



## Request for Proposals for the Appointment of a Panel of Legal Service Providers for a Period of Five (5) Years at Airports Company South Africa SOC Limited (ACSA)

**Tender Number:** : COR7009/2022/RFP

**Issue Date** : 07 October 2022

**Closing Date** : 07 November 2022

**Briefing Session Date and Time** : 19 October 2022 @ 10h00 am

**Bid Validity** : One hundred and twenty (120) business days

Indicate which service/s you are submitting your bid for by ticking the box provided

SPECIALISED PRACTICE AREAS	TICK CATEGORY BIDED FOR
Aviation Law	
Construction and Engineering Law	
Conveyancing and Property Law	
Environmental Law	
Intellectual Property Law	
Information and Communications Technology Law (ICT)	
Administrative Law, Litigation and Employment Law	
Tax Law	

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## SECTION 1: INSTRUCTIONS TO BIDDERS

### 1.1. Access to RFP documents

The document is available for download on the National Treasury website [www.etenders.gov.za](http://www.etenders.gov.za) and ACSA website <http://www.airports.co.za/business/tender-bulletin/current-and-future-tenders> from **Friday 07 October 2022**. No bid documents will be available at the briefing session.

### 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 Procurement department where the bid will close. The submission envelope must be clearly marked **Panel of Legal Service Providers**.

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 **STRICTLY** on or before **12h00 midday on Monday 07 November 2022 using the following method:**

#### 1.2.1. Bid documents must be submitted using the following method(s):

#### 1.2.2. Hand Delivery and Electronic Copies:

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

#### 1.2.3. Tender box:

##### a) Hand delivery:

The bid document must be hand delivered to the Tender Management Office located at the address below:

##### Tender box A:

The Tender Box A is located at:

\_\_\_\_\_ Airports Company South Africa SOC Limited Offices

\_\_\_\_\_ North Wing

\_\_\_\_\_ 3<sup>rd</sup> Floor

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OR Tambo International Airport

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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 using a compact disc or flash drive. 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.

**b) Electronic Copy**

In addition to the hard copy submission – please e-mail an electronic copy to [Portia.Motsieloa@airports.co.za](mailto:Portia.Motsieloa@airports.co.za) and please let us know that you have submitted using both methods. The e-mail submission should be parcelled into 4MB/attachment.

**1.2.4 Late Bids**

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

**1.3 Clarification and Communication**

Name: Portia Motsieloa

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Designation: Specialist Category Management

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Email: [Portia.Motsieloa@airports.co.za](mailto:Portia.Motsieloa@airports.co.za)

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1.3.1 Request for clarity or information on the tender may only be requested until **Wednesday 02 November 2022**. Any responses to queries or for clarity sought by a bidder will also be sent to all the other bidders which have responded to the Request for Proposal.

1.3.2 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.

**1.4 Briefing / Clarification Session**

This RFP includes a virtual non-compulsory briefing / clarification session that may be attended by potential bidders intending to respond to this RFP.

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**Table 1: Non-Compulsory Briefing / Clarification Session**

Non-Compulsory Briefing / Clarification Session Location (Potential bidders are invited to attend the Briefing / Clarification session set on the date below)		
Location	Briefing Session Date and Time	
<b>Virtual Microsoft Teams</b> Only companies that have registered through the following e-mail address: <a href="mailto:Portia.Motsieloa@airports.co.za">Portia.Motsieloa@airports.co.za</a>	<b>19 October 2022</b>	<b>10h00am – 12h00 midday</b>

- Bidders are encouraged to virtually attend the briefing / clarification session.
- Bidders are advised to study this document prior to the briefing / clarification session and to have all their questions ready.

All communication thereafter will be done through the e-tenders website ([www.etenders.gov.za](http://www.etenders.gov.za)). Bidders must use the tender reference number to search. All interested Bidders to send clarification questions via e-mail to the address below:

Name: Portia Motsieloa

Designation: Specialist Category Management

Email: [Portia.Motsieloa@airports.co.za](mailto:Portia.Motsieloa@airports.co.za)

### 1.5 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.

### 1.6 Disclaimers

It must be noted that ACSA reserves its right to:

1.6.1 Award the whole or a part of this tender;

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- 1.6.2 Split the award of this tender;
- 1.6.3 Negotiate with all or some of the shortlisted bidders;
- 1.6.4 Award the tender to a bidder other than the highest scoring bidder where objective criteria allow;
- 1.6.5 To reject the lowest acceptable tender received; and/or
- 1.6.6 Cancel this tender.

### **1.7 Validity Period**

- 1.7.1 ACSA requires a validity period of one hundred and twenty (120) business days for this tender.
- 1.7.2 During the validity period the prices which have been quoted by the bidder must remain firm and valid.

### **1.8 Confidentiality of Information**

- 1.8.1 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.
- 1.8.2 ACSA will not disclose the names of bidders until the tender process has been finalised.

### **1.9 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](mailto:acsa@tip-offs.com)

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## **SECTION 2: BACKGROUND, PURPOSE AND SCOPE OF WORK**

### **2.1. Background**

Airports Company South Africa SOC Ltd (the Company) owns and manages nine (9) South African airports. The Company is involved in equity investments abroad and provides technical advisory and consultancy services to other airports nationally and worldwide.

