



Tender Reference Number: COR6790/2022/RFP

**REQUEST FOR PROPOSAL (RFP) FOR THE ACQUISITION OF AN AIRPORT AND SMOKING
LOUNGE OPERATOR FOR CAPE TOWN INTERNATIONAL AIRPORT INTERNATIONAL
DEPARTURES FOR A PERIOD OF EIGHT (8) YEARS**

APRIL 2022

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



TENDER NOTICE AND INVITATION TO TENDER

REQUEST FOR PROPOSAL (RFP) FOR THE AQUISITION OF A LOUNGE OPERATOR FOR AN AIRPORT LOUNGE AND A SMOKING LOUNGE AT CAPE TOWN INTERNATIONAL AIRPORT INTERNATIONAL DEPARTURES FOR A PERIOD OF EIGHT (8) YEARS

TENDER NUMBER: : COR6790/2022/RFP

ISSUE DATE : 13 April 2022

BID CLOSING DATE : 23 May 2022 @ 12h00 sharp

NON-COMPULSORY VIRTUAL BRIEFING SESSION DATE : 22 April 2022 – Teams Meeting Invite @09H00 AM

NON- COMPULSORY SITE INSPECTION : 20 April 2022 between 10:00am and 12:00pm at CTIA – Bidders are to forward copies of their Identity Documents to thami.mncube@airports.co.za by the 19th of April and to bring the original versions on the day of the site viewing.

REQUEST FOR CLARITY OR INFORMATION CLOSING : 16 May 2022 @16:00

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SECTION 1: INSTRUCTIONS TO BIDDERS

1.1 Access to RFP documents

Tenders are available for free download on www.etenders.gov.za and ACSA website. Kindly print and complete.

1.2 Submission of bid documents

The envelopes containing bid documents must have on the outside, the bidder's return address, the full description of the tender, tender number, and the details of the Tender Management Office/Procurement department where the bid will close. (Ref 1.2.1). The documents must be signed and completed by a person who has been given authority to act on behalf of the bidder. The bottom of each page of the bid documents must be signed or stamped with the bidder's stamp as proof that the bidder has read the tender documents. Bid documents must be submitted **on or before the 23RD of May 2022 at 12:00pm** using the following methods:

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

1.2.1 Hand delivery:

The bid document must be delivered to the tender box located at the address below and must be addressed as follows:

CONTRACT NO: COR6790/2022/RFP

REQUEST FOR PROPOSAL (RFP) FOR THE AQUISITION OF A LOUNGE OPERATOR FOR AN AIRPORT LOUNGE AND A SMOKING LOUNGE AT CAPE TOWN INTERNATIONAL AIRPORT INTERNATIONAL DEPARTURES FOR A PERIOD OF EIGHT (8) YEARS

[NAME OF TENDERER]

TENDER BOX B

Third Floor Terminal B Building, North Wing Offices, following Aircraft Viewing deck signs.

O.R. Tambo International Airport.

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

Please arrive early at the airport so you can observe all Covid-19 protocols e.g., screening and completing forms. Please follow instructions for parking at the airport as some parking is closed.

1.2.2 Email submissions:

Electronic copies/links of the tenders are to be e-mailed to thami.mncube@airports.co.za.

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

- 1.2.3 Proposals must be in duplicate (an original printed copy and a printed copy of the original) together with an electronic copy of the bid documents via an email link. The original copy will be the legal and binding copy, in the event of discrepancies between any of the submitted documents; the original copy will take precedence.

1.3 Alternative Bids

No alternative bids will be considered.

1.4 Late Bids

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

1.5 Clarification and Communication

Bidders may only communicate on this RFP with the ACSA employee using the details listed below:

Name:	Thami Mncube
Designation:	Specialist: Category Management: Corporate
Tel:	061 653 0462
Email:	Thami.Mncube@airports.co.za

- 1.5.1 Request for clarity or information on the tender may only be requested until **16:00pm on 16 May 2022** after this date tenderers may start submitting their bids. Any responses to queries or for clarity sought by a bidder will also be sent to all the other entities which have responded to the Request for Proposal.
- 1.5.2 Provide clarification of a tender offer in response to a request to do so from the employer during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position of tenderers or substance of the tender offer is sought, offered, or permitted.
- 1.5.3 Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer.
- 1.5.4 Bidders may not contact any ACSA employee on this tender other than those listed above. Contact will only be allowed between the successful bidder and ACSA Business Unit representatives after the approval of a recommendation to award this tender. Contact will also only be permissible in the case of pre-existing commercial relations which do not pertain to the subject of this tender.

1.6 Non- Compulsory/ Compulsory Briefing

There will be a non-compulsory briefing session meeting.

Companies are to join the briefing through the following link:

Date and Time of the Meeting:

https://teams.microsoft.com/join/19%3ameeting_ZTY3OTNjZTAfNzY5Zi00ZTEwLWJIZDIhNGVmODIwMGJkZTU3%40thread.v2/0?context=%7b%22Tid%22%3a%22fb62d46e-e86e-4673-ba82-b27b61d8202b%22%2c%22Oid%22%3a%22040b51f1-5abc-474d-8c64-aca87b37f092%22%7d

09h00-10:00am on Friday the 22nd of April 2022 VIRTUAL MEETING MICROSOFT TEAMS

1.7 Bid Responses

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

1.8 Disclaimers

It must be noted that ACSA reserves its right to:

- 1.8.1 Award the whole or a part of this tender.
- 1.8.2 Split the award of this tender.
- 1.8.3 Negotiate with all or some of the shortlisted bidders.
- 1.8.4** Cancel this tender.

