



**REQUEST FOR QUOTATION FOR THE APPOINTMENT OF PROFESSIONAL ENGINEERING CONSULTANT  
FOR THE REPLACEMENT OF MECHANICAL GATES AT KIMBERLEY AIRPORT AND REFURBISHMENT  
OF HOTEL TAXIWAY GATE AT CAPE TOWN INTERNATIONAL AIRPORT FOR A PERIOD OF 3 YEARS.**

**Bid Number:** : CIA RFQ 71904

**Issue Date** : Monday 3<sup>rd</sup> June 2024

**Virtual Briefing Session Date** : N/A

**Non-Compulsory  
Site Inspection** : N/A

**Query Closing Date** : Thursday 13<sup>th</sup> June 2024 at 15:00

**Bid Closing Date and Time** : Tuesday 18<sup>th</sup> June 2024 at 14:00

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[www.airports.co.za](http://www.airports.co.za)

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofu (Chief Executive Officer), N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatwayo, Dr KH Badimo, F Sefara (Company Secretary)

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**BIDDER'S DETAILS**

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

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## 1. SECTION 1: INSTRUCTIONS TO BIDDERS

### 1.1. Access to documents

Tenders are available on [www.etenders.gov.za](http://www.etenders.gov.za). Kindly print and complete.

#### Submission of bid documents

The envelopes containing bid documents must have on the outside, the bidder's return address, the full description of the bid, bid number and the details of the Supply Chain Management department where the bid will close. 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 bid documents. Bid documents must be submitted on or before **Tuesday 18<sup>th</sup> June 2024 at 14:00** using the following method(s):

#### 1.1.1. Email submissions:

The bid documents must be sent to the following email address:

[kamaal.allom@airports.co.za](mailto:kamaal.allom@airports.co.za)

- Bidders must not email their submission as one big attachment. Kindly break your submission in at least (04) four or more attachments of 4mb each.
- Bidders are requested to submit all bids in the format instructed, no other format will be acceptable.

### 1.2. Late Bids

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

### 1.3. Clarification and Communication

Name: Kamaal Allom

Designation: Buyer

Tel: 021 937 1368

Email: [kamaal.allom@airports.co.za](mailto:kamaal.allom@airports.co.za)

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1.3.1. Request for clarity or information on the bid may only be requested until **Thursday 13<sup>th</sup> June 2024**. 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/Bid /Information invitation.

1.3.2. Bidders may not contact any ACSA employee on this bid other than those listed above. Contact will only be allowed between the successful bidder and ACSA Business Unit representatives after the acceptance of the letter of award bid. Contact will also only be permissible in the case of pre-existing commercial relations which do not pertain to the subject of this bid.

#### 1.4. Non-Compulsory Site Inspection – N/A

Site Inspection Session Requirements	Detail
Date	
Time	
Venue	
Access to Restricted Area, Cargo, Airside, Terminal	Yes
Documentation, e.g. ID, Passport, Temporary Permit, etc (note: Driver's License will not be acceptable)	ID, Temporary Permit
Personal Protective Equipment, Safety boots	Safety vest/ jacket

#### 1.5. Bid Responses

Bid responses must be strictly prepared and returned in accordance with this bid document. Bidders may be disqualified where they have not materially complied with any of ACSA's requirements in terms of this bid document. Changes to the bidder's submission will NOT be allowed after the closing date of the bid. 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.

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## 1.6. Disclaimers

It must be noted that ACSA reserves its right to:

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

## 1.7. Validity Period

- 1.7.1. ACSA requires a validity period of hundred and twenty (120) business/working days for this bid. During the validity period the prices which have been quoted by the bidder must remain firm and valid. It is only in exceptional circumstances where ACSA would accommodate a proposal to change the price.

## 1.8. Confidentiality of Information

- 1.8.1. ACSA will not disclose any information disclosed to ACSA through this bid process to a third party or any other bidder without any written approval from the bidder whose information is sought. Furthermore,
- 1.8.2. ACSA will not disclose the names of bidders until the bid process has been finalised.
- 1.8.3. Bidders may not disclose any information given to the bidders as part of this bid 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 bid, such third parties must complete confidentiality agreements, which should also be returned to ACSA with the bid.

## 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 or 086 726 1681

Email: [office@thehotline.co.za](mailto:office@thehotline.co.za)

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

### 2.1 Background

#### Replacement of Mechanical Gates at Kimberley Airport

The General Aviation Gate has the configuration of a single sliding gate on a double track with chain and sprocket drive system consisting of 3 kW motor and gearbox. The gate length was confirmed to be approximately 42 m. The Taxiway Bravo gate is used by aircrafts to and from the Private Jets Hangars to the maneuvering area. The sliding gate has been in commission for many years. The reported problems with the gate ranges from malfunctioning to causing delays to the taxiing aircrafts when supposed to open. This poses a major risk due to the GA Area being occupied by the Emergency Medical Services that sometimes transport patients.

