



BID NO 24/FY/22

**THE APPOINTMENT OF THREE SERVICE PROVIDERS FOR TRANSACTION
ADVISORY SERVICES TO THE EASTERN CAPE PARKS FOR 3
COMMERCIALISATION OPPORTUNITIES**

ADVERTISEMENT DATE:	11 FEBRUARY 2022
CLOSING DATE:	04 MARCH 2022
CLOSING TIME:	11h00am
ADDRESS:	ECPTA Offices 17-25 Oxford Street, East London
BIDDER NAME:	
CSD NUMBER:	

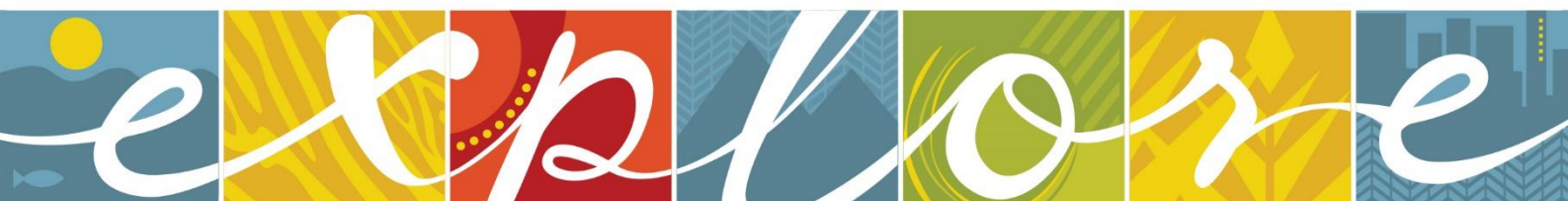


TABLE OF CONTENTS

SUBJECT	PAGE
Bid Checklist	3
Bid Advert/ RFP Notice	4 – 5
Invitation to Bid (SBD 1)	6 – 8
Terms of Reference/ Specification	9 – 25
Evaluation Criteria	26 – 30
Form of Offer	31 - 34
Declaration of Interest - SBD 4	35 – 38
Preference Points Claim Form -SBD 6.1	39 – 43
Declaration of Bidders Past Supply Chain Management Practices -SBD 8	44 – 45
Certificate of Independent Bid Determination -SBD 9	46 – 49
Joint Venture Disclosure Form	50 – 59
Joint Venture Agreement	60
Company details	61
Authority to sign Bid Documents	62



MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Declaration of Interest (SBD 4)	
Preference Claim Form (SBD 6.1)	
Certified copy of B-BBEE Certificate or Sworn Affidavit	
Declaration of Bidders past Supply Chain Management Practices (SBD 8)	
Certificate of Independent Bid Determination (SBD 9)	
Joint Venture Declaration Form	
Joint Venture Agreement	
Consolidated B-BBEE Certificate for Joint Venture	
Authority to sign bid documents	
Company details	
STAGE 1: FUNCTIONALITY	
Company experience	
Team Capacity	
Methodology	



TENDER NOTICE

BID NO.24/FY/22

Bids are hereby invited for **THE APPOINTMENT OF THREE SERVICE PROVIDERS FOR TRANSACTION ADVISORY SERVICES TO THE EASTERN CAPE PARKS FOR 3 COMMERCIALISATION OPPORTUNITIES**

The Eastern Cape Parks and Tourism Agency (ECPTA), established and mandated in terms of the Eastern Cape Parks and Tourism Agency Act (2 of 2010), is responsible for the management of certain protected areas in the Eastern Cape. In order to achieve its management objectives, the Agency requires the services of an experienced service provider **THE APPOINTMENT OF THREE SERVICE PROVIDERS FOR TRANSACTION ADVISORY SERVICES TO THE EASTERN CAPE PARKS FOR 3 COMMERCIALISATION OPPORTUNITIES.**

Bid documents outlining detailed specifications will be made available from Friday 11th of February 2022 **“FREE OF CHARGE”**

Completed bid documents accompanied by all necessary documents are to be placed in a sealed envelope with the bid name and number (as given above) clearly written in an envelope. **All bids must be deposited in the Tender Box, at the offices of the Eastern Cape Parks and Tourism Agency at No. 17-25 Oxford Street(Corner of Fleet street & Oxford Street), by not later than 11h00 on Tuesday 4th of March 2022, at which time the bids will be opened in public.**

Technical queries relating to the issue of these documents must be addressed to **Ms. Motsehoa Mahlatsi 043 492 0857/ 082 502 7350: motsehoa.mahlatsi@ecpta.co.za**; for bidding procedures contact Mr. **Mcebisi Sandi**, Telephone number **043 492 0685** or e-mail: mcebisi.sandi@ecpta.co.za.



POINTS WILL BE AWARDED IN ACCORDANCE WITH THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (PPPFA), ACT NO 5 of 2000 AND ITS REGULATIONS AS FOLLOWS:

STAGE 1: FUNCTIONALITY

CRITERIA	POINT SYSTEM
Company Experience	40
Team Capability	35
Methodology	25
TOTAL	100

Bidders must provide sufficient proof/documents to justify awarding the above points, and such proof should include details of contactable references as per the Evaluation Criteria above.

Bidders must obtain a minimum score of 75 points of functionality in order to be considered for Stage 2.

Stage 2: Pricing Proposal

The pricing proposal will be score on 80/20

The top 3 highest scoring bidders for Stage 3 **may** be required to prepare presentations to ECPTA.