Our majority shareholder is the South African Government (74.6%). In line with the government's objectives, we focus on creating sustainable value that positively impacts our business, our people and society, and our environment. These elements are the core tenets of our Sustainability Framework.

The company has the South African Government through the Department of Transport as a major shareholder and thus regarded as a state-owned company (SOC) in terms of the Public Finance Management Act (PFMA). The company is legally and financially autonomous and operates under commercial law.

### **2.2. Purpose of this Tender**

Airports Company South Africa SOC Limited ("ACSA") wishes to compile a panel comprising of twelve (12) service providers for the provision of Legal Services.

The Preferred Bidder(s) will be appointed as part of a panel of Legal Service providers and will be obliged to conclude a service contract with ACSA on the terms and conditions as stated in the concept services contract attached hereto. ACSA reserves the right to amend the services contract prior to finalisation of the agreement between the parties and shall not be liable to any bidder or any other person for damages of whatsoever nature which may have been suffered as a result of such amendment.

The service contract will be on a non-exclusive basis, moreover, ACSA will be under no obligation to offer the Service Providers a minimum number of instructions or particular kinds or volumes of the professional services work. ACSA may at any time, terminate the service contract upon written notice to the appointed service providers.

The main aim of this tender is to obtain bids from Bidders, in respect of the relevant scope of services, and to evaluate these in order to appoint a panel of service providers, who will fulfil the requirements set out in this RFP. The duration of this anticipated service contract period is five (5) years.

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### 2.3. Specification or Scope

The scope of services includes the following:

#### 2.3.1 Portfolio of Legal Services – Specialised Practice Areas

- Aviation Law
- Construction and Engineering Law
- Conveyancer and Property Law
- Environmental Law
- Intellectual Property Law
- ICT Law
- Administrative Law, Litigation and Employment Law
- Tax Law

***\* Should the bidders opt for the Administrative Law, Litigation and Employment Law category, it must be coupled with another of the listed categories.***

Airports Company South Africa SOC Limited (ACSA) seeks to appoint B-BBEE (Broad Based Black Economic Empowerment) Level 1 or Level 2.

#### 2.3.2 Scope of Work Guidelines

##### **AVIATION LAW**

- The Bidder must have worked on matters where there was an application of the Aviation Legislation and Regulations.
- The Bidder must have drafted Legal opinions related to aviation industry.
- The Bidder must be able to draft contracts and execute contract negotiations.

##### **CONSTRUCTION AND ENGINEERING LAW**

- The Bidder must have worked with the CIDB approved Construction Contracts.
- The Bidder must have commercial experience in standardising templates, drafting and negotiating all construction contracts, able to provide in depth training on the use of the various construction contracts.

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- The Bidder must have litigious experience in that the firm can run, from inception to conclusion, an alternative dispute process, can manage a court process.
- The Bidder must have provided opinions and advise on construction and engineering related matters as well as assist with project procurement processes.

#### **CONVEYANCER AND PROPERTY LAW**

- The bidder must demonstrate in depth knowledge of real estate and the attendant law.
- The bidder must be able to advise and represent ACSA in all property related transactions, including sale, acquisition or commercial lease of land.
- The Bidder must be able to advise ACSA on property rates and taxes.
- The Bidder must be able to advise ACSA on matters related to re-zoning, subdivision and servitudes.
- The Bidder must be able to advise ACSA on financial structuring of property transactions.

#### **ENVIRONMENTAL LAW**

- The Bidder must have the ability to provide positive outcomes from EIA Application.
- The Bidder must have the ability to provide Contaminated land assessments.
- The Bidder must have the ability to provide Compliance enforcements.
- The Bidder must have the ability to understand Environmental Legislation.

#### **INTELLECTUAL PROPERTY LAW**

- The bidder must demonstrate and in-depth knowledge in Patents, Trademarks, Design, Copyright, Domains and Trade Secrets.

#### **INFORMATION TECHNOLOGY LAW**

- The Bidder must be able to advise ACSA on ICT Law in South Africa including ICT Regulatory Compliance.
- The Bidder must be able to advise ACSA on IT Trade and Industry Solutions, including hardware, software and services.
- The Bidder must be able to advise ACSA on Cyber Law and Security.



### **ADMINISTRATIVE LAW, LITIGATION AND EMPLOYMENT LAW**

- The bidder must demonstrate in-depth knowledge of administrative law to provide advice and litigate on behalf of ACSA.
- The bidder must demonstrate in-depth knowledge and practice in employment law and labour relations.
- The bidder must demonstrate experience in general litigation, including but not limited to, Urgent Applications, Review Applications, Action procedure and Alternate Dispute Resolution.

### **TAX LAW**

- The Bidder must be able to advise on tax implications for cross-border/multiple jurisdictional transactions.
- The Bidder must be able to advise on tax implications on commercial transactions.
- The Bidder must be able to draft and submit objections and appeals to SARS in relation to audit findings.
- The Bidder must be able to provide legal opinions on tax related disputes.
- The Bidder must be able to represent ACSA in matters before the Tax Court and any ADR processes.