1.9 Validity Period

- 1.9.1 ACSA requires a validity period of eighty-four (84) working days from closing date for this tender.
- 1.9.2** During the validity, period the prices which have been quoted by the bidder must remain firm and valid.

1.10 Confidentiality of Information

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



1.11 Hot – Line

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

Airports Company South Africa TIP-OFFS ANONYMOUS

Free Call: 0800 00 80 80

Free Fax: 0800 00 77 88 Email: acsa@tip-offs.com

SECTION 2: MINIMUM REQUIREMENTS

2.1 Minimum Requirements

Only bidders meeting the following criteria will be considered for this tender:

- a) Meet the mandatory administrative requirements.
- b) Meet the functionality evaluation criteria.

SECTION 3: BACKGROUND, PURPOSE AND SCOPE OF WORK

3.1 Background

Since its inception 28 years ago, Airports Company South Africa SOC Limited (ACSA) has transformed into a focused commercial enterprise that is market-driven and customer service oriented. The company was formed in 1993 as a public company under the Companies Act of 1973, as amended, and the Airports Company Act of 1993, as amended.

ACSA operates South Africa's Ten (10) principal airports, comprised of the country's major international airports, namely, O.R. Tambo (ORTIA), Cape Town (CTIA) and King Shaka (KSIA) and the smaller regional airports, namely; Port Elizabeth (PLZ), East London Airport (ELN), George Airport (GRJ), Bram Fischer (BRAM), Kimberley Airport (KMB), Upington (UTN) and Richards Bay Airport. ACSA's registered corporate office operates from Aviation Park located at the OR Tambo International Airport.

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

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



Run airports



Develop airports



Grow footprint

3.2 Purpose

ACSA's purpose is to create value for shareholders, improve pax experience and diversify business portfolio (grow non-aeronautical revenue). Aligned to the company's strategy of creating stakeholder value and increasing revenue generation, the strategy is to continue to earn and grow lounge operation revenues by optimally locating these facilities in ACSA airports. In line with this, we would like to ensure the lounges at the airports are efficiently operated in order to meet the high level pax experience at ACSA airports in SA.

3.3 Scope of Works

The scope of works for this REQUEST FOR PROPOSAL (RFP) IS FOR THE ACQUISITION OF A LOUNGE OPERATOR FOR AN AIRPORT LOUNGE AND A SMOKING POD/LOUNGE AT CAPE TOWN INTERNATIONAL AIRPORT INTERNATIONAL DEPARTURES FOR A PERIOD OF EIGHT (8) YEARS.

An airport lounge and smoking lounge has become a key feature in all world class airports around the world. The airport lounge and smoking lounge is described as an oasis or an escape in the airport for passengers. It is an important part of the customer experience. The airport lounge and smoking lounge presents – a captive, highly select, target audience who value engagement and entertainment during their travel. These spaces must be fully exploited in an enticing and bespoke way. The airport lounge and smoking lounge must be “sleek” and must be a place where the patrons can “Relax, Reconnect, and Recharge” before getting on their flight.

3.4 Special Conditions of the RFP

Bidders can bid for opportunity with the following conditions:

- 3.4.1** The concession period for this RFP is for a period of 8 years.
- 3.4.2** The minimum rental for operating the lounge will escalate as outlined in the pricing schedule
- 3.4.3** A Bidder who qualifies for award at will be required to enter into a Concession Agreement.
- 3.4.4** Bidders are responsible for the cost to fit out the lounge signage. Bidders will be required to comply with the standard signage rules within the specific area of the Airport.
- 3.4.5** Bidders will be required to submit their security and safety plans for assessment by the ACSA Security division. Bidders are informed that only ACSA approved security contractors can be employed at the Airport. The security cost within the environment will be for the bidder’s account.
- 3.4.6** Bidders will be required to apply for airside permits for their staff in line with Airport legislation. The cost of the permit will be for the bidder’s account. A personal permit is approximately R300 without any icons and is valid for 2 years, where after a new permit will have to be applied for.
- 3.4.7** Bidders are responsible for the maintenance of the lounge. ACSA will be responsible for the maintenance of the common areas.
- 3.4.8** Bidders will be required to conform to the management rules at the Airport. Spot fines will be levied for transgressions of these management rules.
- 3.4.9** The Successful bidder will allow ACSA to conduct site inspections at regular intervals or as and when ACSA requires conducting such inspections.
- 3.4.10** The Successful bidder shall undertake to make provisions for the ACSA review meetings at intervals to be advised from time to time.
- 3.4.11** The penalty for not maintaining the Level 4 or higher (Level 1,2 or 3) B-BBEE status during the lease period. This could be grounds for a contract termination if not remedied within 3 months of notification.
- 3.4.12** The Successful Bidder will be required to give ACSA security for the performance of its obligations in an amount not less than the aggregate of 3 months’ rental of the final year of



the lease term. This will be in the form of a cash deposit or payment guarantee from a reputable financial institution acceptable to ACSA.

3.4.13 The Successful Bidder is to make the airport lounge available to all pax flying out of CPTIA international Departures

3.4.14 The Successful Bidder is to make the smoking lounge available to all pax flying out of CPTIA international Departures and all ACSA valid permits holders who are based at CPTIA international Departures.

