

REQUEST FOR PROPOSAL (RFP) DOCUMENT

DESCRIPTION	APPOINTMENT OF AN ENVIRONMENTAL ASSESSMENT PRACTITIONER TO UNDERTAKE THE NECESSARY ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS FOR THE ENVIRONMENTAL AUTHORISATION OF THE T-PROJECT AND ITS EXTENSION, INCLUDING INTEGRATED WATER USE LICENSE (IWUL) AND WASTE MANAGEMENT LICENSE (WML) APPLICATIONS AS WELL AS THE ASSOCIATED SECTION 102 ENVIRONMENTAL AMENDMENTS FOR A PERIOD OF EIGHTEEN (18) MONTHS.
Bid number:	AE/T-P001/2021
Bid Issue Date	17 November 2021
Bid Available	This RFP may be downloaded directly from National Treasury's e-Tender Publication Portal at www.etenders.gov.za , and African Exploration Mining and Finance Corporation at www.aemfc.co.za . Free of charge.
Briefing Session	<p>A compulsory pre-proposal RFP briefing will be conducted via Microsoft Teams on the 26 November 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 24 November 2021 to allow AEMFC to make arrangements for the virtual briefing session.</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 a bidder to submit the certificate before tender closing will make the bid to be non-responsive.</p> <p>Any organization wishing to bid must send at least one representative but not more than two representatives per bidder. A Consortium or Joint Venture must be represented by at least one of the Consortium or Joint Venture members.</p>
Closing Date	09 December 2021
Closing Time	12:00 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 AEMFC of any clarifications required before the closing time for clarification queries, which is 04 working days before the deadline for tender submission.
Bid validity period:	120 days . 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.
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.</p> <p>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>

Respondents Signature _____

Date _____

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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/T-P001/2021	CLOSING DATE:	09 December 2021	CLOSING TIME:	12H00
DESCRIPTION	Appointment of an EAP to Undertake Necessary EIA Process for T-Project and its Extension, Integrated WUL and WML Applications as well as Associated Section 102 Environmental Amendments for eighteen (18) months				
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, 1st 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 <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <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]

Respondents Signature

Date

Appointment of an EAP to Undertake Necessary EIA Process for T-Project and its Extension, Integrated WUL and WML Applications as well as Associated Section 102 Environmental Amendments for eighteen (18) months

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	Procurement
CONTACT PERSON	Procurement	TELEPHONE NUMBER	067 411 0001
TELEPHONE NUMBER	067 411 0001	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	tender@aemfc.co.za
E-MAIL ADDRESS	tender@aemfc.co.za		

 Respondents Signature

 Date

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. AEMFC, is currently mining at its flagship operation, Vlakfontein Mine and looking into various coal projects which are at different stages from Concept to Feasibility.

AEMFC has an existing Mining Right over various portions of several farms within the Govan Mbeki Magisterial District, the project is known as "T-Project". The T-Project mining project area covers an area of approximately 6 567 ha over portions of the farms Vlakraagte 92 IS, Nooitgedacht 94 IS, Kwaggalaagte 91 IS, Uitmalkaar 126 IS, Zondagskraal 125 IS and Vaalbank 96 IS. The area is currently used for dryland commercial agriculture.

The T-Project is situated approximately 12 km north-west of the town of Kinross and approximately 18 km north-east of the town of Leandra, within the Govan Mbeki magisterial district in Mpumalanga Province. The proposed mine is anticipated to consist of a single underground mine, that will target the No. 4 Seam using the bord-and-pillar mining method within an estimated life of mine (LOM) in excess of 20 years. The coal will be accessed via a box-cut portal which will cover an area of approximately 1ha. The proposed project site is accessible by a district service road, which traverses the property from north to south. The district road connects the property with the R547 provincial road in the south and the R580 provincial road in the north of the property.

AEMFC was granted the Mining Right in August 2012, and the Environmental Management Plan/Programme (EMP/EMPr) was approved in June 2015 upon execution of the Mining Right. T-Project was awarded an Environmental Authorisation (EA) in October 2011 which authorises infrastructure on portions 1, 2, 5 and 6 of Vlakraagte 92IS, portion 3 and the remaining extent of portion 2 of Nooitgedacht 94IS (only). This authorisation was, however, only valid for five years and has since lapsed. A Water Use Licence Application (WULA), together with an Integrated Water and Waste Management Plan (IWWMP), was submitted in March 2011. The Water Use License (WUL) was issued in March 2016 for water uses related to Section 21 (a), (c), (g), (i), and (j) associated with mining activities on portions 1, 2, 5 and 6 of the Farm Vlakraagte 92IS.