SBD 1

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE EASTERN CAPE PARKS & TOURISM AGENCY					
BID NUMBER:	24/FY/22	CLOSING DATE: 04 MARCH 2022		CLOSING TIME:	11h00am
DESCRIPTION	THE APPOINTMENT OF THREE SERVICE PROVIDERS FOR TRANSACTION ADVISORY SERVICES TO THE EASTERN CAPE PARKS FOR 3 COMMERCIALISATION OPPORTUNITIES.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
17-25 Oxford Street, Crn. Oxford and Fleet Street					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Mr Mcebisi Sandi		CONTACT PERSON	Ms. Motsehoa Mahlatsi	
TELEPHONE NUMBER	043 492 0685		TELEPHONE NUMBER	043 492 0857/ 082 502 7350	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	Mcebisi.Sandi@ecpta.co.za		E-MAIL ADDRESS	Motseho.Mahlatsi@ecpta.co.za	
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					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX] ☐ Yes ☐ No
[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]					



1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes ☐No [IF YES ENCLOSE PROOF]	2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes ☐No [IF YES, ANSWER PART B:3]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? DOES THE ENTITY HAVE A BRANCH IN THE RSA? DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.	☐ YES ☐ NO ☐ YES ☐ NO ☐ YES ☐ NO ☐ YES ☐ NO ☐ YES ☐ NO

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED--(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2. TAX COMPLIANCE REQUIREMENTS
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA .
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:



TERMS OF REFERENCE FOR THE APPOINTMENT OF THREE SERVICE PROVIDERS FOR TRANSACTION ADVISORY SERVICES TO THE EASTERN CAPE PARKS FOR 3 COMMERCIALISATION OPPORTUNITIES

1. Background

ECPTA has identified the importance of commercialization within its protected areas in enabling revenue generation, rural tourism development, job creation and empowerment of communities. The unlocking of tourism investment projects at the reserves follows a set of regulations as prescribed by the National Treasury. There is a level of capacity and technical expertise that are needed to unlock these investments. ECPTA has identified 3 concession opportunities in line with the approved Commercialisation strategy to leverage private sector capacity and resources.

It is against this background that ECPTA seeks to appoint a team of advisors to provide transaction advisory services for procurement of Community Public-Private Partnerships (CPPP)/Public-Private Partnerships (PPP) of 3 commercialisation opportunities for Eastern Cape Parks and Tourism Agency (ECPTA). The transaction advisors will provide support to ECPTA in the procurement and securing of investors for the 3 ECPTA Commercialisation projects.

The Eastern Cape Parks and Tourism Agency thus intends to procure the services of experienced transaction advisors to assist in the procurement of investors in line with the PPP Toolkit for Tourism. The transaction advisors should possess a suitably qualified team with experience in financial, technical, legal, built and environmental field.

This is also in line with the institution's strategic vision of "Inclusive economic growth" in the Eastern Cape supported by the sustainable utilization of natural resources

The Eastern Cape Parks and Tourism Agency (ECPTA) wishes to implement these opportunities in line with the relevant Public Private Partnership (PPP) National Treasury regulations to the Public Finance Management Act, 1999 (PFMA). Although the exemption from Treasury Regulation 16 will be requested, the PPP Toolkit for Tourism will serve as a guide for the project. The potential Transaction Advisors (T/A) are required to be familiar with. (Note: Exemptions from the treasury regulations 16 will be requested, the guidelines and best practices of the regulations will be followed in executing the project, Hence the ToR will refer to the regulations & PPP Toolkit for Tourism).



The Eastern Cape Parks and Tourism Agency thus intends to procure the services of experienced transaction advisors to assist through the phases of the CPPP/PPP in line with the PPP Toolkit for Tourism.

The terms of reference invite proposals from transaction advisors consisting of teams of suitably qualified and experienced financial, technical, legal, build and environmental fields to help the Eastern Cape Parks and Tourism Agency and respective community partners to:

- Part 1: **Project initiation and feasibility assessments**
- Part 2: **CPPP/PPP Procurement Deliverables**

The scope of work for each of the three projects is divided into these two parts. The transaction advisors need to submit bids for the respective project/s they are bidding for, in the formats prescribed in these terms of reference.

(Reference to 'the transaction advisor' includes the entire advisory team, or relevant members, under the management of a single lead advisor for a particular bid, who shall contract with the Eastern Cape Parks and Tourism Agency).

2. Scope of work

To assist ECPTA and respective community in the procurement of three different Commercialization opportunities which are bid for separately. The Commercialization opportunities are the following:

OPPORTUNITY	RESERVE	DETAIL	PROCUREMENT MODEL
Main Camp development	Mkambati nature Reserve	Development and refurbishment of accommodation & support facilities	Community Public Private Partnership (CPPP)
Cape Morgan Conference Centre and Restaurant	East London Coast Nature Reserve	Operation and development of additional accommodation facilities	Public Private Partnership (PPP)



Kingston Development Site	Great Fish River Nature Reserve	Development of a tented camp/accommodation facility	Community Private Partnership (CPPP)
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Table 1

The scope of work for the transaction advisor is:

3.1 Part 1: Project initiation and feasibility assessments

The transaction advisor will be required to initiate the three-commercialization projects, which are Mkambati Main Camp development, Cape Morgan Conference Centre and Kingston Development site. This entails:

- Review of the relevant existing background information;
- Conduct assessments for Cape Morgan Conference Centre opportunity; and
- Successfully complete the project initiation stage as per the PPP Toolkit for Tourism.

Section 4 below sets out the deliverables required of the transaction advisor for Part 1

3.2 PART 2: CPPP/PPP Procurement Deliverables

The transaction advisors will be required to provide the necessary technical, legal, financial advisory support for the procurement of private partners for the 3 commercialisation projects.

Part 2 procurement deliverables are set out in Section 5.

4. Background

4.1 Mandate

The Eastern Cape Parks and Tourism Agency's dual mandate is to (i) develop and manage the provincial protected areas (ii) promote and facilitate the development of tourism in the province.

4.2 Needs

The project is in line with ECPTA's developmental orientation which is to:



Promote socio-economic growth and transformation within the biodiversity management sector and tourism industry, thereby creating economic and employment opportunities for previously disadvantaged individuals and local communities in the province.

4.3 Background documentation and preparatory work

The transaction advisors will have to become familiar with all background documentation and preparatory work conducted to date by the ECPTA for this project. Refer to 'Appendix A: Background and supporting documentation' for a list and/or copies of relevant material.

The legal and policy framework for the project is:

- Constitution of the Republic of South Africa, 1996;
- Public Finance Management Act;
- Treasury Regulation 16;
- National Environmental Management: Protected Areas Act, 2003;
- Restitution of Land Rights Act, 1994; and
- Other relevant land legislation.

The definition of a PPP in Treasury Regulation 16 specifies, inter alia, that a PPP involves the commercial use of state property. Land which is registered in ownership to a private individual, a private company, a private or community trust, as being communal land, or which is held in trust for a community by the state, or which is owned by a community entity, or land which is transferred to a community entity in the settlement of a land claim, is not state property.