SECTION 4: PREFERENCE (B-BBEE) AND PRICE

The maximum points for this bid are allocated as follows:

	Points
Price	90
B-BBEE Scorecard	10

Total Points for Price and B-BBEE must not Exceed 100.

Transformation Framework

4.1 Definitions

The Bidder is required to comply with the property sector codes as published and gazetted from time to time.

The following definitions shall apply:

Large Entity Development – means an entity with a turnover in excess of R 50 (fifty) Million.

Qualifying Small Enterprise (QSE) – means an entity with a turnover of between R 10 (Ten) Million and R 50 (Fifty) Million

Exempted Micro Enterprise (EME) – Means an entity with a turnover of R 10 (Ten) Million or less

4.2 B-BBEE Provisions

Lounge Operators fall within the Amended Property B-BBEE Sector Code, which came into effect on 9 June 2015. Bids will be scored on an 90/10 basis with 90 points being allocated to Price and the remaining 10 points awarded for B-BBEE.

This amended sector code (including the scorecard incorporated herein) applies to all privately owned and public enterprises within the property sector. In addition, it is binding to all organs of state and public entities, organized labour and communities involved with or interested in the Property Sector.

The scope of this amended sector code is applicable but not limited to commercial activities in the following industries:

4.2.1 Residential property industry, which includes:

4.2.1.1 Housing;

4.2.1.2 Community schemes; and

4.2.1.3 Land zoned for development.

4.2.2 Commercial property industry, which includes:

4.2.2.1 Office property industry;

4.2.2.2 Industrial property industry;

4.2.2.3 Leisure property industry;

4.2.2.4 Retail property industry; and

4.2.2.5 Land zoned for development.

4.2.3 Including other Property value chain areas in Property Sector (but not limited to):

4.2.3.1 Property Development

4.2.3.2 Property Ownership

4.2.3.3 Property Services

4.2.3.3.1 Property Management

4.2.3.3.2 Facility Management

4.2.3.3.3 Broking

4.2.3.3.4 Estate Agents

4.2.3.4 Professionals

4.2.3.4.1 Property Valuation

4.2.3.5 Regulators (in Property Sector)

4.2.3.6 Organs of state

4.2.1 Large Entities (Generic) Scorecard:

ELEMENT	WEIGHTING
Ownership	30 points
Management Control	9 points
Employment Equity	13 points
Skills Development	19 points
Enterprise and Supplier Development	39 points
Socio-Economic Development	2 points
Economic Development	5 points
TOTAL	117 points

The 117 points scored by the bidding entity will be converted to 10 points in terms of the bid.

– All large entities are measured against the large enterprise's scorecard.

– Subject to a B-BBEE verification process.

4.2.2 Qualifying Small Enterprises (QSEs) Scorecard:

ELEMENT	WEIGHTING
Ownership	27 points
Management Control	9 points
Employment Equity	11 points
Skills Development	17 points
Enterprise and Supplier Development	35 points
Socio-Economic Development	2 points
Economic Development	4 points
TOTAL	105 points

The 105 points scored by the bidding entity will be converted to 10 points in terms of the bid.

All QSEs are measured against the QSE scorecard, and thus subject to a B-BBEE verification process. BUT

- 51% black owned QSE: B-BBEE Level 2
- 100% black owned QSE: B-BBEE level 1
- Use a sworn affidavit.

4.2.3 Exempted Micro Enterprises (EMEs)

	B-BBEE Status	Qualification
1.	Level One Contributor	≥100 points on the Generic Scorecard
2.	Level Two Contributor	≥95 but <100 points on the Generic Scorecard
3.	Level Three Contributor	≥90 but <95 points on the Generic Scorecard
4.	Level Four Contributor	≥80 but <90 points on the Generic Scorecard
Maximum Points		100 Points

EMEs will receive the minimum points in respect of their B-BBEE status unless a B-BBEE certificate is provided in which case the points will be awarded as reflected on the certificate.

- All EMEs receive a B-BBEE level 4
- 51% black owned EME: B-BBEE Level 2
- 100% black owned EME: B-BBEE level 1
- Use a sworn affidavit or CIPC certificate.



4.2.4. ELIGIBILITY OF JOINT VENTURES AND START-UP ENTERPRISES

The measurement of Unincorporated Joint Ventures will be done as follows:

4.2.4.1 Unincorporated Joint Ventures are required to compile a consolidated verification certificate. A consolidated verification certificate will consolidate the verified compliance data of joint venture partners in accordance with paragraph 4.2.4.2 below as if those Measured Entities were a single Measured Entity.

4.2.4.2 The consolidation of compliance data shall be based on a weighting in accordance with the joint venture agreement relevant to the specific joint venture. Therefore, should two companies enter into an Unincorporated Joint Venture their respective scores in terms of the relevant Code of Good Practice will be weighted according to their proportionate share in the joint venture and added together for a combined score out of 100.

4.2.4.2.1 Should a company qualify in terms of the Qualifying Small Enterprise Scorecard its B-BBEE score out of 100 must be used to calculate the consolidated score.

4.2.4.2.2 51% Black Owned EMEs and 51% Black Owned QSEs will qualify for a score of 95 points while 100% Black Owned EMEs and 100% Black Owned QSEs will qualify for a score of 100 Points.