The approved EMPr, EA and issued WUL provided for surface infrastructure (except for the ventilation fans) to be placed in one location on portions 2 and 5 of Vlakraagte 92IS. A mine optimisation study has subsequently indicated that several changes are required, and these changes will need authorisation. It is anticipated that the on-site infrastructure facilities will be split and located over two infrastructure areas approximately 7.5km apart, namely the Plant Infrastructure Area (PIA) in the north and the Mine Infrastructure Area (MIA) in the south. No specialist studies have yet been conducted, nor have authorisation applications been submitted for the MIA, the ventilation shaft areas, or the

Appointment of an EAP to Undertake Necessary EIA Process for T-Project and its Extension, Integrated WUL and WML Applications as well as Associated Section 102 Environmental Amendments for eighteen (18) months proposed linear infrastructure (e.g., 22kV overhead power lines; underground service water pipeline; and access roads) connecting the PIA and MIA.

Due to the various changes at the T-Project since the original EMPr was compiled, and since the EA has lapsed, a new integrated EA application must be lodged following a full scoping, public consultation, and Environmental Impact Assessment (EIA) process (including relevant specialist input). A Waste Management License (WML) application must be included in the EIA process, as well as either an amendment to the existing WUL or a new WUL addressing the changes to T-Project.

Moreover, AEMFC is also in the process of amending the T-Project Mining Right in terms of Section 102 of Mineral and Petroleum Resources Development Act of 2002 to include Remaining Extent and Portion 1 of the farm Schaapkraal 93 IS. In this regard, the relevant Section 102 environmental amendments are to be included in this project.

The previous EMPr for the mine identified that the bulk water supply target for the proposed colliery would be groundwater stored in flooded mine workings at the nearby Exxaro-Matla Colliery. Since then, however, Exxaro-Matla Colliery has indicated that they will not be able to supply bulk water resources for the proposed T-Project. A reconnaissance study was conducted to determine the availability of bulk water from other resources. The wastewater treatment plant (WWTP) option was found to have a higher probability of sustainable supply over the LOM. Therefore, the WWTP bulk water supply option needs further investigation inclusive of drilling boreholes as a potential water source. Thus, the bulk water supply investigation must be included in the environmental activities, future land uses risks, servitudes and other legal or permitting considerations for authorisation.

Furthermore, the power demand for the T-Project will range from 8 mega volt-amp (MVA) during the construction phase of the mine to a maximum of 40MVA at full production. It is expected that the bulk power supply will come from Eskom. A 132/11kV main Eskom substation is proposed to be located in the MIA to supply power to the 11kV consumer substations located in both the PIA and MIA. Power to the substation located at the PIA to be reticulated by means of 22kV overhead powerlines. Emergency power generators will be provided in each infrastructure area to provide power supply to critical facilities under loadshedding or power failure conditions. The relevant authorisations for power supply and specifications for the electrical infrastructure, mini-substations, and transmission lines must be part of the project. AEMFC will lead the negotiations with Eskom.

As such, AEMFC is looking to appoint an Environmental Assessment Practitioner (EAP) to undertake the necessary EIA process for the environmental authorisation of the T-Project and its extension, including integrated WUL and WML applications as well as the associated Section 102 environmental amendments for a period of eighteen (18) months.

3 PRE-QUALIFICATION

3.1. AEMFC will apply the following pre-qualification criteria as stipulated in PPPFA 2017 Regulation 4:

- a) Minimum B-BBEE status level four (4) of contributor

Note: “Proof of B-BBEE status level of contributor” means -

- a) the B-BBEE status level certificate issued by an authorized body or person; or
- b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
- c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act; If “proof of B-BBEE status level of contributor” is required for prequalification purposes in terms of PPPFA regulations and is either not submitted by tender submission deadline or deemed invalid; the respective tenderer must be disqualified.

Minimum B-BBEE level

AEMFC has set a minimum B-BBEE threshold for participation in this RFP process. The minimum B-BBEE threshold in this instance is a B-BBEE with a minimum level 4. A bid that fails to meet this pre-qualifying criterion will be regarded as an unacceptable bid.