Where an institution, having the statutory function to operate commercial activities in protected areas, has acquired rights and obligations to develop and manage commercial activities on private or communal land by virtue of a land claim settlement agreement or by virtue of the incorporation or proclamation of private or communal land into a protected area, the granting of such rights to a third party private investor/operator constitutes a PPP by virtue of commercial activities being 'an institutional function', even though the land is not state property.



4.4 Project budget

There is a base-line budget currently available for operating expenditure for the project that has been that is fixed as per Table 2 below. This budget will be on a non-risk basis will be utilized for procurement of successful investors by the T/A. Additional cost of the Transaction Advisors will be on a risk basis and on success, the T/A will recoup these cost from the successful bidders (investors).

5. PART 1: PROJECT INITIATION AND FEASIBILITY ASSESSMENTS

Each transaction advisor for the three different projects is required to initiate the project they are appointed for, in close liaison with the ECPTA and respective partner communities.

The transaction advisor should ensure optimal value-for-money solution for the ECPTA and its respective community partners.

Feasibility assessment elements will be conducted in compliance with *National Treasury's Toolkit for Tourism* available on www.treasury.gov.za or from the PPP Unit.

5.1 Components of Part 1

The project initiation activities will include the following:

- A:** Covering letter from the accounting officer/authority requesting exemptions from Treasury
- B:** Review the existing pre-feasibility studies for Main Camp development and Kingston development site
- C:** Conduct the following assessments for Cape Morgan Conference and Restaurant
 - Risk Analysis
 - Develop business model
 - Assess affordability
 - Project Due Diligence



- Value for money Assessment
- Economic Valuation
- Financial Feasibility Model
- Marketing issues
- B-BBEE and socio-economic issues
- Human resources issues

D: Each appointed transaction advisor will develop procurement plan for the commercialisation opportunity they have been appointed for.

E: Package and submit all reports to National Treasury for approval and exemption from Treasury Regulation 16 for the commercialisation opportunity appointed for.

F: Submit all approved reports to ECPTA

The Transaction Advisors shall familiarise themselves with the contents of each stage from the guidelines of National Treasury's PPP Toolkit for Tourism.

Annexures

All the applicable Annexure in line with PPP Toolkit for Tourism will be applicable.

5.2 Presentation of the reports and assessments

The above reports and assessments must be compiled in Word format (with relevant annexures) and delivered as both electronic and hard copy documents. All financial models must be in Excel format, and clearly set out all assumptions made, sensitivity analyses carried out, and model outputs. The financial models must be sufficiently adaptable for use by others at later stages. Any reports/assessments must be presented with a thorough executive summary and must be accompanied by a PowerPoint presentation that encapsulates all the key features of the report/assessments. The executive summary and PowerPoint presentation must be compiled in such a manner that they can be used by the Eastern Cape Parks and Tourism Agency's management for decision-making purposes.



5.3 Submission requirements for the existing pre-feasibility study report, additional assessments and request exemption from Treasury regulation 16

Each appointed Transaction Advisor for a particular commercialisation opportunity should ensure that the existing pre-feasibility studies, additional assessments, and reports are of a standard that will be accepted by National Treasury for the purposes of the Eastern Cape Parks and Tourism Agency obtaining exemption from Treasury Regulation 16 to the PFMA. The transaction advisors are therefore advised to be fully familiar with the requirements of the PPP Unit as set out in *Module 4: PPP Feasibility Study of PPP Toolkit for Tourism*.

6. PART 2: CPPP/PPP PROCUREMENT DELIVERABLES

The transaction advisors are required to work with the Eastern Cape Parks and Tourism Agency to manage the procurement process for securing contracts with private parties for each of the three commercialisation opportunities. This needs to be in accordance with the systems and standards set out for Toolkit for Tourism.

The transaction advisors will then have to deliver the following for the respective commercialisation opportunity appointed for:

6.1 Administration of the bidding process in PPP Toolkit for Tourism

The transaction advisors must prepare a complete set of procurement documents, complying with public sector procurement law, policies and guidelines, and in accordance with the tendering systems of ECPTA. The documentation must be consistent with the results of the feasibility study and in line with the PPP Toolkit for Tourism.

The transaction advisors must also give the Eastern Cape Parks and Tourism Agency all the necessary drafting, bidder communication and administrative support necessary for the entire procurement process to be conducted in accordance with law and policy, and to the highest standards of efficiency, quality and integrity.



The transaction advisors must: prepare all the necessary RFQ documentation, including advertising material; set up and administer the process by which the ECPTA can pre-qualify the parties; and help ECPTA to evaluate and pre-qualify bidders. The transaction advisors will also work with the ECPTA team to:

- Coordinate and facilitate site visits and bidders' conferences/briefing sessions, including drafting and presenting of any relevant information on the PPP/CPPP opportunity to be shared with interested bidders
- Provide technical input to ECPTA in responding to queries and/or clarifications from interested bidders.

6.1.2 Payment mechanism

The transaction advisors must develop rigorous payment mechanisms that capture the elements of risk transfer established in the feasibility study.

6.1.3 Bid evaluation criteria, bid process design and BEE requirements

The transaction advisors for each of the three opportunities must: set up a bid evaluation system and criteria; design a suitable bid process that will ensure comparable bids; devise effective systems for communicating with bidders; inspire market confidence; and incorporate all BEE requirements for the project. If appropriate, a system that allows for variant bids may be designed.

6.1.4 Request for proposals (RFP)

The transaction advisors must prepare an RFP documents for the three opportunities in accordance with best industry practice and *Toolkit for Tourism*, consistent with the results of the of work done in Part 1. The RFP must concisely set out:

- the output specifications of the ECPTA;
- requirements for compliant bids;
- a risk profile;
- the payment mechanism;
- BEE targets;
- the bid process;
- evaluation criteria; and



- Bidder communication systems.

6.1.5 A draft CPPP agreement

The transaction advisors must prepare a draft CPPP/PPP agreement for their respective commercialisation opportunities, based on PPP Toolkit for Tourism template. Close liaison with the ECPTA management, partner communities and other stakeholders is required during drafting of the agreement.