4.2.4.2.3 EME's other than those in paragraph 4.2.4.2.2 above will qualify for a score of 85 Points.

4.2.4.2.4 The JV B-BBEE Certificate is valid for 12 Months and only applicable to a specific Project.

4.2.4.2.5 Notwithstanding the B-BBEE Status Level attributed to the JV in terms of the above mechanism the black ownership of the respective partners may be flowed through to the JV in proportion to the respective JV partners' economic interest and voting rights in the JV as determined by the JV agreement.

4.2.4.3 Start-up Enterprises are deemed to have qualifying B-BBEE Status in accordance with the principles of paragraph 4 of this Statement.

4.2.4.4 Despite paragraph 4.2.4.3 a Start-up Enterprise may be measured in terms of the QSE scorecard, or the Generic scorecard should they choose to.

4.2.4.5 Despite paragraph 4.2.4.3, a Start-up Enterprise must submit a QSE scorecard when tendering for any contract, or seeking any other economic activity covered by Section 10 of the Act, with a value higher than R10 million but less than R50 million. For contracts of R50 million or more they should submit the Generic scorecard. The preparation of such scorecards must use annualised data.

4.2.5 Lease Obligations:

Successful bidders with a B-BBEE level 4 or higher (3, 2 and 1) will be required to maintain or improve their B-BBEE status at award.

4.3 POINTS AWARDED FOR PRICE (FINANCIAL OFFER)

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

The bidder that offers the highest minimum monthly guaranteed rental for the operation will be awarded 90 points. All other bidders will be scored proportional to the offer made by the highest bidder as per the formula below.

$$P_s = \frac{90 (1 + P_t - P_{max})}{P_{max}}$$

Where:

P_s = Points scored for comparative price (minimum rentals) of tender or offer under consideration.

P_t = Comparative price (minimum rentals) of tender or offer under consideration; and

P_{min} = Comparative price (minimum rentals) of highest acceptable tender or offer.

Bidders will be ranked according to the highest number of total combined points (Price and B-BBEE)

Points scored will be rounded off to the nearest 2 decimal places.

SECTION 5: EVALUATION CRITERIA

5.1 Evaluation Criteria

5.1.1 ACSA will use a pre-determined evaluation criterion when considering received bids. The evaluation criteria will consider the commitment made for pre-qualifying criteria/ mandatory administrative requirement and functionality evaluation criteria. During the evaluation of received bids ACSA will make an assessment whether all the bids comply with set minimum requirements and whether all returnable documents/information have been submitted. Bidders who fail to meet minimum requirements, thresholds or have not submitted required mandatory documents will be disqualified from the tender process.

5.1.2 The requirements of any given stage must be complied with prior to progression to the next stage. ACSA reserves the right to disqualify bidders without requesting any outstanding document/information.

5.1.3 The Successful / Unsuccessful Bidder will be notified in writing.

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

Stage 1	Check if bidders meet the Mandatory Administrative Requirements.
Stage 2	Evaluate on functionality or the technical aspect of the bid
Stage 3	Price and B-BBEE



5.3 Mandatory Administrative Requirements

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

5.3.1 Duly completed and signed Standard Bidding documents (SBD 4, SBD6.1, SBD 8 and SBD 9)

5.3.2 Acceptance of ACSA terms and Conditions of Bid Appendix C.

5.3.3 Monthly rental offer and Monthly turnover offer in line with the minimum ACSA Price guideline

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

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

5.4 Functionality Evaluation Criteria

5.4.1 Evaluation

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

Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below. **The Bidder must score at least the minimum score per criterion and the overall minimum of 75 out of 100 points in order to be eligible for further evaluation on Price and B-BBEE (90/10 split)**

FUNCTIONALITY TABLE

(NEXT PAGE)

DESCRIPTION OF TECHNICAL CRITERIA		Min Score	Max Score
FINANCIAL or BANK POSITION			
<p>The Bidder must demonstrate that the proposed bid application is unlikely to be dishonoured. This is to be demonstrated through submission of an investment plan and financial letter of support indicating that the bidder has sufficient facilities to cover the value of the bid over its lifespan.</p> <p>APPENDIX L</p>	<ol style="list-style-type: none"> 1. Detailed Letter of intent from bank / financial institution or investor providing financial facilities to fund the opportunity in writing (Such to include, but not be limited to Capex, Opex, Guarantees...) = 15 Points 2. The letter of intent must be a commitment from the funder and any conditions to be met for the funding to be made available must be articulated and the Bidder must demonstrate how these conditions will be achieved so as to give comfort that in the event that the Bidder is successful, they will be able to fully satisfy funding requirements = 5 Points 	15	20
METHODOLOGY & DESIGN APPROACH			
<p>Provide a detailed description in relation to the Architectural concept APPENDIX S (Plans, Illustrations and Write ups)</p>	<ol style="list-style-type: none"> 1. Architectural concept to be demonstrated by a combination of plans and illustrations which will be used to determine the sleekness of the lounge and Smoking Area = 10 Points 2. Provides detailed information related to the design elements and materials to be utilised to ensure the sleekness of the lounge and smoking area = 5 Points 	20	30