4 OBJECTIVE CRITERIA

4.1. Not Applicable (N/A).

5 MULTIPLE BIDDING

5.1. AEMFC does not allow bidders to do multiple bidding.

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

6 BACKGROUND AND REVIEW

6.1. AEMFC is hereby looking to appoint an Environmental Assessment Practitioner (EAP) to undertake the necessary Environmental Impact Assessment (EIA) process for the environmental authorisation of the T-Project and its extension, including associated Section 102 environmental amendments for a period of eighteen (18) months.

7 SCOPE OF WORK (SOW) REQUIREMENTS

7.1. AEMFC would like to appoint an eligible Environmental Assessment Practitioner (EAP) to undertake the following:

- 7.1.1. Kick-off meeting with AEMFC at Vlakfontein Mine.
- 7.1.2. Initial site visit to the T-Project study area with AEMFC.
- 7.1.3. Review of available data and information relevant to the project.
- 7.1.4. Identify relevant listed activities that will be triggered by lapsed Environmental Authorisation as well as by the extension of the mining right area at the T-Project.
- 7.1.5. Identify any other related or relevant environment approval applications and/or amendments required (i.e., authorizations, licenses, permits, etc.) for T-Project.
- 7.1.6. Identify specialist studies that need to be updated and/or undertaken as part of the application Environmental Authorisation and extension of the mining right area at the T-Project.
- 7.1.7. EAP and specialists site visit(s)/assessment(s) for project activities.
- 7.1.8. Consultation(s) with the relevant authority(ies).
- 7.1.9. Conduct public participation process in accordance with the relevant environmental legislation (Initial, Scoping, Environmental Impact Assessment (EIA) and Environmental Authorization decision notification).
- 7.1.10. Prepare and submit application for Environmental Authorisation to the relevant competent authority(ies).
- 7.1.11. Prepare and submit any other related or relevant environment approval applications and/or amendments required for the T-Project and extension of the mining right area at the T-Project.
- 7.1.12. Conduct the relevant scoping and impact assessment specialist studies as part of the application for Environmental Authorisation and Section 102 environmental amendment(s) of EMPr, Social and Labour Plan (SLP), and Mining Works Programme (MWP).
- 7.1.13. Amend existing approved EMPr, SLP and MWP and submit to AEMFC.
- 7.1.14. Prepare sensitivity map(s) for the study area to inform the EIA process and potential alternatives.

- 7.1.15. Compile and submit Scoping Report and associated amended EMPr and any other supporting documentation for public review and submission to the relevant commenting and competent authority(ies).
- 7.1.16. Compile and submit EIA Report and associated amended EMPr and any other supporting documentation for public review and submission to the relevant commenting and competent authority(ies).
- 7.1.17. Conduct necessary authority consultation for Water Use License application and submit application, including all required supporting documentation (i.e., Technical, IWWMP, etc.).
- 7.1.18. Prepare and submit the WML application including all required supporting documentation.
- 7.1.19. Conduct bulk water supply investigations and undertake all required applications for the relevant authorisation(s), license(s) or approval(s).
- 7.1.20. Conduct power supply investigations and undertake all required applications for the relevant authorisation(s), license(s) or approval(s) – excluding negotiations with Eskom.
- 7.1.21. Project management for the smooth running of the project between the environmental Assessment Practitioner (EAP) team, specialists, authorities and AEMFC.
- 7.1.22. Provide feedback to AEMFC regarding the project in the form of monthly progress meeting(s) and associated progress report(s).
- 7.1.23. Electronic copies of application documents and reports must be provided to AEMFC at least 7 days prior to submission to the authorities for review and approval.
- 7.1.24. Hard copies of signed final application forms, as well as electronic copies of the Scoping and EIA reports must be provided to AEMFC for record keeping.
- 7.1.25. All maps, layouts, application documents and reports produced for the project must have an AEMFC logo with the signature of the originator / author.
- 7.1.26. All maps and layout plans to be provided to AEMFC in shapefile format.
- 7.1.27. Close-out meeting with AEMFC at Vlakfontein Mine.

NB: AEMFC will avail all related documents/data to the successful bidder. The winning bidder to sign Non-disclosure and Confidentiality Agreement with AEMFC prior to commencing with the project.

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

- 8.1. Resources and skillset to undertake the T-Project EIA process towards obtaining Environmental Authorisation, Water Use License, Waste Management License, including Section 102 related environmental amendments, application(s), and/or consultation(s).
- 8.2. Own laptops, electronics and any information technology required to perform the work.
- 8.3. Own data, WiFi or internet connectivity.
- 8.4. Communication, travelling and accommodation.
- 8.5. Any other materially related services.