6.1.6 Project documentation

The transaction advisors must compile all the documentation necessary in line with PPP Toolkit for Tourism.

6.1.7 Administration of the bidding process

Each appointed transaction advisor must provide all the necessary administrative support to the ECPTA for the efficient and professional management of the bidding process. This includes managing a data room, facilitating structured engagement between the ECPTA and bidders, helping the ECPTA communicate effectively with bidders, and receiving bids.

6.2 Evaluation of bids, demonstrating value for money in line with the PPP Toolkit for Tourism

6.2.1 Evaluation of bids

The authorized staff of the Eastern Cape Parks and Tourism Agency, helped by the transaction advisor, must evaluate bids following guidance given in *National Treasury's PPP Toolkit for Tourism*.

A Best and Final Offer (BAFO) process may be required. When costing this phase of work the transaction advisor must allow for the possibility of administering BAFO processes. If there is no BAFO process, the transaction advisor's remuneration will be adjusted accordingly.

6.2.2 The value-for-money report in line PPP Toolkit for Tourism

Value for money must be demonstrated by comparing the Net Present Value (NPV) of the bids received with the NPV of the Public Sector Comparator (PSC) for each of the three commercialisation opportunities, with a suitable adjustment for risk assumed.



The results of the bidding and evaluation of bids must be presented by each transaction advisor for each of the three opportunities in a value-for-money report (with relevant annexures) that demonstrates clearly how value for money will be achieved with the preferred bidder. The report must clearly indicate the preferred and second-ranked bidders and provide motivations.

The value-for-money report must be in a suitable format and of a suitable standard for the ECPTA and respective community partners to make decisions. The guidance given in *PPP Toolkit for Tourism* should be followed.

6.3 CPPP/PPP agreement negotiations, CPPP/PPP agreement management plan in line with the PPP Toolkit for Tourism

The transaction advisors must assist ECPTA in final negotiations with the respective preferred bidders. This will involve preparing suitable negotiations teams, categorising issues appropriately, developing timelines for completion, and planning negotiation tactics and processes for reaching agreement. The transaction advisors must ensure that all agreements reached are incorporated into all the financial, commercial and legal documentation, and must assist with drafting the necessary and related correspondence.

The final terms of the agreements, each as negotiated with the preferred bidders, must be submitted to the ECPTA, along with the CPPP agreement management plan.

Each transaction advisor must, in close liaison with the ECPTA, respective communities draft a comprehensive CPPP/PPP agreement management plan for their respective project. This will be in accordance with the provisions of the CPPP/PPP agreement and following the guidance given in *PPP Toolkit for Tourism*.

The transaction advisor/s must also ensure that a comprehensive legal due diligence of the accounting officer/authority has been completed. This will relate to legal compliance, competence, and capacity to enter into the CPPP/PPP agreement.



6.4 CPPP/PPP agreement signature, close-out report and case study, and financial closure

Each transaction advisor must help the ECPTA with all functions related to signing the final agreement.

Each transaction advisor must also compile a comprehensive close-out report and case study. These must follow the formats prescribed in *PPP Toolkit for Tourism* and must incorporate any additional factors that may be required by the ECPTA.

The close-out report will be a confidential document of the ECPTA and the respective community stakeholders. The case study will become a public document, made available on various government websites.

Financial closure signifies that all the procurement deliverables have been successfully completed, and that the transaction advisor's work is finished, if applicable.

7. Transaction advisor skill, experience, remuneration and management by the ECPTA

7.1 Necessary transaction advisor skills and experience

Each transaction advisor for a particular opportunity will comprise a team, managed by a single lead advisor. The members of the team will have both the skills and experience necessary to undertake the range of tasks set out in these terms of reference. Each individual in the team must be personally available to do the work as and when required. The lead advisor will be held accountable, in terms of the transaction advisor contract, for ensuring project deliverables and for the professional conduct and integrity of the team.

The skills and experience required for the transaction advisors are as follows:

- financial analysis, with relevant PPP and project finance experience
- PPP procurement and structuring
- legal, with relevant South African experience in the drafting and negotiating of PPP agreements
- eco-tourism project planning management
- eco-tourism project facilities management



- relevant expertise in environmental impact assessments, building designs,
- BBBEE expertise with relevant PPP experience
- negotiations
- contract management
- Project management.

7.2 Remuneration schedule and disbursement arrangements

All the three different projects will be implemented on a semi-risk basis. A fixed maximum percentage for each project will be on a non-risk basis and another portion from the bidder will be recouped by the Transaction Advisors from the successful bidders (investors). Bidders are advised to bid within this given maximum non-risk fixed percentages, indicate the non-fixed percentage that will be on a risk basis and to allocate resources according to the remuneration schedule below.

PROJECT	A-ESTIMATED DEVELOPMENT COST	B-MAX PERCENTAGE TO BE PAID PER PROJECT %	C-BIDDERS PERCENTAGE	D-AMOUNT	E-PERCENTAGE TO BE CHARGED ON RISK BASIS BY
Main Camp development	R110,000,000.00	1			
Cape Morgan Conference Centre and Restaurant	R30,000,000.00	1.5			
Kingston Site Development	R15,000,000.00	2			
			TOTAL AMOUNT		

Table 2

*A- are the estimated development cost for each of the 3 ECPTA Commercialisation projects

*B- is the given maximum non-risk percentage that will be paid for each project of the project

C*- is the non-risk basis percentage that will need to be stated by the bidder (the stated percentages should not be higher than the percentages stated in B

D*- is the non-risk basis bid amount stated by the bidder which is derived by multiplying *B with *C

E* - is the success fee or the percentage that will be recouped from the successful bidder

Remuneration of all the three different transaction advisors will be payable in South African Rands, on a fixed price for each of 2.1 and 2.2. The remuneration schedule below should cover the total amount indicated under column D

7.2.1 Remuneration schedule

The following remuneration schedule is set for each part of the contract. Bidders should adhere to these in their proposals, within the total budget given.