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## SECTION 3: PREFERENCE POINTS AND PRICE

### 3.1. Preference Points Claims

3.1.1. In terms of the PPPFA and its regulations only a maximum of 20 points may be awarded for preference. The preferential point systems are as follows:

3.1.1.1. The 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

3.1.1.2. The 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

3.1.2. The value of this bid is estimated will not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable. Preference points for this bid shall be awarded for:

3.2. The maximum points for this bid are allocated as follows:

	Points
3.2.1. <b>Price</b>	80
<b>B-BBEE Status Level of Contribution</b>	20
<b>Total Points for Price and B-BBEE must not Exceed</b>	100

Bidders should note that the tender evaluation for the Panel will be based on a three-stage approach. The approach will be as follows:

Stage one (1) Pre-qualification/Transformation Requirements

Stage two (2) Mandatory Administrative Requirements (checking if all the documents have been received)

Stage three (3) Functionality Evaluation Criteria (evaluating the technical aspect of the bid).

Bidders should note that the top twelve (12) Service Providers scoring the highest points for functionality will be appointed to form the panel/list of service providers. Bidders are requested to submit B-BBEE certificates. In the event of a tie-on points, the B-BBEE certificate points will be used as points of the process of elimination, including points for functionality and drawing of lots.

Any instructions to law firms shall be done by and/or through the written approval of a legal counsel in

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the department. Instructions will be distributed equitably and at the discretion of the Group Legal Counsel using a Rotational Method amongst all the law firms on the panel.

- 3.2.2. Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or an affidavit in the case of Qualifying Small Enterprises and an Emerging Micro Enterprises together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed. In other words, such a bidder (subject to 3.2.3 below) will be awarded 0 points for B-BBEE status level of contribution.
- 3.2.3. ACSA 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 ACSA.

### 3.3. Definitions

- 3.3.1. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 3.3.2. **“B-BBEE status level of contributor”** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 3.3.3. **“Black Designated Groups”** has the meaning assigned to it in the codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 3.3.4. **“Black People”** has the meaning assigned to it in the codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 3.3.5. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act 53 of 2003);
- 3.3.6. **“Designated Group”** means:
  - 3.3.6.1. Black Designated Groups;
  - 3.3.6.2. Black People;
  - 3.3.6.3. Women;
  - 3.3.6.4. People with disabilities; or

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- 3.3.6.5. Small enterprises, as defined in section 1 of the national Small Enterprise Act 102 of 1996;
- 3.3.7. **“Consortium or Joint Venture”** 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;
- 3.3.8. **“EME”** means an exempted micro enterprise in terms of the codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;;
- 3.3.9. **“Functionality”** means the ability of tenderer to provide goods or services in accordance with specifications as set out in the tender documents;
- 3.3.10. **“Military Veteran”** has the meaning assigned to it in section 1 of the Military Veterans Act 18 of 2011;
- 3.3.11. **“People with disabilities”** has the meaning assigned to it in section 1 of the Employment Equity Act, 55 of 1998;
- 3.3.12. **“Person”** includes a juristic person;
- 3.3.13. **“PPPFA”** means the Preferential Procurement Policy Framework Act 5 of 2000 and its Regulations published on 20 January 2017;
- 3.3.14. **“Price”** means all applicable axes less all unconditional discounts;
- 3.3.15. **“QSE”** means a qualifying small business enterprises in terms of the codes of good practice issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act
- 3.3.16. **“Rand Value”** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 3.3.17. **“Rural Area”** means:
- 3.3.17.1. a sparsely populated area in which people farm or depend on natural resources including villages and small towns that are dispersed through the area; or
- 3.3.17.2. an area including a large settlement which depends on migratory labour and remittances and govern social grants for survival, and may have a traditional land tenure system;
- 3.3.18. **“Total Revenue”** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based

Black Economic Empowerment Act and promulgated in the Government Gazette on 9 February 2007;

- 3.3.19. **“Township”** means an urban living area that any time from the late 19th century until 27 April 1994, was reserved for black people, including areas developed for historically disadvantaged individuals post 27 April 1994;
- 3.3.20. **“Trust”** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person;
- 3.3.21. **“Trustee”** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person; and
- 3.3.22. **“Youth”** has the meaning assigned to it in section 1 of the National Youth Development Agency Act 54 of 2008

All terms not defined herein have the meanings assigned to them in the PPPFA.

### **3.4. Adjudication Using a Point System**

- 3.4.1. The bidder obtaining the highest number of total points will be awarded the contract, unless objective criteria exist justifying an award to another bidder or ACSA exercises one or more of its disclaimers.
- 3.4.2. Preference points will be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts
- 3.4.3. Points scored will be rounded off to the nearest 2 decimal places.

### **3.5. Award of Business where Bidders have Scored Equal Points Overall**

- 3.5.1. In the event that two or more bids have scored equal total points, the successful bid will be the one scoring the highest number of preference points for B-BBEE.
- 3.5.2. However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid will be the one scoring the highest score for functionality.
- 3.5.3. Should two or more bids be equal in all respects, the award will be decided by the drawing of lots.

