Schedule A – DECLARATION OF INTEREST AND CONFIRMATION OF PREVIOUS PROCUREMENT ACTIVITIES

1. Any legal person, including persons employed by the state, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his/ her representative:

2.2 Identity Number:

2.3 Position occupied in the company (director/trustee/shareholder):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

¹"State" means:

- a. any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- b. any municipality or municipal entity;
- c. provincial legislature;
- d. national Assembly or the national Council of provinces; or
- e. Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

- 2.7 Are you or any person connected with the bidder presently employed by the state? YES / NO**

2.7.1 If so, furnish the following particulars:

- (a) Name of person/director/trustee/shareholder/member:

.....

(b) Name of state institution at which you or this person connected to the bidder is employed:

.....

(c) Position occupied in the state institution:

.....

(d) Any other particulars:

.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid).

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....

2.8 Did you or your spouse, or any of the company's directors/ trustees/shareholders/members or their spouses conduct business with the state in the previous twelve months: **YES / NO**

2.8.1 If so, furnish particulars:

.....

2.9 Do you, or any person connected to this bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudicator of this bid? **YES/NO**

2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected to the bidder, aware of any relationship (family friend other) between any other

bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

2.10.1 If so, furnish particulars.

.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract? **YES/NO**

2.11.1 If so, furnish particulars:

.....

.....

3 Full details of directors/trustees/shareholders:

Full Name	Identity No	Personal Tax Reference No	State Employee No/Persal No

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF
PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION
PROVE TO BE FALSE.

I give consent to AEMFC to use all the submitted information for the evaluation and adjudication. I further
provide AEMFC with permission to confirm the validity and authenticity of the submitted information with
a third party (where applicable).

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

ANNEXURE B

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

- a) The value of this bid is estimated to **not exceed** R50 000 000 (all applicable taxes included) and therefore the **80/20.....** preference point system shall be applicable;

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic

Empowerment Act, 2003 (Act No. 53 of 2003);

- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20	or	90/10
$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

- 7.1 Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(***Tick applicable box***)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p>	
DATE:
ADDRESS

ANNEXURE C: SBD 9

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids/quotes¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *per se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

SBD 9

CERTIFICATE OF INDEPENDENT QUOTATION/PROPOSAL DETERMINATION

APPOINTMENT OF A SERVICE PROVIDER FOR HIRING OF NINE (9) MOBILE FLUSHABLE PORTABLE TOILETS (TRAILER UNITS) FOR A PERIOD OF 36 MONTHS AT VLAKFONTEIN MINE.

I, the undersigned, in submitting the accompanying quote:

(Quote Number and Description)

in response to the invitation for the quote made by:

African Exploration Mining and Finance Corporation (SOC) Ltd

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.

SBD 9

6. 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ **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.**

SBD 9

10. 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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

ANNEXURE D: REGISTRATION OF PROSPECTIVE BIDDERS FORM

DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF SERVICES FOR HIRING OF NINE (9) MOBILE FLUSHABLE PORTABLE TOILETS (TRAILER UNITS) AT VLAKFONTEINMINE FOR A PERIOD OF THIRTY SIX (36) MONTHS

BID NUMBER: AE/VLAK023/2021

DATE OF BRIEFING SESSION: 10 September 2021

VENUE: Virtual (Microsoft Teams)

REGISTRATION OF PROSPECTIVE BIDDERS FORM

All interested bidders must register their interests to attend a compulsory briefing session by completing this form and return to tender@aemfc.co.za by **09 September 2021**.

Tel/ mobile no: Email address:

.....
BIDDER'S NAME DATE

Failure to submit "REGISTRATION OF PROSPECTIVE BIDDERS FORM" for the briefing session attendance by 06 August 2021 will lead to bidder not being able to attend RFP briefing.

- ☐ Will select time slot of attending, if late AEMFC reserves the right not to attend to them
- ☐ Will agree to screen testing
- ☐ Will wear the required COVID-19 PPE
- ☐ Will not be allowed into the premises if they screen test results indicates the symptoms of COVID- 19 illness

ANNEXURE E: RESOLUTION TO SIGN ON BEHALF OF COMPANY

Resolution to sign on behalf of Company

RESOLUTION of a meeting of the Board of "Directors / Members / Partners of:

.....
(legally correct full name and registration number, if applicable, of the Enterprise)

held at (place).....

on (date).....

RESOLVED that:

- 1 The Enterprise submits a Tender to **AEMFC** in respect of the following:

AE/VLAK023/ 2021 Tender Reference Number:

APPOINTMENT OF A SERVICE PROVIDER FOR PROVISION OF SERVICES FOR RENTAL OF NINE (9) MOBILE FLUSHABLE PORTABLE TOILETS (TRAILER UNITS) AT VLAKFONTEINMINE FOR A PERIOD OF THIRTY SIX (36)

(project description as per Tender Document)

- 2 *Mr/Mrs/Ms in *his/her capacity as:

.....(position)

And who will sign as follows: _____ (Signature)

and is hereby, authorised to sign the Tender and all other documents and/or correspondence in connection with and relating to the EOI, as well as to sign any Contract, and any and all documentation, resulting from the award of any project to the Enterprise mentioned above.

	NAME	CAPACITY	SIGNATURE
1.			
2.			
3.			
4.			
Note:			ENTERPRISE STAMP
<ul style="list-style-type: none"> *Delete which is not applicable NB: This resolution must be signed by <u>all</u> the Directors / Members / Partners of the Tendering Enterprise or majority of directors of the Tendering Enterprise. Should the number of Directors / Members / Partners exceed the space available above, additional names and signatures must be supplied on a separate page. 			

Annexure F: Bill of Quantities (BOQ)

BILL OF QUANTITIES (BOQ)						
PROFESSIONAL FEES						
No.	Elements	Quantity	Unit of measure	Rate	Price (Excl vat)	Price (incl. vat)
1	Monthly Hiring of Nine (9) mobile toilets	36	months			
2	Weekly servicing of toilets (cleaning water refilling soap dispensing and disposal of waste)	4212	3 times a week			
3	Site Establishment	1	Once Off			
4	De- Establishment	1	Once Off			
5	Adhoc work servicing of toilets	36	Days			
PROJECT VALUE FOR 36 MONTHS						
TOTAL PRICE (EXCLUSIVE VAT)						
TOTAL PRICE (INCLUSIVE OF VAT)						

Company representative name (who confirms that they are duly authorized)

Company representative signature (who confirms that they are duly authorized)