Project initiation and feasibility assessments phase

Deliverable	Percentage
PART 1	
Signing of Transaction Advisor contract as a mobilisation allowance	10
Completion of stages A – B	10
Completion of stage C	30
Completion of stage D	10
Completion of stage E-F	20
Completion of all activities (section 4) to the satisfaction of ECPTA, and a decision by Treasury for exemption on Treasury Regulation 16	20
Total	100

Table 3

CPPP/PPP Procurement phase

Deliverable	Percentage
Support in Administration of the bidding process	15
Prepare Bid Evaluation Criteria and RFP documents	20
Draft CPPP/PPP agreement	10
Support in Evaluation of the Bids	10
CCPP/PPP agreement negotiations	25



Deliverable	Percentage
Finalisation of the Agreement and Close-Out Report	20
Total	100
<i>BAFO allowance (if applicable)</i>	15% of *

Table 4

7.3 Management of transaction advisor by the ECPTA

The transaction advisor will be appointed by the Chief Executive Officer.

A project officer has been appointed by the CEO to take full responsibility for managing the transaction advisor's work and for ensuring delivery on the project. The project officer is to **Ms. Motsehoa Mahlatsi** and can be contacted at **043 492 0857/ 082 502 7350**.

The project officer has established a project team to engage regularly with the transaction advisor for efficiently completing the various delivery items. The project team will meet at least monthly and the transaction advisor will report progress to these meetings, as instructed by the project officer.

The project officer will confirm that the transaction advisor has satisfactorily completed each deliverable before invoices can be submitted to the ECPTA for payment.

8. Rules of bidding, bid submission requirements and bid evaluation

8.1 Rules of bidding

8.1.1 The transaction advisor must be a single legal entity with all other necessary expertise secured via subcontract, or under a joint venture arrangement. The ECPTA will enter into a single contract with a single firm for the delivery of the work set out in these terms of reference.

8.1.2 Foreign firms providing proposals must become familiar with local conditions and laws, and take them into account in preparing their proposals.

8.1.3 Bids must be submitted in South African Rands, on a fixed price basis.



8.1.4 The costs of preparing bids and of negotiating the contract will not be reimbursed.

8.1.5 The ECPTA is not bound to accept any of the bids submitted and reserves the right to call for best and final offers from short-listed bidders before final selection.

8.1.6 The ECPTA reserves the right to call interviews with short-listed bidders before final selection process.

8.1.7 The ECPTA reserves the right to negotiate price with the preferred bidders.

8.1.8 Any request for clarification must be submitted by email to the project officer at motsehoa.mahlatsi@ecpta.co.za. Copies of questions and answers will be emailed to all firms that register at the briefing session, without revealing the identity of the source of the questions.

8.1.9 The ECPTA reserves the right to return late bid submissions unopened. No Late submissions.

8.1.10 Firms may not contact the ECPTA, community partners or the relevant treasury on any matter pertaining to their bid from the time when bids are submitted to the time the transaction advisor contract is awarded. Any effort by a bidder to influence bid evaluation, bid comparisons or bid award decisions in any manner, may result in rejection of the bid concerned.

8.2 Bid submission requirements

Transaction advisors are required to submit their proposals in **two envelopes** in the following format:

8.2.1 Envelope 1: Technical and BEE proposals

Marked with the name of the transaction advisor.

Titled 'Technical and BEE proposal: Transaction advisor services to ECPTA with a description of a specific commercialisation opportunity of the three tendered for.

This envelope must contain at least the following:



8.2.1.1 A covering letter signed by the lead transaction advisor, among others:

- accepting the rules of bidding, evaluation of bids, and bid evaluation criteria set out in the terms of reference
- attaching a tax clearance certificate from South African Revenue Services for the lead transaction advisor firm and all South African firms to be subcontracted to it for this assignment, or all South African firms participating in a joint venture for purposes of this bid
- Providing full contact details for the lead transaction advisor.

8.2.1.2 Information on and motivation for the lead transaction advisor, attaching his or her curriculum vitae, and setting out his or her personal, and his or her firm's:

- suitability for this assignment
- relevant skills and experience: For each relevant experience cited, outline the precise role the lead transaction advisor played, the role of the firm, contract duration, contract outcomes, and contract value
- availability to perform the work: This must be substantiated by listing the lead transaction advisor's other known professional commitments for the forthcoming two years

8.2.1.3 Project comprehension and project management plan, setting out:

- the transaction advisor's understanding of the terms of reference, and any proposals for amendments to the terms of reference that would enhance desired outcomes
- how the transaction advisor proposes to manage the set of deliverables outlined in the terms of reference
- a proposed outline work plan with timetable for delivery
- how the transaction advisor members will be supervised
- how reporting to the project officer will take place
- any innovative ideas for how the whole assignment can best achieve its objectives.

8.2.2 Envelope 2: Price proposal

- Marked with the name of the transaction advisor.
- Titled: 'Price proposal: Transaction advisor services to ECPTA for the commercialisation opportunity tendered for, the name of the opportunity must be indicated.



This envelope must contain:

8.2.2.1 Proposed remuneration for professional fees:

- a remuneration proposal in the remuneration format outlined in 6.2.1 above, giving professional cost per deliverable item and total for each part as indicated
- VAT must be specified as a separate total for each of the feasibility study and PPP procurement parts. While VAT will be paid pro rata for each delivery item in each part of the assignment, it should be indicated as a total sum per part for purposes of this submission.

8.2.2.2 Cash flow earmarked for each member of the consortium, indicating how black people will benefit. The fee-sharing structure must reflect the actual work, risk and responsibility assumed by each member.

8.2.2.3 An estimation of anticipated disbursement costs per part of work. This information will not be used as a criterion for the evaluation of bids, and the successful bidder will not be held to this amount.

8.2.2.4 A marked-up version of the draft transaction advisor contract including the proposed remuneration set out in a draft proposed payments schedule to the contract.



8.3 Bid evaluation criteria¹

A three stage evaluation will be employed. In stage one, bids will be evaluated based on functionality. Bidders who obtain a minimum score of 75 points and above on functionality will be evaluated on stage two for price and B-BBEE. The following is the weighting awarded for each element, and the threshold score for each:

Stage 1: Functionality Criteria

Each section/sub-section of the functionality must have its own heading and referencing to ensure that the information provided for that specific section/sub-section is evaluated accordingly.