### **3.6. Points Awarded for Price**

#### **The 80/20 Preference Point Systems**

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

**80/20**

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

Where

$P_s$  = Points scored for comparative price of bid under consideration  
 $P_t$  = Comparative price of bid under consideration  
 $P_{\min}$  = Comparative price of lowest acceptable bid

### 3.6.1. Points Awarded for B-BBEE Status Level of Contribution

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

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

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- 3.6.1.2. Bidders who qualify as EMEs in terms of the B-BBEE Act must submit an affidavit stating its annual turnover, certificate issued by a Verification Agency accredited by SANAS.
- 3.6.1.3. Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Verification Agency accredited by SANAS. QSEs have an additional option of submitting a sworn affidavit as its B-BBEE certificate in terms of the amendments to the B-BBEE Codes of Good Practice in 2013.
- 3.6.1.4. A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 3.6.1.5. A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 3.6.1.6. Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 3.6.1.7. A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 3.6.1.8. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

### 3.7. Bid Declaration

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

3.7.1.(B-BBEE Status Level of Contribution Claimed in Terms of Paragraphs 3.2.1)

B-BBEE Status Level of Contribution: \_\_\_\_\_ = \_\_\_\_\_ (maximum of 10 or 20 points)

3.7.2.(Points claimed in respect of paragraph 3.7.1 must be in accordance with the table reflected in paragraph 3.6.1.1 and must be substantiated by means of a B-BBEE certificate issued by a

Verification Agency accredited by SANAS or an affidavit is permissible in the case of Qualifying Small Enterprises and an Emerging Micro Enterprises).

### 3.8. Sub-Contracting

3.8.1. Will any portion of the contract be sub-contracted? YES / NO (*\*Delete whichever is not applicable*)

3.8.2. If yes, indicate:

3.8.2.1. The sub-contracted percentage is: \_\_\_\_\_%

3.8.2.2. The type of ownership is as follows in terms of percentage out of 100:

3.8.2.2.1. black ownerships is: \_\_\_\_\_

3.8.2.2.2. black youth ownership is: \_\_\_\_\_

3.8.2.2.3. black women ownership is: \_\_\_\_\_

3.8.2.2.4. black people with disabilities ownerships is: \_\_\_\_\_;

3.8.2.2.5. black people in rural areas, underdeveloped areas or townships ownerships is: \_\_\_\_\_

3.8.2.2.6. black ownership of the co-operative is: \_\_\_\_\_

3.8.2.2.7. black people who are military veteran ownership is: \_\_\_\_\_

3.8.2.2.8. Combined ownership of any of the above is: \_\_\_\_\_.

3.8.3. The tendering condition must specify that the tenderer may only subcontract to an EME or QSE listed above if the EME or QSE has a B-BBEE status level that is equal to or more than that of the bidder.

3.8.3.1. The name of the sub-contractor is: \_\_\_\_\_

3.8.3.2. The B-BBEE status level of the sub-contractor is: \_\_\_\_\_

3.8.3.3. The sub-contractor is an EME: YES / NO (*\*Delete whichever is not applicable*)

3.8.4. A bidder may not sub-contract any portion of the tender after award without the written approval a delegated ACSA representative.

### 3.9. Declaration with Regard to the Bidder

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3.9.1. **Name of bidding entity**

3.9.2. **VAT Registration**

3.9.3 **Company registration number:**

3.9.4 **Type of company / firm:**

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

[TICK APPLICABLE BOX]

### 3.10 Describe principal business activities

---



---



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### 3.11 Company Classification

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transportation, *etcetera*.

[TICK APPLICABLE BOX]

**3.12** Total numbers of years the company / firm has been in business:

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**3.13** 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 contribution indicated in this bid of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- 3.13.1 The information furnished is true and correct;
- 3.13.2 The preference points claimed are in accordance with the General Conditions as indicated in this Section;
- 3.13.3 In the event of a contract being awarded as a result of points claimed, the contractor may be required to furnish documentary proof to the satisfaction of ACSA that the claims are correct;
- 3.13.4 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:
  - 3.13.4.1 Disqualify the person from the bidding process;
  - 3.13.4.2 Recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - 3.13.4.3 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;
  - 3.13.4.4 Restrict the bidder or 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
  - 3.13.4.5 Forward the matter for criminal prosecution.

**Witnesses:**

1. \_\_\_\_\_

\_\_\_\_\_  
Signature(s) of bidder(s)

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2. \_\_\_\_\_

Date : \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

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## SECTION 4: EVALUATION CRITERIA

### 4.1 Evaluation Criteria

- 4.1.1 ACSA will use a pre-determined evaluation criterion when considering received bids. The evaluation criteria will consider the commitment made for pre-qualifying criteria/ functionality/ Price and B-BBEE. During the evaluation of received bids ACSA will make an assessment whether all the bids comply with set minimum requirements and whether all returnable documents/information have been submitted. Bidders which fail to meet minimum requirements, thresholds or have not submitted required mandatory documents will be disqualified from the tender process.
- 4.1.2 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.