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

- 9.1.1. Access to Vlakfontein Mine.
- 9.1.2. Access to the T-Project study area.
- 9.1.3. Site orientation.
- 9.1.4. Available data and information on T-Project.

10 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 an Environmental Assessment Practitioner to undertake the necessary Environmental Impact Assessment (EIA) process for the Environmental Authorization of the T-Project and its extension, including Integrated Water Use License (IWUL) and Waste Management License (WML) applications as well as the associated Section 102 environmental amendments for a period of eighteen (18) months.

BID NO: **AE/T-P001/2021**

BIDDER NAME:

ENVELOPE TITLE: FUNCTIONAL RESPONSE/COMMERCIAL RESPONSE

- 10.1. 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.
- 10.2. Bids submitted by means of email, telegram, telefax, facsimile or similar means shall not be considered.
- 10.3. 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.
- 10.4. 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).
- 10.5. 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.

11 FUNCTIONAL RESPONSE

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

Respondents Signature

Date

FUNCTIONAL RESPONSE ENVELOPE	
Proposal documents comprising of a response to the functional evaluation criteria inclusive of the following (Refer to Section 14).	Comply [Yes/No]
Completed Functional Response	
Provide a list of mining related Environmental Authorization (EA) application project(s) successfully conducted and completed by your company – Annexure G	
Provide detailed reference letters (including project name and duration) for project(s) provided in Annexure G on referring company letterhead	
Provide list of mining related EA application projects successfully conducted and completed by the Project Manager / Lead Individual who will be working on this project – Annexure H	
Provide detailed Curriculum Vitae ("CV") indicating experience of the Project Manager / Lead Individual who will be working on this project	
Provide valid South African Council for Natural Scientific Professions (SACNASP) and/or Environmental Assessment Practitioners Association of South Africa (EAPASA) or Equivalent Registration for the Project Manager / Lead Individual who will be working on this project	
Provide a list of Section 102 projects successfully conducted and completed by your company – Annexure I	
Provide detailed reference letters (including project name and duration) for project(s) provided in Annexure I on referring company letterhead	
Provide a list of mining related Water Use Licence Application (WULA) project(s) successfully conducted and completed by your company – Annexure J	
Provide detailed reference letters (including project name and duration) for project(s) provided in Annexure J on referring company letterhead	

Functional response envelope shall consist of the following:

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

12 COMMERCIAL RESPONSE

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

12.1. ADMINISTRATIVE DOCUMENTS

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

- a) 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.

12.2. JOINT VENTURE /CONSORTIUM AGREEMENT

- a) 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.

12.3. BROAD BASE BLACK ECONOMIC EMPOWERMENT (B-BBEE) Act

- a) Valid Original or Certified Copy of B-BBEE Certificate/ Sworn Affidavit for EMEs and QSEs.
- b) 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.

Respondents Signature

Date

- c) 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.
- d) 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.
- e) 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).

12.4. 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.

12.5. 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 withing 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.
- a) 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.
- b) Annual financial statements submitted must comply with the requirements of the Companies Act or the Close Corporations Act.

Appointment of an EAP to Undertake Necessary EIA Process for T-Project and its Extension, Integrated WUL and WML Applications as well as Associated Section 102 Environmental Amendments for eighteen (18) months

- c) 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.
- d) 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.
- e) If a bidder is a new company, an affidavit must be provided where no annual financial statements have been prepared.

13 REQUIRED DOCUMENTS

The following Standard Bidding Documents completed and signed:

COMMERCIAL RESPONSE	
MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Valid Original or Certified Copy of B-BBEE Certificate/ Sworn Affidavit for EMEs and QSEs Note: (Bids submitted without the required B-BBEE certificate will be deemed to be non-responsive).	
Bill Of Quantities / Rates Structure (Annexure F) Note: (Bids submitted without the required completed BOQ will be deemed to be non-responsive).	

COMMERCIAL RESPONSE	
ESSENTIAL RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Schedule A: Miscellaneous Information	
SBD 9: Certificate of Independent Bid Documentation	
Resolution of Authority to Sign on behalf of the Bidding Entity / JV / Consortium	
National Treasury Registration on Central Data Base (CSD) (certificate).	