EVALUATION CRITERIA	Points
<u>Company Experience:</u> The company must have operated a similar business with a successful and proven track record. Bidders must submit proof of experience for relevant work done. The proof of experience must be on the letterhead of previous clients and must include type of work done and the period. The proof of experience must be submitted in ANY of the following documents: • Appointment letters, or • Reference letters, or • Service Level Agreements, or • Copies of purchase orders <u>Scoring Matrix</u> ▪ 3 or more projects in transaction advisory services (40 points) ▪ 2 projects in transaction advisory services (30 points) ▪ 1 project in transaction advisory services (10 points) ▪ 0 projects in transaction advisory services (0 points) NB: No partial points will be allocated for partial information submitted. (submit proof in a form of a letter/s of appointment, reference letter/s or contactable reference/s)	40



Team Capability

35

Bidders must submit detailed CVs and certified copies of qualifications for the team members listed below. The copies of qualifications must be certified by the Commissioner of Oath **not older than three (3) months**.

Resource	Minimum qualifications	5 years' experience or more	3-4 years' experience	1-2 years' experience	0 years' experience or more
Lead Advisor	Financial Qualifications – Masters or CA SA or PHD or equivalent	10	8	5	0
Legal Resource	Related Legal Degree or higher	5	4	3	0
Finance Resource	Relevant Degree or higher in Finance	5	4	3	0
Tourism Resource	Relevant Honors or higher	5	4	3	0
Environmental Resource	Relevant Honors or higher	5	4	3	0
Building & Designs Resource	Related Degree or higher in Built Environment	5	4	3	0

NB: Failure to submit detailed CV and certified copies of qualification will result in no points awarded. No partial points will be allocated for partial information submitted.

Proposed Implementation Plan (Methodology):

25

- Submit an implementation plan detailing the following:
 - ✓ Work Plan with milestones – 5 points
 - ✓ Project Management approach -5 points
 - ✓ Timetable for the project – 5 points
 - ✓ Identify at least three project based risks and mitigation measures-5 points
 - ✓ Submit a detailed quality management plan for the project-5 points

The methodology must be detailed in order to demonstrate understanding of the scope and execution of activities.

TOTAL**100**

Bidders must provide sufficient proof/documents to justify awarding the above points, and such proof should include details of contactable references as per the Evaluation Criteria above.

Bidders must obtain a minimum score of 75 points of functionality in order to be considered for Stage 2.

Stage 2: Pricing Proposal

The pricing proposal will be score on 80/20

The top 3 highest scoring bidders for Stage 3 **may** be required to prepare presentations to ECPTA.

Technical queries relating to the issue of these documents must be addressed to **Ms. Motsehoa Mahlatsi** 043 492 0857/ 082 502 7350: motsehoa.mahlatsi@ecpta.co.za; for **bidding procedures** contact **Mr. Mcebisi Sandi**, Telephone number **043 492 0685** or e-mail: mcebisi.sandi@ecpta.co.za.

8.4 Address and deadline for submission of bids

Bids by transaction advisors must be submitted in a single sealed envelope, **containing the two, separate, sealed envelopes** required.

The envelope must be marked: 'THE APPOINTMENT OF THREE SERVICE PROVIDERS FOR TRANSACTION ADVISORY SERVICES TO THE EASTERN CAPE PARKS FOR 3 COMMERCIALISATION OPPORTUNITIES'

Proposals should be submitted in an envelope clearly marked **"as per above table"** and should be deposited in the tender box, situated at No 17 – 25 Oxford Street, East London before the closing date and time. Telephonic, Telegraphic, Facsimile, Emailed and Late Proposals will not be accepted. Proposals may only be submitted on the tender documentation that is issued.

Requirements for sealing, addressing, delivering, opening and assessment of proposals are stated in the Proposal Data.



ECPTA SCM Policy will apply.

ECPTA has a zero tolerance on any acts of fraud and corruption. Please report any suspected acts of fraud and corruption to any of the contact details listed below:

- Hotline Number: Toll free number - 0800 872 209
- Freepost: KZN 138 Umhlanga Rocks | 4320
- Free Fax: 0800 00 77 88
- Tip-offs Website: www.tip-offs.com

Appendix A: Background and supporting documentation

- Co-Management Agreement
- Heritage Survey
- Commercialisation strategy
- Tourism Feasibility study for Mkambati Nature Reserve
- Tourism Development plans
- Protected Area Management Plans
- Concept Development Framework
- Pre-feasibility for Mkambati Main Camp

BIDDERS SHALL TAKE NOTE OF THE FOLLOWING PROPOSAL CONDITIONS

In addition to those (the conditions) stipulated in any other section of the bid documents, potential bidders should be especially aware of the following terms and conditions:

- The Eastern Cape Parks and Tourism Agency Supply Chain Management Policy will apply;
- Bidders **must** be registered with the Treasury Central Supplier Database (CSD) and the report must be printed in the month of February and March 2022.
- Eastern Cape Parks and Tourism Agency does not bind itself to accept the lowest bid or any other bid and reserves the right to accept the whole or part of the bid;
- The award of this bid may be subjected to price negotiation with the preferred bidder(s)
- Bids which are late, incomplete, unsigned or submitted by facsimile or electronically will not be accepted;



- ECPTA reserves the right to terminate the contract if not satisfied with the work produced by the service provider. Only bidders that have met the requirements of the proposal / specification shall be considered during the adjudication process;
- The following documents must be submitted with the tender document:
 - Company Profile
 - Certified Copy or an original B-BBEE Certificate OR a Sworn Affidavit
 - Companies who bid as a joint venture must submit a consolidated B-BBEE Verification Certificate only for this bid.
 - Companies that bid as joint venture must submit an official signed business agreement by both parties. If the service provider does not meet this requirement it will be automatically disqualified;
- In order to meet the requirements of the Eastern Cape Framework for Local Economic Development through Procurement Initiatives, preference will be given to service providers who reside within the Eastern Cape
- Bids submitted are to hold good for a period of 150 days

OTHER DUE DILIGENCE

All information provided in the bid must be valid for 150 business days from the bid closing date.

Submitting a bid implies that the bidder knows and understands all the terms and conditions set out in this RFP and under the applicable laws of the Republic of South Africa, and that the bidder accepts these terms and conditions.