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

Stage 1	Stage 2	Stage 3	Stage 4
Check if Bidders meet the pre-qualification criteria	Mandatory Administrative Criteria (Check if all the documents have been received and minimum requirements have been met)	Evaluate on functionality or the technical aspect of the bid	Post tender negotiations if Required

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### 4.3 Pre-qualification Evaluation Criteria

To advance designated groups the following pre-qualifying criteria should be met.

Accordingly, the following prequalification criteria will apply:

Only bids from bidders with a minimum **B-BBEE status level 1 and 2** will be considered.

A Bidder that fails to meet the above-mentioned pre-qualifying criteria at closing date, will be disqualified and will not be evaluated further.

### 4.4 Mandatory Requirements

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

- a) Acceptance of Airports Company South Africa SOC Limited's terms and conditions
- b) Proof of Bidder's registration on the National Treasury Central Supplier Database
- c) Letter of Good Standing with the relevant Legal Practice Council (LPC)
- d) Proof of current and valid Fidelity Fund Certificate for all directors or partners
- e) Proof of registration with the relevant Provincial Legal Practice Council (LPC), which includes Certified copies of the Practice Management Certificates of all Key Personnel, if applicable (i.e. post 14 August 2009, alternatively proof of exemption from the relevant Provincial Legal Practice Council (LPC).

### 4.5 Functionality

The functionality evaluation will be conducted by the end-user/operations/the Bid Evaluation Committee which comprises of various skilled and experienced members from diverse professional disciplines. The evaluation process will be based on threshold criteria. The criteria will be as follows:

#### 4.5.1 Threshold

The functional/technical evaluation will be based on a threshold, where bidders which fail to achieve a minimum of **65 points out of a total of 100 points** on the functional/technical stage will not be considered further in the evaluation. **It should be further noted that a minimum qualifying score *per criteria* must be met as set out in the table below.**

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	Min	Max
<b>1. Company Experience in the provision of the professional legal services</b>	<b>5</b>	<b>10</b>
<p>Please provide a synopsis of the company experience</p> <p><b>Less than 1-year relevant Experience = 0 points</b>  <b>1 to 5 years relevant experience = 5 points</b>  <b>More than 5 years experience = 10 points</b></p>	<b>5</b>	<b>10</b>
<b>2. Resources' experience and qualifications</b>	<b>20</b>	<b>35</b>
<p>Bidders are required to provide ACSA with a standard team of 3 resources for each of the services being bided for. Such team of resources must be made up of the following; Partner/Director, Senior Attorney and a Junior Attorney or Candidate Attorney.</p> <p><b><i>Please attach CVs, Qualifications and Proof of Admission for <u>all</u> the resources</i></b></p> <ul style="list-style-type: none"> <li>- <u>Partners/Directors (Tier 4)</u> <ul style="list-style-type: none"> <li>• <b>Less than 8 years post admission experience = 0 points</b></li> <li>• <b>8 to 10 years post admission experience = 5 points</b></li> <li>• <b>more than 10 years post admission experience = 10 points</b></li> </ul> </li> <li>- <u>Senior Attorney (Tier 3)</u> <ul style="list-style-type: none"> <li>• <b>Less than 4 years post admission experience = 0 points</b></li> <li>• <b>4 to 5 years post admission experience = 5 points</b></li> <li>• <b>more than 5 years post admission experience = 10 points</b></li> </ul> </li> <li>- <u>Junior Attorney (Tier 2)</u> <ul style="list-style-type: none"> <li>• <b>Less than 1 years post admission experience = 0 points</b></li> <li>• <b>1-3 years post admission experience = 5 points</b></li> <li>• <b>More than 3 years post admission experience = 10 points</b></li> </ul> </li> <li>- <u>Candidate Attorney (Tier 1)</u> <ul style="list-style-type: none"> <li>• <b>Legal Qualification of less than 4 years= 0 points</b></li> <li>• <b>Bachelor of Laws Qualification of not less than 4 years= 5 points</b></li> </ul> </li> </ul>	<p><b>5</b></p> <p><b>5</b></p> <p><b>5</b></p> <p><b>5</b></p>	<p><b>10</b></p> <p><b>10</b></p> <p><b>10</b></p> <p><b>5</b></p>

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<b>3. Quality Management Plan</b>	<b>15</b>	<b>20</b>
<p>Bidders will be required to provide a detailed Quality Management Plan (QMP) relating to the tools employed by the bidder, technologies being used by the bidders and overall output in terms of the contract. As a minimum, the QMP should include the following elements; standard template management system, billing and invoicing system and electronic research systems in order to increase the efficiency and effectiveness of the Legal Services function.</p> <p>a. Standard template development and management system/case management system = <b>5 points</b></p> <p>b. Billing and invoicing system = <b>5 points</b></p> <p>c. Electronic research systems (Software applications used in the legal practice to provide legal services to clients); and = <b>5 points</b></p> <p>d. Recovery Plan system established (for business continuity in cases of disaster) = <b>5 points</b></p>	<b>15</b>	<b>20</b>
<b>References</b>	<b>25</b>	<b>35</b>
<p>Bidders must provide written references from 3 clients for legal services provided in the last 24-months.</p> <p>(It is compulsory for Bidders to attach their respective relevant reference letters.)</p> <p>Points Allocation:</p> <ul style="list-style-type: none"> <li>• Less than 3 relevant references from 3 clients in the last 24 months = <b>0 points</b></li> <li>• 3 relevant references from 3 clients in the last 24 months = <b>25 points</b></li> <li>• 4 relevant references from 3 clients in the last 24 months = <b>30 points</b></li> <li>• 5 and more relevant references from 3 clients in the last 24 months = <b>35 points</b></li> </ul> <p><i>Please note this section will be strictly evaluated. The reference letters must include the complete requirement listed in the template. The reference letters must be as per the guidelines in the scope of work.</i></p>		
<b>Total</b>	<b>65</b>	<b>100</b>