Furthermore, Kimberley Airport has 7 Emergency Gates around the perimeter fence that needs refurbishment replacement since they have been in commission for many years. The Gates look rusty and when opening, much force needs to be applied. Some of the gates' hinges have been loose and welding has been applied to the gates more than once. The project scope also includes replacement of the existing manually operated security main gates (entrance and exit) to dual mechanical swing gates. The security and perimeter gates are dual swinging gates and operated manually.

#### Background – Refurbishment of Hotel Taxiway Gate at CTIA

The General Aviation Gate operates in two telescopic sections which should be remodelled so that the gate operates as a single gate when opened to the northern side of the current position of the gate. In the closed position, the two leading panels of each gate meet and butt against each other at the centre of the taxiway. One gate operates from the southern side towards the northern side and the other gate operates from the northern side moving towards the southern side to close against the leading panel of the south side gate. Each gate operates by means of an independent chain drive unit, the electrical motor, gearbox and drive sprocket installed on the rear panel of each gate.

The Hotel Taxiway gate is used by aircrafts to and from the Private Jets Hangars to the maneuvering area. The sliding gate has been in commission for many years. The reported problems with the gate ranges from malfunctioning to causing delays to the taxiing aircrafts when supposed to open and not offering security barricade for which it was intended. This poses a major risk due to the GA Area being occupied by the

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Emergency Medical Services that sometimes transport patients. Over R700k of OPEX has been spent in the past financial years to maintain the gate in an operational state, however the gate remains unreliable.

The strong winds that force the gate open at times impose safety risk that can allow unauthorised access to airside. Though the fencing or barriers are required to separate landside from airside, it is also required that the access points be always operational. Over the past years, the General Aviation Area (GAA) aircrafts have reported delays that occurred due to the gate being non-operational, there were instances where the gate had to be forced open as it got stuck while opening for aircrafts that needed to enter or exit the GA. ACSA has therefore decided to carry out a replacement/ refurbishment project as the gate has reached its life expectancy. The gate is more than 15 years old, was installed and commissioned in 2007 and has been showing signs of deterioration. ACSA data dictionary recommends an asset life of 15 years for mechanical equipment operated by electrical and electronics components.



Figure 2.1: Hotel Taxiway Gate

The current Hotel taxiway gate experiences various mechanical, electrical and civil challenges and, these challenges include:

- a) The gate support rails are too thin and under designed to bear the weight of the gate (approximately 5.3 tons).
- b) The problem in bullet point (a) above, results on gate derailments more especially on days when there are gusty winds.
- c) The limit switches installed currently fail more often.

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- d) There is currently no mechanism to operate the gate manually in case of power failure.
- e) No obstruction sensors to detect any aircraft moving along the taxiway through the gate.
- f) When there are strong winds, the gate is forced open.
- g) The gate's side wheels to keep the gate in upright positions are not fitted with bearings.
- h) The gate is not properly aligned, and this misalignment put strain on the chain and cause chain breakage.
- i) The weight of the gate is not practical for the frequency of operation that the gate is exposed to.

## 2.2 Purpose of this Tender

The purpose of this bid is to solicit the services of a Professional Engineering Consultant for the Replacement of Mechanical Gates at Kimberley Airport and Refurbishment of Hotel Taxiway Gate at Cape Town International Airport.

The projects will be executed in a live environment, with minimal disturbances to operations.

ACSA requires the services of Professional Engineering Consultant to undertake Engineering Design & Engineering Management Services (Deliverables stipulated in the ECSA Gazetted Guideline). The lead consultant shall appoint third-party specialists to conduct investigations.

**For detailed project and consultants' scope, refer to Part C3: Scope of works.**

**For Consultants' Pricing Schedule, refer to Part C2: Pricing Data**

Bidders must only price in accordance with the pricing schedule, this will enable ACSA to compare priced offers. Failure to submit a priced offer using the prescribed schedule will make the bid liable for disqualification. Disbursements will be reimbursed at actual cost. The successful bidder will be required to provide proof of expenses to be reimbursed.

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## SECTION 3: EVALUATION CRITERIA

### 3.1 Evaluation Criteria

- 3.1.1 ACSA will use a pre-determined evaluation criteria when considering received bids. The evaluation criteria will consider **mandatory administrative, functionality/ Price and Preference**. 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 bid process.
- 3.1.2 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.

3.2 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 all the documents have been received.	Mandatory Requirements	Evaluate on functionality or the technical aspect of the bid.	Evaluate price and Preference.

### 3.3 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:

- 3.3.1 The Form of Offer must be completed in full and signed. **The Form of Offer is contained in the NEC PSC. See Annexure L.1.**
- 3.3.2 Bidders must complete and acknowledge Bidder's Disclosure form SBD4.
- 3.3.3 Acceptance of ACSA terms and Conditions of Bid.

**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.**

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### 3.5 Functionality

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

#### 3.5.1 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.

#### 3.5.2 Threshold

The functional evaluation will be based on a threshold, where bidders **which fail to achieve a minimum on each functional stage will not be considered further in the evaluation**. The criteria of the evaluation are expressed in the table below.