	<p>3. Design methodology clearly shows the design concept for the new interior lounge spaces and smoking lounge area = 5 Points</p> <p>4. Bidder demonstrates coordination of the design interfaces with other disciplines of the professional team e.g Architect, Design Engineer, Project Manager and ACSA Project Team = 5 Points</p> <p>5. All the design work is in accordance with the ACSA Specifications = 5 Points</p>		
OPERATIONAL PLAN			
<p>Provide a detailed Operational plan explaining how the airport lounge will be run including. APPENDIX M, N AND S</p>	<p>1. An organogram demonstrating how the bidder intends to respond to and manage operational requirements in relation to the lounge opportunity = 15 Points</p> <p>2. Narrative explaining how the lounge will be made distinctive, with meaningful experiences that are not readily available in other parts of the airport = 15 Points</p>	<p>25</p>	<p>30</p>
MARKETING PLAN			
<p>Provide marketing plan reflecting the following components:</p> <p>1. Product offering</p> <p>2. Pricing policy</p> <p>3. Target market</p> <p>4. Competitors</p> <p>5. Marketing budget</p> <p>6. Communication strategy (including platforms to be utilised in the marketing of the airport lounge opportunity)</p>	<p>4 Points</p> <p>2 Points</p> <p>2 Points</p> <p>2 Points</p> <p>2 Points</p> <p>2 Points</p>	<p>15</p>	<p>20</p>



7. Marketing plan shows an appreciation for the uniqueness of the airport lounge opportunity	2 Points		
8. The service offering must be targeted to attract a target audience whilst not restricting access to any passenger flying to an international destination out of CTIA. There must be a strong perceived value in the offering	4 Points		
APPENDIX S			
TOTAL		75	100



5.5 Price and B-BBEE

- 5.5.1 This stage of the evaluation process will be scored on a preference point system of 90/10, where Price will account for 90 points, whilst preference (B-BBEE) will account for the remaining 10 points. The award of business will be made to the Bidder which has scored the highest overall points for this stage of the evaluation, unless the application of objective criteria justifies an award to another bidder or ACSA splits the award or cancels the bid, etcetera.
- 5.5.2 ACSA has determined the rental terms it requires for the lounge operators separately at each of the airports. Potential Bidders are therefore to determine whether their particular concept can sustain the rental required by ACSA and to only submit a proposal if they irrevocably meet the rental terms. The rental terms include a minimum monthly guaranteed rental. Please refer to **Appendix Y: Pricing Instructions and Schedule**
- 5.5.3 It is ACSA's intention to establish business relationships on sustainable rental terms such that a "win-win" partnership exists whereby both ACSA and the Successful Bidder are committed to growing revenue for mutual benefit.

5.6 Transformation imperatives

Only bidders with a B-BBEE status **level 4 or higher (3, 2 and 1)**. Please note in the event of a joint venture (JV) a valid consolidated BBBEE verification in the name of the JV shall be submitted. Returnable document **Appendix J**

SECTION 6: RETURNABLE DOCUMENTS

6.1 Mandatory Returnable documents

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

6.2 Returnable Documents and information

APPENDIX	MANDATORY RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
Appendix A	Declaration form	
Appendix B	Declaration of forbidden practices form	
Appendix C	Acceptance of RFP terms and conditions	
Appendix D	Certificate of Authority to Sign Tender	
Appendix E	Certificate of Authority of Joint Ventures (where applicable)	
Appendix F	Company profile, executive summary, and organogram	
Appendix G	Joint Venture (JV) Agreement (If applicable)	
Appendix H	Valid Original Tax Clearance Certificate	
Appendix I	B-BBEE Declaration Form	
Appendix J	Original B-BBEE Verification Certificate	
Appendix K	Latest audited financial statements/management accounts	
Appendix L	Bank / Financial Letter of Support	
Appendix M	Structure of resources for the Opportunity	
Appendix N	CV 's of key personnel	
Appendix O	Schedule of Bidder Experience	
Appendix P	Certificate of Incorporation	
Appendix Q	Names and Identity Numbers of Directors (ID Copies)	
Appendix R	Pro Forma Concession Agreement	
Appendix S	Functionality Criteria Submissions	
Appendix T	Bidders must provide proof of registration with National Treasury's Central Supplier Database (CSD)	
Appendix U	SBD 4 Declaration of interest	
Appendix V	SBD 6.1 Preference Points Claim Form in Terms of The Preferential Procurement Regulations 2017	
Appendix W	SBD 8 Declaration of Bidders Past Supply Chain Management Practices	
Appendix X	SBD 9 Certificate of Independent Bid Determination	
Appendix Y	Pricing Instructions and Schedule	



6.3 Validity of submitted information.

Bidders must ensure that any document or information which has been submitted in pursuance to this tender remains valid for the duration of the contract period. The duty is on the bidder to provide updated information to ACSA immediately after such information has changed.



APPENDIX A: DECLARATION FORM

Making a Declaration

Any legal person or persons having a relationship with persons employed by ACSA, including a blood relationship, may submit a bid in terms of this tender document. In view of possible allegations of unfairness, should the resulting bid, or part thereof, be awarded to persons connected with or related to ACSA employees, it is required that the bidder or his/her authorised representative declare his/her position in relation to ACSA employees or any member of the evaluation or adjudication committee which will consider bids. Furthermore, ACSA requires all bidders to declare that they have not acted in any manner inconsistent with the law, policy or fairness.