#### 4.6. Price and B-BBEE

##### 4.6.1 Panel Appointment

Any instructions to law firms shall be done by and/or through the written approval of a legal professional in

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the department. Instructions will be distributed equitably and at the discretion of the Group Legal Counsel using a Rotational Method amongst all the law firms on the panel.

#### 4.6.2 Fees and Disbursements

For pricing purposes, Attorneys employed by the Bidder will be divided into four tiers.

The Bidder must propose a tariff that is not more than the maximum percentage allowed for the ACSA Proposed Tariffs provided. The maximum percentage that can be applied to such tariff must be calculated with reference to the base fee proposed as indicated below:

Tier 1: No deviation Allowed

Tier 2: A maximum up to 20% of the Proposed Tariff.

Tier 3: A maximum up to 30% of the Proposed Tariff. and

Tier 4: A maximum up to 50% of the Proposed Tariff.

#### 4.6.3 Proposed Tariff

No	LEGAL ADVISOR / ATTORNEY TIERS	TIER 4	TIER 3	TIER 2	TIER 1
	RESOURCES	Partner / Director	Senior Attorney	Junior Attorney	Candidate Attorney
	MAXIMUM PERCENTAGE DEVIATION ALLOWED	Up to 50%	Up to 30%	Up to 20%	No deviation allowed
	PROPOSED TARIFF	R3700	R2500	R2000	R1000

**NB: Bidders should note that the tender evaluation for the Panel will be based on a three-stage approach. The approach will be as follows:**

Stage one (1) Pre-qualification/Transformation Requirements

Stage two (2) Mandatory Administrative Requirements (checking if all the documents have been received)

Stage three (3) Functionality Evaluation Criteria (evaluating the technical aspect of the bid).

Bidders should note that the top twelve (12) Service Providers scoring the highest points for functionality will be appointed to form the panel/list of service providers. Bidders are requested to submit BBBEE certificates. In

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the event of a tie-on points, the B-BBEE certificate points will be used as points of the process of elimination, including points for functionality and drawing of lots.

## SECTION 5: ADMINISTRATIVE & PROCEDURAL RFP REQUIREMENTS

The following information must be provided as requested in the Appendices in order to have the bid considered by Airports Company South Africa. Any individual, partnership, joint venture or close corporation submitting a bid must meet the minimum administrative and procedural requirements in order to have its bid considered.

### 5.1 Bid Submission:

**5.1.1** Responses to the request for specific information in this section should be provided in full and numbered consistently with the numbering as per the RFP file provided to prospective Bidders.

**5.1.2** The bid shall consist of the following documents in response to the RFP in the sequence shown below. Each part of the bid submission should be adhered to and inserted as per the RFP for ease of reference, and applicable signatures attached where applicable:

**5.1.2.1 Acceptance of Airports Company South Africa's terms and conditions of RFP-** must be completed and signed and submitted with the bid;

**5.1.2.2 Covering Letter** - A covering letter must be provided to properly identify the bid and to highlight other general information that the Bidder has included regarding, for instance, the business and/or organisation;

**5.1.2.3 Company Background and Executive Summary and Organogram** - An executive summary of the bid should include all salient features. Bidders should include the bid information requested in the Appendices such as:

Full name, address, fax and telephone numbers, including the full citation of Bidder, and registration number (in the case of a company or close corporation) exactly as the company or close corporation is registered. If the Bidder is an entity other than a natural person, please provide the name of an individual who is authorised to represent the Bidder;

### 5.1.2.4 Description of Bidder (i.e. Corporation, Joint Venture, or Sole Proprietorship) –

- a) If an Incorporated Entity: List the date of incorporation and the names of all persons or entities owning 10% or more of the Bidders voting shares.

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- b) If a Partnership: List the date of commencement of the partnership and the name, address, and share of each partner and also include a copy of the partnership agreement.
- c) If a Joint Venture: List date of commencement of the agreement. Also list the name and address of each member of the joint venture, including a copy of the agreement recording such a joint venture.
- d) If a Sole Proprietorship: List all the business names under which such proprietor has done business during the last three (3) years, address/es, and the duration of the contract/project.
- e) Provide a brief history of the Bidder and its experience. State the number of persons the Bidder presently employs. Also indicate any changes in the Bidders name and ownership structure and any trading names under which the Bidder has been doing business.