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

14 EVALUATION CRITERIA

The following evaluation method will be used:

- 14.1. 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.
- 14.2. 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.

Respondents Signature

Date

14.3. 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.

14.4. PHASE 2: Functionality

Minimum threshold value of **70** should be obtained by the service providers to qualify for the third phase.

NO	EVALUATION CRITERIA	SCORING PRINCIPLE	RETURABLE SCHEDULE	RATING	WEIGHTING SCORE
1	Provide a list of mining related Environmental Authorization (EA) application projects successfully conducted and completed by your company	More than four (4) mining related EA application projects successfully conducted and completed by your company	Complete Annexure G. <ul style="list-style-type: none"> Bidders are to provide detailed and signed reference letters (including project name and duration) for project(s) provided in Annexure G. Reference letters to be on the referring company letter head. NB: The onus is on a bidder to ensure that the contact details and email addresses of the clients provided in Annexure G are valid. NB: Failure to provide corresponding reference letter(s) for the projects listed in Annexure G will lead to the disregard of those project(s).	35	35
		Four (4) mining related EA application projects successfully conducted and completed by your company		30	
		Three (3) mining related EA application projects successfully conducted and completed by your company		25	
		Less than three (3) mining related EA application projects successfully conducted and completed by your company		0	
2	Provide list of mining related EA application projects successfully conducted and completed by the Project Manager / Lead Individual who will be working on this project	More than four (4) mining related EA application projects successfully conducted and completed by the Project Manager / Lead Individual	Complete Annexure H. <ul style="list-style-type: none"> Bidders are to provide detailed Curriculum Vitae ("CV") of the Project Manager / Lead Individual who will be working on this project. CV must indicate the project experience listed in Annexure H. N.B: The onus is on a bidder to ensure that the contact details and email addresses of the clients provided in Annexure H are valid. NB: Failure to provide detailed CV indicating experience	15	15
		Four (4) mining related EA application projects successfully conducted and completed by Project Manager / Lead Individual		13	
		Three (3) mining related EA application projects successfully conducted and completed by Project Manager / Lead Individual		10	

Respondents Signature _____

Date _____

		Less than three (3) mining related EA application projects successfully conducted and completed by Project Manager / Lead Individual	of the Project Manager / Lead individual will lead to the bidder scoring zero.	0	
3.	Provide valid South African Council for Natural Scientific Professions (SACNASP) and/or Environmental Assessment Practitioners Association of South Africa (EAPASA) or Equivalent Registration for the Project Manager / Lead Individual who will be working on this project	Valid SACNASP and/or EAPASA or Equivalent Registration	NB: Failure to attach the proof of valid registration as requested will lead to the bidder scoring zero points. NB. AEMFC will verify the submitted equivalent Registration with the relevant professional bodies.	5	5
		No Valid SACNASP and/or EAPASA or Equivalent Registration		0	
4.	Provide a list of Section 102 projects successfully conducted and completed by your company	More than four (4) Section 102 projects successfully conducted and completed by your company	Complete Annexure I. <ul style="list-style-type: none"> Bidders are to provide detailed and signed reference letters (including project name and duration) for project(s) provided in Annexure I. Reference letters to be on the referring company letter head. NB: The onus is on a bidder to ensure that the contact details and email addresses of the clients provided in Annexure I are valid. NB: Failure to provide corresponding reference letter(s) for the projects listed in Annexure I will lead to the disregard of those project(s).	15	15
		Four (4) Section 102 projects successfully conducted and completed by your company		13	
		Three (3) Section 102 projects successfully conducted and completed by your company		10	
		Less than three (3) Section 102 projects successfully conducted and completed by your company		0	
5.	Provide a list of mining related Water Use Licence Application (WULA) projects successfully conducted and completed by your company	More than four (4) mining related WULA projects successfully conducted and completed by your company	Complete Annexure J. <ul style="list-style-type: none"> Bidders are to provide detailed and signed reference letters (including project name and duration) for 	30	30

Respondents Signature_____
Date

	Four (4) mining related WULA projects successfully conducted and completed by your company	project(s) provided in Annexure J. <ul style="list-style-type: none"> Reference letters to be on the referring company letter head. NB: The onus is on a bidder to ensure that the contact details and email addresses of the clients provided in Annexure J are valid. NB: Failure to provide corresponding reference letter(s) for the projects listed in Annexure J will lead to the disregard of those project(s).	25	
	Three (3) mining related WULA projects successfully conducted and completed by your company		20	
	Less than three (3) mining related WULA project successfully conducted and completed by your company		0	
Total Points				100
Minimum Threshold				70

 Respondents Signature

 Date

14.5. 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.