All bidders must complete a declaration of interest form below:

Full name of the bidder or representative of the bidding entity _____

Identity Number _____

Position held in the bidding entity _____

Registration number of the bidding entity _____

Tax Reference number of the bidding entity _____

VAT Registration number of the bidding entity _____

I/We certify that there is a / no relationship between the bidding entity or any of its shareholders / directors / owner / member / partner with any ACSA employee or official.
 Where a relationship exists, please provide details of the ACSA employee or official and the extent of the relationship below

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

Full Name	Identity Number	Personal Income Tax Reference Number



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

Declaration:

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

Signature

Date

Position

Name of bidder



APPENDIX B: DECLARATION OF FORBIDDEN PRACTICES

I/We hereby declare that we have not/been found guilty of any illegal activities relating to corruption, fraud, B-BBEE fronting, anti-competitive practices and/or blacklisted by an organ of State-Owned Company, etc. and/or any other forbidden practices.

I/We declare the following:

	Description	Penalty	Organ of State / State Owned Company
a)			
b)			

Furthermore, I/We declare that to the best of my/our knowledge there is /are no further practices to be declared or which are in the process of being finalised. The following are alleged practices which have not yet been finalised.

	Description	Organ of State / State Owned Company
a)		
b)		

This declaration was signed on _____ of _____ 202_____

Name: _____
 Designation: _____
 Signature: _____



APPENDIX C: TERMS AND CONDITIONS OF RFP

Conditions of the request for proposal

This RFP is open only to bidders who are registered and duly authorised to provide the Services in South Africa.

Any bids received after the tender closing date and time of 23 May 2022 **at 12:00pm** shall not be considered by ACSA and therefore be disqualified. These bids shall be retained unopened and destroyed after the award of the contract to the successful bidder unless a written request for the return thereof is received from the relevant bidder within thirty (30) days of the award.

Except where specifically provided for in this RFP, a bidder may make no changes to its bid after the closing time and date.

ACSA reserves the right to award the contract on the basis of bid submitted by a bidder subject to ACSA's terms and conditions and by submission of its bid the bidder agrees to be legally bound thereby if its bid is accepted by ACSA.

ACSA or its duly appointed representatives shall be the sole adjudicators of the acceptability and or feasibility of the bids. The decision shall be final and except as required by law or otherwise, no reason for the acceptance or rejection of any bid will be furnished.

If the bid has been awarded on the strength of information furnished by a Bidder, which information is proved to have been incorrect, in addition to any other legal remedy it may have, ACSA may at any time during the life of the contract:

- a) Recover from the relevant bidder all costs, losses or damages incurred by it as a result of the award; and/or
- b) Cancel the award of the bid and/or contract and claim any damages, which it may have suffered or will suffer as a result of having to make less favourable arrangements.

The Bidder shall be liable to pay for losses sustained and/or additional costs or expenditure incurred by ACSA as a result of cancellation. ACSA shall furthermore have the right to recover such losses, damages or additional costs by way of set off against monies due or which may become due to the Bidder in terms of the said contract.

If ACSA and the successful Bidder fail to enter into or execute a formal written contract within thirty (30) days of the award (or such later date as may be determined by ACSA as a result of the bidder's failure to comply with any representation made in the bidder's bid, then the award shall be deemed null and void. ACSA's aforesaid rights are without prejudice and in addition to any other rights that ACSA may have in order to claim damages. For the avoidance of doubt, in the event the bid of a successful bidder is accepted by ACSA, no agreement shall come into being until the formal contract has been negotiated and executed between ACSA and the successful bidder.

ACSA reserves the right to amend the terms and conditions of this RFP at any time prior to finalisation of the contract between the parties and shall not be liable to any bidder or any other person for damages of whatsoever nature which they may have suffered as a result of such amendment. All bids are submitted at the entire risk of the bidder.



All representations, agreements or arrangements arising from bids submitted in terms hereof (including any negotiations that follow) shall not be binding on ACSA, its officers, employees or agents unless reduced to writing and signed by a duly authorised representative of ACSA.

ACSA reserves the right to postpone the closing date for submission of bids or to withdraw the RFP at any time.

Appendix 1 must be executed in the name of the business actually proposing to perform the Services if awarded the contract. Appendix 1 must be signed by an authorised representative of the bidder.

In the case of a joint venture or partnership between The Service Provider, evidence of such a joint venture must be included in the bid in the form of a Joint Venture Agreement or Memorandum of Understanding. Each member of the joint venture may complete and sign Appendix 1. Alternatively, all the members of the joint venture may in writing nominate one member of the joint venture to complete and sign Appendix 1 on behalf of the joint venture. This written authority must be signed by duly authorised members of the joint venture and be submitted with the proposal.

Binding Arbitration Provision

It is a condition of participation in this RFP process between the bidder and ACSA that should any dispute or difference arise between the parties, this shall be resolved by a single Arbitrator -

- Concerning the purport or effect of the RFP documents or of anything required to be done or performed there under;
- Concerning any aspect of the RFP process to anything done or decided there under or
- Concerning the validity of the award of the RFP to any bidder or the failure to award same to any Bidder, then such dispute or difference shall be finally resolved by arbitration.

Such arbitration shall be by a single arbitrator who shall be –

- Selected by agreement between the parties, or failing such agreement nominated on the application of any party by the Arbitration Foundation of Southern Africa (AFSA); and
- The arbitrator shall have power to open up, review and revise any certificate, opinion, decision, requisition or notice relating to all matters in dispute submitted to him/her and to determine all such matters in the same manner as if no such certificate, opinion, decision, requisition or notice had been issued.