**5.1.2.5 Skills Required** - Bidders are required to engage, demonstrate and prove skills set which will enable them to provide the solution and services required in the RFP, CV's must be attached;

**5.1.2.6 Proof of experience in the specific service-** The Bidder is to detail the nature of the Bidder's experience and listing of at least three (3) recent or existing contract of a similar nature to the services contemplated in this RFP.

**5.1.2.8 References** – Provide references from three (3) clients within last two (2) years where you are providing or have provided similar services, using the information as contained in the reference letter template. Note that this is an important component of the evaluation;

**5.1.2.10 B-BBEE particulars** - Bidders must submit a valid B-BBEE verification certificate and report issued by a verification agency for recognition of the B-BBEE status as determined in accordance with the Codes of Good Practice. B-BBEE information must be detailed confirming the BEE ownership and attach hereto, a certified copy of the identity documents of all owners. In the case of a Company (Pty) Limited, submit CM29 or equivalent and in the case of a Close Corporation CK1 or CK2.

**5.1.2.11 Valid, Original SARS Tax Compliance Status** - The Bidder must submit a valid, original tax clearance certificate from the South African Revenue Services together with the bid.

**5.1.2.12 Financial Information** - The financial statements of the actual bidding entity (e.g. not the holding company) must be submitted. In the case of a joint venture, include the audited financial statements of each member of the joint venture.

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**5.1.2.13 Declaration of Solvency** - A statement declaring whether the Bidder or any Director or member of the Bidder has ever been declared insolvent or liquidated or whether, either the Bidder or member has ever filed an application for sequestration or liquidation as the case may be.

**5.1.2.14 Annual Financial Statements**—the Bidders must provide audited financial statements for the last three financial year statements certified by their Auditors.

**5.1.2.15 Credit References** - Name, addresses, e-mail and telephone numbers of at least two (2) current credit references and a minimum of one (1) current banking reference

**5.1.2.16 Proof of Joint Venture** – Formal Agreement of JV or partnership with the JV's BBBEE certificate where applicable

**5.1.2.18 Proof of membership**- Bidders are requested to submit, as applicable, proof of registration with or any membership to a recognised professional body related to the services provided.

**5.1.2.19 Schedule of Rates/Price and Bid**—This is also as per the scope of service in Section 2 of this RFP.

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## SECTION 6: RETURNABLE DOCUMENTS

### 6.1 Mandatory Returnable documents

ACSA may 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:

MANDATORY RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
Bid form fully completed. The following is the list of section that bidders must complete and returnable with bids documents: <ul style="list-style-type: none"> <li>• B-BBEE Certificate</li> <li>• Names and identity numbers of Directors</li> <li>• Certificate of Incorporation</li> <li>• SBD 4 Bidder's Disclosure Form</li> <li>• Declaration of Forbidden Practices Form</li> <li>• Valid, Original Tax Pin</li> </ul>	
Bidders provide a minimum of 3 reference letters per category within the last 24 months with proof of their experience (Contact number and email address). ACSA will endeavour to contact the references (Telephone we will attempt Three (3) times, Email (1 email and 1 Follow email)	
Organisational profile and footprint	
Proof of membership to a recognised professional body related to the service provided	
Proposed Tariffs	
Joint Venture (JV) Agreement (if applicable)	
Subcontracting agreement and documentation (if applicable)	

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## 6.2 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.

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**SECTION 7: SUBMISSION CHECKLIST**

ITEM	DOCUMENT	INCLUDED	
		YES	NO
1	Acceptance of Request for Proposal Terms & Conditions and Bidders Particulars		
2	Covering Letter		
3	Company background & Executive Summary & Organogram (Organizational Structure illustrating the composition and reporting relationship of the team)		
4	Names and identity numbers of Directors		
5	Certificate of Incorporation		
6	Joint Venture (JV) Agreement (If Applicable)		
7	Schedule of Staff available for the services		
8	Relevant references to the services		
9	Original B-BBEE Certificate from approved certification body		
10	Valid and Original Tax Clearance Pin		
11	Declaration of Insolvency or Liquidation, Latest Financial Statements, Credit References and Banking Reference		
14	SBD 4 Bidder's Disclosure Form		
15	Declaration of forbidden practises		
16	Proof of Bidder's registration on the National Treasury Central Supplier Database		
17	Proposed Tariffs		

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## APPENDIX 1: ACCEPTANCE OF TERMS AND CONDITIONS OF RFP AND BIDDER'S PARTICULARS

TO: Airports Company South Africa SOC Limited (ACSA)

Airports Company South Africa Limited.

Proposal No:

### 1. Bidder's Name and Contract Details

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

### 2. Proposal Certification

We hereby submit a Proposal in respect of the [INSERT PROPOSAL DETAIL] in accordance with Airports Company South Africa's requirements.

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- 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 Legal Panel only.
- The undersigned is/are authorized to submit and sign the Proposal that shall be binding on closure of the Proposal submission.
- The Proposal is binding on this Tenderer for a period which lapses after one hundred and twenty (120) days calculated from the closing date for Proposal submission.

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

Signature:	
Name:	

For and behalf of:

Tendering entity name:	
Capacity:	

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## **APPENDIX 2: COVER LETTER**

NOTE: A covering letter must be provided to properly identify the bid and to highlight other general information that the Bidder has included regarding, for instance, the business and/or organisation.