15 PRICING

Arithmetic Errors, omissions, and discrepancies

- 15.1. Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.
- 15.2. 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.
- 15.3. 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.
- 15.4. 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

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

16 ADDITIONAL INFORMATION

- 16.1. 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 One (1) working days or as otherwise indicated.

Respondents Signature

Date

17 RULE ON THE APPROVED LIST

- 17.1. Assignments will be structured as work packages that clearly define the scope and objective of work, proposed timeframes, qualifying criteria, qualification requirements, expected duration (hours), and expected deliverables amongst others.
- 17.2. Service providers that have qualified and have been appointed to the List will be approached and be requested to provide a quotation at the time the service is required. Work packages will then be allocated to the successful bidder/s.
- 17.3. In instance where the bidder/s on the approved panel are unable to meet the contract obligation and requirement, AEMFC reserves the right to issue a request to the market for a similar service.

18 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:

- 18.1. Cancel and call for new tenders
- 18.2. Appoint more than one bidder or contractor
- 18.3. Reject any tender received after the closing time
- 18.4. Alter the structure and/ or the timing of this RFP or the tendering process
- 18.5. Consider and accept or reject any alternative tender
- 18.6. Reject any tender that does not comply with the requirements of this RFP
- 18.7. Terminate the participation of any Bidder or any other person in the Tendering process
- 18.8. Cease to proceed with or suspend the Tendering process prior to the execution of an official written contract.
- 18.9. 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:

Respondents Signature

Date

(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

Respondents Signature

Date

3 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

Respondents Signature

Date

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

3.1.1. 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 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;

Respondents Signature

Date

- 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

.....

.....

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 AN ENVIRONMENTAL ASSESSMENT PRACTITIONER TO UNDERTAKE THE NECESSARY EIA PROCESS FOR THE ENVIRONMENTAL AUTHORISATION OF THE T-PROJECT AND ITS EXTENSION, INCLUDING INTEGRATED WATER USE LICENSE (IWUL) AND WASTE MANAGEMENT LICENSE (WML) APPLICATIONS AS WELL AS THE ASSOCIATED SECTION 102 ENVIRONMENTAL AMENDMENTS FOR A PERIOD OF EIGHTEEN (18) MONTHS.**

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.

Respondents Signature

Date

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

40

Appointment of an EAP to Undertake Necessary EIA Process for T-Project and its Extension, Integrated WUL and WML Applications as well as Associated Section 102 Environmental Amendments for eighteen (18) months

ANNEXURE D: REGISTRATION OF PROSPECTIVE BIDDERS FORM

DESCRIPTION: APPOINTMENT OF AN ENVIRONMENTAL ASSESSMENT PRACTITIONER TO UNDERTAKE THE NECESSARY ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS FOR THE ENVIRONMENTAL AUTHORISATION OF THE T-PROJECT AND ITS EXTENSION, INCLUDING INTEGRATED WATER USE LICENSE (IWUL) AND WASTE MANAGEMENT LICENSE (WML) APPLICATIONS AS WELL AS THE ASSOCIATED SECTION 102 ENVIRONMENTAL AMENDMENTS FOR A PERIOD OF EIGHTEEN (18) MONTHS.

BID NUMBER: AE/T-P001/2021**DATE OF BRIEFING SESSION: 26 November 2021****TIME: 11:00 ± 2 hours****VENUE:** Microsoft Teams

REGISTRATION OF PROSPECTIVE BIDDERS FORM

All interested bidders must register their interests to attend a briefing session by completing this form and return to tender@aemfc.co.za by **24 November 2021**.