Upon every or any such reference, the costs of an incidental to the reference and award shall be in the discretion of the arbitrator, who may determine the amount of the costs, or direct them to be taxed as between attorney and client or as between party and party and shall direct by whom and to whom and in what manner they shall be borne and paid.

The award of the arbitrator shall be final and binding on the parties and any party shall be entitled to apply to the Courts to have such award made an order of court.

Save as set out in this clause, the arbitration shall be conducted in accordance with the rules of the Arbitration Foundation of Southern Africa.

The arbitration shall be held in Johannesburg in the English language.

However, nothing in this clause shall preclude any party to the arbitration from seeking interlocutory relief in any court having jurisdiction pending the institution of a review or other appropriate proceedings for legal redress.



Such arbitration shall be commenced and concluded within 30 days of the dispute having noted.

RFP Acceptance

- ACSA reserves the right to reject: -
- a. Incomplete bids;
 - b. Late bids;
 - c. Conditional bids; and

ACSA reserves the right to withdraw the RFP at any time without giving rise to any obligation to be responsible for any loss or financial damage which may be incurred or suffered by any bidder.

This RFP implies neither obligation to accept the lowest or any bid nor any responsibility for expenses or loss, which may be incurred by any bidder in preparation of his bid.

Bidders may include with their bids any descriptive matter, which, if referred to in the RFP, will form part of the RFP. In case of any discrepancy, however, the issued RFP and supporting documents and information completed therein by the bidder will be considered as the valid and binding bid.

ACSA reserves the right to award portions of the contract to different Bidders and is not obligated to accept the whole or only one bid for purposes of the award of the contract or contracts.

ACSA reserves the right to not award more than one contract to a Bidder.

Notwithstanding any other provision to the contrary in this document, no ACSA employee or any person related to or associated (including spouse, child, cousin, friend) with an ACSA employee may (individually or through a corporate vehicle which includes a company, close corporate, trust, partnership etc.) submit a bid for consideration by the Evaluation Committee unless interest is declared and approved as per Delegated Level of Authority.

ACSA TERMS AND CONDITIONS OF RFP AND BIDDERS' PARTICULARS

TO: Airports Company South Africa Limited.

Bid No: COR6790/2022/RFP.

1. Bidder's Name and Contract Details

Bidder:	
Physical Address:	
Correspondence to be addressed to:	



Fax Number:	
Phone numbers:	
Email Address:	
Contact Person:	

2. Proposal Certification

We hereby submit a Proposal in respect of the Lounge Operator for a period of 8 years in accordance with Airports Company South Africa’s requirements.

- We acknowledge that Airports Company South Africa’s terms and conditions (as amended and mutually agreed between the parties if necessary) shall apply to the agreement with the successful Bidder,
- We have read, understand, and agree to be bound by the content of all the documentation provided by Airports Company South Africa in this Request for Proposal.
- We accept that Airports Company South Africa’s Tender Board’s decision is final and binding.
- We certify that all forms of Proposal as required in the Proposal document are included in our submission.
- We certify that all information provided in our Proposal is true, accurate, complete and correct.
- This Proposal is specific to this project only; it has no impact, influence or effect on any other project for which a Proposal may be submitted.
- The undersigned is/are authorized to submit and sign the Proposal that shall be binding on closure of the Proposal submission.
- The Proposal is binding on this Tenderer for a period which lapses after eighty-four (84) working days calculated from the closing date for Proposal submission.

Thus, done and signed at		on this the		day of		2022
--------------------------	--	-------------	--	--------	--	------

Signature:	
Name:	

For and behalf of:

Tendering entity name:	
Capacity:	



APPENDIX D: Certificate of Authority to Sign Tender

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

Signed		Date	
Name	.....	Position	.....
Tenderer	.....		.....



APPENDIX E Certificate of Authority of Joint Ventures (where applicable)

This Returnable Schedule is to be completed by joint ventures.

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

Please attach JV agreement stipulation % share of each JV

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

Signed _____ Date _____
 Name _____ Position _____
 Tenderer _____



APPENDIX F: Company Profile, Executive Summary and Organogram

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

Signed		Date	
Name	.....	Position	.....
Tender	.....		.....



APPENDIX G: Joint Venture (JV) Agreement (if applicable)

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

Signed Date

Name Position

Tender



APPENDIX H: Valid Pin

(Bidder to attach valid Tax Pin for verification of Tax Status)

Signed Date

Name Position

Tender



APPENDIX I: B-BBEE Declaration Form

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

B-BBEE Status Level of Contribution: _____ = _____ points (maximum of 50 points)

(Points claimed must be in accordance with the table reflected in 4.2.1, 4.2.2 and 4.2.3 above and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or an IRBA Registered Accounting Practice.

A detailed report of the B-BBEE verification certificate must be included as part of the bid submission. This report must clearly indicate an analysis of the shareholding.

1. Declaration with Regard to the Bidder

2.1 Name of bidding entity _____

2.2 VAT Registration no.: _____

2.3 Company registration no.: _____

2.4 Type of company / firm: _____

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

[TICK APPLICABLE BOX]

2.5 Describe principal business activities

2.6 Company Classification

- Manufacturer
- Supplier
- Professional service provider



Other service providers, e.g. transportation, *etcetera*.