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### **APPENDIX 3: COMPANY BACKGROUND, EXECUTIVE SUMMARY & ORGANOGRAM**

- Provide an executive summary and organogram including the highlights of your bid and the price for the implementation. This must be signed by a duly authorised representative. (Please limit this to one page).
- Your company's profile, including a brief background and outlining the number of people it employs, stability and capacity of your fund management offering, and the period for which you have been providing these services.
- A schematic representation of the structure of the bidding company needs to be supplied. If you are responding as a joint venture or consortium, please submit an organogram for each of the companies involved, and one to illustrate the composition of the joint venture or consortium.

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#### **APPENDIX 4: NAMES AND IDENTITY NUMBERS OF DIRECTORS**

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## APPENDIX 5: CERTIFICATE OF INCORPORATION

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**APPENDIX 6: SIGNED, CERTIFIED COPY OF THE JOINT VENTURE AGREEMENT OR MEMORANDUM OF UNDERSTANDING (IF APPLICABLE)**

(Attach here)

**Tel +27 11 723 1400 Fax +27 11 453 9354**

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## APPENDIX 7: SCHEDULE OF HUMAN RESOURCES AVAILABLE FOR THE SERVICES

### a) Human Resources available (quantities):

Provide a two or three page resume for each proposed resources named below indicating relevant experience.

Name and Surname of Employee	Position/ Job Title	Related Experience as it relates to the Services required (years)	Qualifications	Years Post Admission	Indicate Specialist knowledge/skills	Proof and abridged CV attached Yes

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**APPENDIX 8 CONTINUES: REFERENCE LETTER TEMPLATE**

(REFERENCE TO BE PRINTED ON LETTER HEAD OF REFEREES)

**Attn.: Airports Company South Africa SOC Limited Supply Chain Management - Corporate**

Airports Company South Africa Limited

Date:

**To Whom It May Concern**

AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED: RFP REFERENCE No. :

I hereby confirm that:

- The work was completed to our satisfaction and successfully implemented at our Company.
- The Bidder performed the specified work for our Company:

Contact Person	Position & Tel/Cell	Category	Date of Appointment and Completion	Nature of Instruction	Complexity of the Matter	Final Outcome

Yours faithfully

---

**NAME & SURNAME**
**POSITION**

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## **APPENDIX 9: B-BBEE**

(Attach valid B-BBEE verification certificate with “actual score” to claim B-BBEE points and supporting BEE details)

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**APPENDIX 10: VALID, ORIGINAL TAX CLEARANCE CERTIFICATE (PIN)**

(Attach here)

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**APPENDIX 11: FINANCIAL INFORMATION: DECLARATION OF SOLVENCY OR LIQUIDATION**

(Attach here using bidder's letterhead)

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**APPENDIX 11 CONTINUES: LATEST FINANCIAL STATEMENTS**

(Attach latest Financials here)

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**APPENDIX 11 CONTINUES: NAME, ADDRESS AND TELEPHONE NUMBERS OF AT LEAST ONE (1)  
CREDIT REFERENCES**

(Bidders are required to attach original letters of good standing to confirm past credit track records)

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**APPENDIX 11 CONTINUES: A MINIMUM OF ONE (1) BANKING REFERENCE**

(Attach here)

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## **APPENDIX 12: SERVICE DELIVERY PLAN/APPROACH**

(Detail an abridged service delivery plan on how the important milestones of services will be successfully carried including turn-around times).

(Attach here)

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**APPENDIX 13: WORK PLAN GIVING COMPREHENSIVE DESCRIPTION OF THE WORK ACTIVITIES AND TIME SCHEDULE ETC.**

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## APPENDIX 14: SBD 4 BIDDER'S DISCLOSURE FORM

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise,

employed by the state?

**YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

### 3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

---

<sup>2</sup> 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.



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

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

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

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

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## APPENDIX 15: 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 \_\_\_\_\_ 201\_\_\_\_\_

Name:

---

Designation:

---

Signature:

---

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**APPENDIX 16: PROOF OF BIDDER'S REGISTRATION ON THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE**

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## APPENDIX 17: PROPOSED TARRIFS (REFER TO SECTION 4.6.3)

For pricing purposes, Attorneys employed by the Bidder will be divided into four tiers.

The Bidder must propose a tariff that is not more than the maximum percentage allowed for the ACSA Proposed Tariffs provided. The maximum percentage that can be applied to such tariff must be calculated with reference to the base fee proposed as indicated below:

Tier 1: No deviation Allowed

Tier 2: A maximum up to 20% of the Proposed Tariff.

Tier 3: A maximum up to 30% of the Proposed Tariff. and

Tier 4: A maximum up to 50% of the Proposed Tariff.

No	LEGAL ADVISOR / ATTORNEY TIERS	TIER 4	TIER 3	TIER 2	TIER 1
	RESOURCES	Partner / Director	Senior Attorney	Junior Attorney	Candidate Attorney
	MAXIMUM PERCENTAGE DEVIATION ALLOWED	Up to 50%	Up to 30%	Up to 20%	No deviation allowed
	PROPOSED TARIFF				

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