Tel/ mobile no: Email address:

.....
BIDDER'S NAME DATE

Failure to submit "REGISTRATION OF PROSPECTIVE BIDDERS FORM" for the briefing session attendance by 24 November 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

Respondents Signature

Date

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/T-P001/2021 Tender Reference Number:.....
(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: <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. 			ENTERPRISE STAMP

Respondents Signature _____

Date _____

Annexure F: Bill of Quantities (BOQ)

Bill of Quantities			
(Total number of hours over the duration of the project = 2 880 hours over 18 months)			
Element/s	Rate (per Hour)	Hours	Total Value
Professional fees			
Kick-off meeting with AEMFC at Vlakfontein Mine			
Initial site visit to the T-Project study area with AEMFC			
Review of available data and information relevant to the project			
Identify relevant listed activities that will be triggered by the renewal of the lapsed Environmental Authorisation as well as by the extension of the mining right area at the T-Project			
Identify any other related or relevant environment approval applications and/or amendments required (i.e., authorizations, licenses, permits, etc.) for T-Project			
Identify specialist studies that need to be updated and/or undertaken as part of renewing the lapsed Environmental Authorisation and extension of the mining right area at the T-Project			
EAP and specialists site visit(s)/assessment(s) for project activities			
Consultation(s) with the relevant authority(ies)			
Conduct public participation process in accordance with the relevant environmental legislation (Initial, Scoping, Environmental Impact Assessment (EIA) and Environmental Authorization decision notification)			
Prepare and submit application for Environmental Authorisation to the relevant competent authority(ies)			
Prepare and submit any other related or relevant environment approval applications and/or amendments required for the T-Project and extension of the mining right area at the T-Project			
Identify and conduct the relevant scoping and impact assessment specialist studies as part of the application for Environmental Authorisation and Section 102 amendment(s) of EMPr, Social and Labour Plan (SLP), and Mining Works Programme (MWP)			
Amend existing approved EMPr, SLP and MWP and submit to AEMFC			
Prepare sensitivity map(s) for the study area to inform the EIA process and potential alternatives			
Compile and submit Scoping Report and associated amended EMPr and any other supporting documentation for public review and submission to the relevant commenting and competent authority(ies).			

Appointment of an EAP to Undertake Necessary EIA Process for T-Project and its Extension, Integrated WUL and WML Applications as well as Associated Section 102 Environmental Amendments for eighteen (18) months

Compile and submit EIA Report and associated amended EMPr and any other supporting documentation for public review and submission to the relevant commenting and competent authority(ies)			
Conduct necessary authority consultation(s) for Water Use License application and submit application, including all required supporting documentation			
Prepare and submit the WML application including all required supporting documentation.			
Conduct bulk water supply investigations and undertake all required applications for the relevant authorisation(s), license(s) or approval(s).			
Conduct power supply investigations and undertake all required applications for the relevant authorisation(s), license(s) or approval(s) – excluding negotiations with Eskom.			
Project management for the smooth running of the project between the environmental Assessment Practitioner (EAP) team, specialists, authorities and AEMFC			
Monthly Progress Meetings			
Monthly Progress Reports			
Close-out Meeting with AEMFC at Vlakfontein Mine			
Disbursements			
Printing			
Registered mail			
Site notice(s)			
Public meeting venue(s)			
Advertisement(s)			
Other (Specify)			
Project Value			
Grand Total Excluding VAT			
Grand Total Including VAT			
Travelling			
Travel Rates: As per current SARS rates			

Respondents Signature

Date

Annexure G: Provide list of mining related Environmental Authorization (EA) application projects successfully conducted and completed by your company

Bidders Name	
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Item	Company/Project Name	Description on the project	Start Date (MM/YYYY)	End Date (MM/YYYY)	Value of Project in Rands	Contact Details of reference company		
						Contact Person	Telephone (land line)	email address

Respondents Signature _____

Date _____

Annexure H: Provide list of mining related EA application projects successfully conducted and completed by the Project Manager / Lead Individual who will be working on this project

Bidders Name	
Name of Project Manager / Lead Individual	

Item	Company	Description on the project	Start Date (MM/YYYY)	End Date (MM/YYYY)	Value of Project in Rands	Contact Details of reference company		
						Contact Person	Telephone (land line)	email address

Respondents Signature_____
Date

Annexure I: Provide a list of Section 102 projects successfully conducted and completed by your company

Bidders Name	
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Item	Company	Description on the project	Start Date (MM/YYYY)	End Date (MM/YYYY)	Value of Project in Rands	Contact Details of reference company		
						Contact Person	Telephone (land line)	email address

Respondents Signature_____
Date

Annexure J: Provide a list of mining related Water Use Licence Application (WULA) projects successfully conducted and completed by your company

Bidders Name	
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Item	Company/Project Name	Description on the project	Start Date (MM/YYYY)	End Date (MM/YYYY)	Value of Project in Rands	Contact Details of reference company		
						Contact Person	Telephone (land line)	email address

Respondents Signature

Date

Respondents Signature _____

Date _____