[TICK APPLICABLE BOX]

2.7 Total numbers of years the company / firm has been in business: _____

2.8 I/we, the undersigned, who is/are duly authorised to do so on behalf of the company/firm, certify that:

- 2.8.1 The information furnished is true and correct;
- 2.8.2 If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, ACSA 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) Restrict the bidder or sub-contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from ACSA 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 bidder(s)

Date:

Address: _____



APPENDIX J: B-BBEE Verification Certificate

The bid must include a B-BBEE verification certificate issued by a SANAS accredited ratings agency, or an IRBA Registered Accounting Practice.

A detailed report of the B-BBEE verification certificate must be included as part of the bid submission. This report must clearly indicate an analysis of the shareholding.

Signed Date

Name Position

Tender



APPENDIX K: Latest Audited Financial Statements/ Management Accounts

(Complete form below and attach latest 3 years' company/company's financial statements)

1. Company details:

Registered
Address:
Contact Person:
Telephone:
Fax:

2. Shareholders

Names/Percentages of holdings:

3. Bankers

Bank:
Branch:
Account Number:

4. Turnover and Profit after tax

Approximate turnover, and Profit after tax for each of the past three years (most current years to be provided)

Year 1:
Year 2:
Year 3:



Signed Date

Name Position

Tender

APPENDIX L: Bank / Financial Letter of Support

A	Means the party is undoubted for the amount of your enquiry	First class firm or individual of undouted financial standing
B	Means the party is good for the amount of your enquiry	Firm or person having a good record and meeting engagements promptly. Amount well within capacity of their ordinary business commitments.
C	Means the party is good for normal business engagements and the amount if strictly in the way of business	Where a firm or individual has a good record but the amount may appear to be high in relation to their normal transaction requirements, or where a recent balance sheet is not held and information on the account owner is limited but the conduct of the account indicates that the transaction in question are unlikely to be dishonoured.
D	Good moderate business engagements and a fair business risk.	Where position is modest or unknown, but where account is satisfactory conducted moderate business commitments (i.e. the risk is fair, note it is fairly risky)
E	The figures are considered to too high and the figures are out of proportion to the firm's financial capacity.	Self-explanatory
F	F- The financial position of the business is unknown	Self-explanatory
G	G- Paper is occasionally dishonoured	Self-explanatory
H	H- Paper frequently dishonoured	Self-explanatory

Bidder to attach a letter from the bank / financial institution or entity providing financial facilities to fund the Car Rental opportunity in line with the definition of banking codes as provided below:



Signed Date

Name Position

Tender



APPENDIX M: Bidder Structure of Resources for the Opportunity

(Bidder to attach structure of resources for the opportunity)

Signed Date

Name Position

Tender

**APPENDIX N: CV of Key Personnel**

Complete and make copies of template as required.

Position to hold for this opportunity	
Name	
Surname	
Nationality	
Date of Birth	
Current Residence	
Education	
Major Experience in previous years related to similar type of advertising opportunities	
Employer Details	
Client Name	
Reference details/ Letter of confirmation (Attach)	
Position Held	
Job Description	
Value of Portfolio excluding VAT	
Duration: From (date) to (date)	
Professional Body Affiliation/ Accreditation	



Signed Date

Name Position

Tender



Appendix O. SCHEDULE OF BIDDER EXPERIENCE

Client(Name, Tel No, Contact Person)	Description of contract	Value of work inclusive of VAT (Rand)	Duration (From – to)

The Bidder must explain in detail, in no more than 10 pages, the extent of the Bidders’ experience in the operation and management a lounge, but not limited to the following:

- History of the Bidders experience in the operation and management of a lounge; both generally and in respect of airports if applicable;
- Number of years in business
- Location of headquarters or head office;
- Number of employees;

Bidders should provide any other information which will support the Bidders’ experience as it pertains to this submission.

Signed Date

Name Position

Tender



Appendix P: Certificate of Incorporation

Signed Date

Name Position

Tender



Appendix Q: Names and Identity Numbers of Directors (ID Copies)

ATTACH CIPC DOCUMENTS HERE WITH ID COPIES



Appendix R: Pro Forma Concession Agreement

The pro forma Concession Agreement contains key commercial terms on which the successful Bid will be awarded. Bidders are required to review the pro forma Concession Agreement attached with this tender document carefully and to be fully acquainted with its terms.

Signed Date _____

Name Position _____

Tender



Appendix S: Functionality Criteria submissions

Bidder to provide detailed and attachments to support Functionality evaluation criteria under 5.4 above.

Signed _____ Date _____

Name _____ Position _____

Tender _____

Tender no. COR6790/2022/RFP



Appendix T: Bidders must provide proof of registration with National Treasury’s Central Supplier Database (CSD)

Attach here.

Signed Date

Name Position

Tender



Appendix U

SBD 4 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

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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.

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



Appendix V

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 be above R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable; or

1.3 Points for this bid shall be awarded for:

Price; and

B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	90
B-BBEE STATUS LEVEL OF CONTRIBUTOR	10
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.

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Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmax = Price of highest 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.....%

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

- 8.1 Name of company/firm:.....
- 8.2 VAT registration number:.....
- 8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier

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- 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-BBEE 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

.....

.....



Appendix W

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

- 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;
 - c. or failed to perform on any previous contract.
- 4 **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	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>



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 <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		



SBD 8

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

Appendix X



SBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 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:

Tender no. COR6790/2022/RFP



(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