INCOMPLETE BIDS

- 1.1 The Bid Evaluation Committee, will check envelope 1 of each bid to see whether all the documentation that this RFP requires has been submitted correctly.
- 1.2 If a bid is not complete or something in it is not clear, the Bid Evaluation Committee may, but is not obliged to, ask bidders for more information. Bidders will receive such requests for more information in writing. No substantial changes to the bid will be asked for or allowed, except if there is a clear mistake in the bid.
- 1.3 A bid that is not complete or requires clarification may be disqualified without a request for further information. This is the ECPTA's decision



FORM OF OFFER

Project title:	THE APPOINTMENT OF THREE SERVICE PROVIDERS FOR TRANSACTION ADVISORY SERVICES TO THE EASTERN CAPE PARKS FOR 3 COMMERCIALISATION OPPORTUNITIES
Bid No:	24/FY/22

OFFER

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract for the procurement of:

THE APPOINTMENT OF THREE SERVICE PROVIDERS FOR TRANSACTION ADVISORY SERVICES TO THE EASTERN CAPE PARKS FOR 3 COMMERCIALISATION OPPORTUNITIES

The Tenderer, identified in the Offer signature block, has examined the documents listed in the tender data and addenda thereto as listed in the tendered schedules, and by submitting this offer has accepted the Conditions of Tender.

By the representative of the Tenderer, deemed to be duly authorized, signing this part of this Form of Offer and Acceptance, the Tenderer offers to perform all the obligations and liabilities of the Operator under the Contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be deemed in accordance with the Conditions of Contract identified in the Contract Data.

The offered total of the prices Inclusive of value-added tax is:

Rand (in words):	
Rand in figures:	R

This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document to the Tenderer before the end of the period of



validity stated in the Tender Data, whereupon the Tenderer becomes the party named as the Operator in terms of the Conditions of Contract identified in the Contract Data.

Signature Date

Name Capacity

For the Tenderer

(Name and address of organization)

AS WITNESSES

Witness

Signature Date



ACCEPTABLE WORDING OF BID AND DEVELOPMENT BOND

To: **EASTERN CAPE PARKS AND TOURISM AGENCY**

[Name of bidder].....

("the bidder") is to submit to you a bid to enter into Proposal agreement with **ECPTA** for the purpose of the transaction advisor services to the Eastern Cape Parks and Tourism Agency for the 3 commercialisation opportunities

And you require the bidder to include in the bid a bid bond for R..... [amount of bid bond];

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

We hereby irrevocably and unconditionally undertake to pay you, upon your first written demand and without objection or argument, the sum of ►R..... [amount of bid bond], upon any or all of the following occurrences:

- any material misrepresentation made by the bidder in its bid submission or any other information and documentation submitted by it under the request for qualifications or the request for proposals;
- the withdrawal or modification of its bid during the period of bid validity;
- failure by the preferred bidder to furnish the required performance bond under the Proposal agreement in accordance with the provisions of the Proposal agreement.
- agreements will be negotiated as per each proposal
- Once the bidder is shortlisted the bidder will be required to submit a bid bond from a reputable bank related to the size of the project with acceptable wording of bid and development bond.
- Preference will be given to service providers that are:
 - Previously Disadvantaged Individual (PDI)
 - Have operations based within the Eastern Cape as per the LED Strategy
- Provide drawings of development footprint and all structures (including on site staff accommodation where required) and associated infrastructure

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



SIGNATURE AND SEAL

Name of bank _____

Address _____

Date _____



DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, 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, limited bid or proposal). In view of possible allegations of favouritism, should the resulting 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 or his/her authorised representative declare his/her position in relation to the evaluating/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 or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):.....

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

- 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

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.

"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:

Name of person / director / trustee / shareholder/ member:

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

Position occupied in the state institution:

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 attached 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 with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

2.9.1 If so, furnish particulars.

.....

2.10 Are you, or any person connected with 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 / members / shareholders.

Full Name	Identity Number	Personal Reference Number	Tax Number	State Employee Number /Persal Number



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.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017 (SBD 6.1)

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

1.2

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

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	80
B-BBEE STATUS LEVEL OF CONTRIBUTOR	20
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 PREFERENCE POINT SYSTEMS

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

80/20

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where



Ps = Points scored for price of bid under consideration
 Pt = Price of bid under consideration
 Pmin = 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	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 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	☐	NO	☐
-----	--------------------------	----	--------------------------



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		NO	
-----	--	----	--

- 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 least 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.

WITNESSES

- 1.
- 2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES (SBD 8)

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.

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

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's database as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied).	Yes ☐	No ☐
4.1.1	If so, furnish particulars:		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? To access this register enter the National Treasury's website, www.treasury.gov.za , click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the register to facsimile number (012) 3265445.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐



4.3.1	If so, furnish particulars:		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:		

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



CERTIFICATE OF INDEPENDENT BID DETERMINATION (SBD9)

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ 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 *pe 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.



CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(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



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.



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



JOINT VENTURE DISCLOSURE FORM

GENERAL

- i) All the information requested must be filled in the spaces provided. If additional space is required, additional sheets may be used and attached to the original documents.
- ii) A copy of the joint venture agreement must be attached to this form, in order to demonstrate the Affirmable, Joint Venture Partner's share in the ownership, control, management responsibilities, risks and profits of the joint venture, the proposed joint venture agreement must include specific details relating to:
 - a) the contributions of capital and equipment
 - b) work items to be performed by the Affirmable Joint Venture Partner's own forces
 - c) work items to be performed under the supervision of the Affirmable Joint Venture Partner.
- iii) Copies of all written agreements between partners concerning the contract must be attached to this form including those, which relate to ownership options and to restrictions/limits regarding ownership and control.
- iv) ABE partners must complete ABE Declaration Affidavits.
- v) The joint venture must be formalised. All pages of the joint venture agreement must be signed by all the parties concerned. A letter/ notice of intention to formalise a joint venture once the contract has been awarded will not be considered.
- vi) should any of the above not be complied with, the joint venture will be deemed null and void and will be considered non-responsive.

1. JOINT VENTURE PARTICULARS

- a) Name
- b) Postal address.....
.....
.....
.....
.....
- c) Physical address.....



-
-
- d) Telephone
- e) Fax

2. IDENTITY OF EACH NON-AFFIRMABLE JOINT VENTURE PARTNER

2.1(a) Name of Firm

Postal Address.....

Physical Address

Telephone.....

Fax

Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....

2.2(a) Name of Firm

Postal Address.....

Physical Address

Telephone.....

Fax

Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....

(Continue as required for further non-Affirmable Joint Venture Partners)

IDENTITY OF EACH AFFIRMABLE JOINT VENTURE PARTNER

3.1(a) Name of Firm

Postal Address.....

Physical Address



Telephone.....

Fax

Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....

3.2(a) Name of Firm

Postal Address.....

Physical Address

Telephone.....

Fax

Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....

3.3(a) Name of Firm

Postal Address.....

Physical Address

Telephone.....

Fax

Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....

1. **BRIEF DESCRIPTION OF THE ROLES OF THE AFFIRMABLE JOINT VENTURE PARTNERS IN THE JOINT VENTURE**

.....

.....

.....



5. **OWNERSHIP OF THE JOINT VENTURE**

a) Affirmable Joint Venture Partner ownership percentage(s)%

b) Non-Affirmable Joint Venture Partner ownership percentage(s)%

c) Affirmable Joint Venture Partner percentages in respect of: *

(i)

Profit and loss sharing

(ii)

Initial capital contribution in Rands

.....

.....

(*Brief descriptions and further particulars should be provided to clarify percentages).

(iii)

Anticipated on-going capital contributions in Rands

.....

.....

(iv) Contributions of equipment (specify types, quality, and quantities of equipment) to be provided by each partner.

.....

.....

.....



5. RECENT CONTRACTS EXECUTED BY PARTNERS IN THEIR OWN RIGHT AS PRIME CONTRACTORS OR AS PARTNERS IN OTHER JOINT VENTURES

	NON-AFFIRMABLE JOINT VENTURE PARTNERS	PARTNER NAME
a)		
b)		
c)		
d)		
e)		

	AFFIRMABLE JOINT VENTURE PARTNERS	PARTNER NAME
a)		
b)		
c)		
d)		
e)		

7. CONTROL AND PARTICIPATION IN THE JOINT VENTURE

(Identify by name and firm those individuals who are, or will be, responsible for, and have authority to engage in the relevant management functions and policy and decision making, indicating any limitations in their authority e.g. co-signature requirements and Rand limits).

(a) Joint Venture cheque signing

.....

(b) Authority to enter into contracts on behalf of the Joint Venture

.....



(c) Signing, co-signing and/or collateralising of loans

.....

.....

.....

(d) Acquisition of lines of credit

.....

.....

.....

(e) Acquisition of performance bonds

.....

.....

.....

(f) Negotiating and signing labour agreements

.....

.....

.....

8. **MANAGEMENT OF CONTRACT PERFORMANCE**

(Fill in the name and firm of the responsible person).

(a) Supervision of field operations.....

(b) Major purchasing.....

(c) Estimating

(d) Technical management



9. MANAGEMENT AND CONTROL OF JOINT VENTURE

- (a) Identify the “managing partner”, if any,

.....

.....

.....

.....

- (b) What authority does each partner have to commit or obligate the other to financial institutions, insurance companies, suppliers, subcontractors and/or other parties participating in the execution of the contemplated works?

.....

.....

.....

.....

- (c) Describe the management structure for the Joint Venture's work under the contract

MANAGEMENT FUNCTION / DESIGNATION	NAME	PARTNER*

(Fill in “ex Affirmable Joint Venture Partner” or “ex non-Affirmable Joint Venture Partner”.



10. PERSONNEL

(a) State the approximate number of operative personnel (by trade/function/discipline) needed to perform the Joint Venture work under the Contract.

TRADE/FUNCTION/ DISCIPLINE	NUMBER EX AFFIRMABLE JOINT VENTURE PARTNERS	NUMBER EX NON- AFFIRMABLE JOINT VENTURE PARTNERS

(Fill in “ex Affirmable Joint Venture Partner” or “ex non-Affirmable Joint Venture Partner”).

(b) Number of operative personnel to be employed on the Contract who are currently in the employ of partners.

(i) Number currently employed by Affirmable Joint Venture Partners

.....

(ii) Number currently employed by the Joint Venture

.....

(c) Number of operative personnel who are not currently in the employ of the respective partner and will be engaged on the project by the Joint Venture

.....

(d) Name of individual(s) who will be responsible for hiring Joint Venture employees

.....



-
- (e) Name of partner who will be responsible for the preparation of Joint Venture payrolls

.....

11. CONTROL AND STRUCTURE OF THE JOINT VENTURE

Briefly describe the manner in which the Joint Venture is structured and controlled.

.....

.....

.....

The undersigned warrants that he/she is duly authorised to sign this Joint Venture Disclosure Form and affirms that the foregoing statements are true and correct and include all material information necessary to identify and explain the terms and operations of the Joint Venture and the intended participation of each partner in the undertaking.

The undersigned further covenants and agrees to provide the Employer with complete and accurate information regarding actual Joint Venture work and the payment therefore, and any proposed changes in any provisions of the Joint Venture agreement, and to permit the audit and examination of the books, records and files of the Joint Venture, or those of each partner relevant to the Joint Venture, by duly authorised representatives of the Employer.

Signature

Duly authorized to sign on behalf of

Name

Address.....

Telephone.....

Date

Signature

Duly authorized to sign on behalf of



Name

Address.....

Telephone.....

Date

Signature

Duly authorized to sign on behalf of

Name

Address.....

Telephone.....

Date

Signature

Duly authorized to sign on behalf of

Name

Address.....

Telephone.....

Date



JOINT VENTURE AGREEMENT

Bidders who tender as a Joint Venture must submit a Joint Venture Agreement here.



COMPANY DETAILS

The following company details schedule must be completed to ensure that the prerequisite requirements to bidding are met.

Registered Company Name	
Company Registration Number	
VAT Number	
Bank Name	
Branch Name	
Bank Account Number	
Professional Registration Details	
Professional Indemnity Details	



AUTHORITY TO SIGN BID DOCUMENTS

In the case of a bid being submitted on behalf of a company, close corporation or partnership, evidence must be submitted to ECPTA at the time of submission of the bid that the bid has been signed by persons properly authorized thereto by resolution of the directors or under the articles of the entity.

Please attach proof to the next page.