Points allocated for functionality shall be evaluated in accordance with the criteria as listed below. Total points allocated shall be 100. Tenderer must score a **minimum score per each sub criteria and an overall minimum threshold of 70 points out of 100** is required to be achieved for the bidder to be successful.

**Bidding entity must achieve an overall score of 70 points or higher. A bidding entity that fails to meet one of the minimum sub criteria will be disqualified.**

<b>Evaluation Area</b>	<b>Evaluation Criteria</b>	<b>Maximum Point</b>	<b>Minimum Threshold Required</b>
1. Tenderer's / Companies Previous Experience	<p>Bidders to present <b>Electro-Mechanical systems &amp; Civil Infrastructure Design and Project Management</b> experience on completed projects (within the last 12 years). This must be related to Automated Industrial Access Gates and Fencing Including Road Refurbishment projects. The minimum construction value of each completed project must be R4 Million (excl. Vat).</p> <ul style="list-style-type: none"> <li>• &lt;3 Projects (0 Points)</li> <li>• 3 Projects (10 Points)</li> <li>• &gt;3 Projects (20 Points)</li> </ul> <p>Note: Bidders must complete Appendix C. Copies of signed Client Reference letters of completed projects listed on Appendix C to be provided for evaluation purposes. Attach Client Reference letters to Appendix D.</p>	20	10

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	<p>A valid signed reference letter to indicate the following information:</p> <ul style="list-style-type: none"> <li>• The information to be on a Client/ Principal Consultant's letterhead/ stamped letter.</li> <li>• Project Name</li> <li>• Service Provider Name</li> <li>• Scope of services rendered by the tenderer.</li> <li>• Construction value</li> <li>• Client Representative/ Principal Agent/ Project Lead details (name, surname, designation, phone number and email address).</li> </ul>		
Sub-Total 1.		20	10
2. Experience of key staff	<p><b>Principal/ Lead Electrical/ Mechanical Engineer:</b></p> <p>Submit proof of relevant qualification and registration as a <b>Professional Electrical/ Mechanical Engineer/ Engineering Technologist with Engineering Council of South Africa (ECSA).</b></p> <ul style="list-style-type: none"> <li>• No qualification and professional registration (0 Points)</li> <li>• Qualification (BEng/ BSc/ BTech) and Active Professional Registration (Pr. Eng/ Pr. Tech Eng) (10 Points)</li> </ul> <p>Proof of experience as <b>Lead Electrical/ Mechanical Engineer/ Engineering Technologist</b> on completed Electro-Mechanical systems Including Civil Infrastructure projects within the last 15 years. This must be related to design and installation of Automated Industrial Access Gates and Fencing Including Road Refurbishment projects. The minimum construction value of each completed project must be R4 Million (excl. Vat).</p> <ul style="list-style-type: none"> <li>• &lt;3 Projects (0 Points)</li> <li>• 3 Projects (20 Points)</li> <li>• &gt;3 Projects (30 Points)</li> </ul> <p>*Attached CV and complete Appendix F for evaluation purposes. Contactable references for projects listed on Appendix F to be provided.</p> <p>Copies of qualification and professional registration to be attached to Appendix E. Certified copies will be requested upon tender award.</p>	<p>10</p> <p>30</p>	<p>10</p> <p>20</p>

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	<b>Mechanical/ Electrical Engineer/ Electrical Engineering Technologist:</b>  Submit proof of relevant qualification and registration as a <b>Professional Electrical Engineer / Electrical Engineering Technologist with Engineering Council of South Africa (ECSA).</b> <ul style="list-style-type: none"> <li>No qualification and professional registration (0 Points)</li> <li>Qualification (BEng/ BSc/ BTech) Active Professional Registration (Pr. Eng/ Pr. Tech Eng) (10 Points)</li> </ul>		
	Submit proof of experience as <b>Mechanical/ Electrical Engineer/ Electrical Engineering Technologist</b> on completed Electro-Mechanical systems projects within the last 15 years. This must be related to design and installation of Automated Industrial Access Gates and Fencing projects. The minimum construction value of each completed project must be R5 Million (excl. Vat). <ul style="list-style-type: none"> <li>&lt;3 Projects (0 Points)</li> <li>3 Projects (20 Points)</li> <li>&gt;3 Projects (30 Points)</li> </ul>		
	*Attached CV and complete Appendix F for evaluation purposes. Contactable references for projects listed on Appendix F to be provided.  Copies of qualification and professional registration to be attached to Appendix E. Certified copies will be requested upon tender award.		
Sub-Total 2.		80	60
<b>Total 1, 2</b>		<b>100</b>	<b>70</b>
* All qualifications must be SAQA accredited. All foreign and technical qualifications provided must be SAQA-approved/accredited.			

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### 3.5.2 Price and Preference

This is the final stage of the evaluation process and will be based on the PPPFA preference point system. Bidders will be ranked by applying the preferential point scoring *80/20 for bids with the rand value equal to or below R50 million*. A maximum of 80 points is allocated for price based on the following formulae (delete formula not applicable):

$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where:

Ps	=	Points scored for price of tender under consideration
Pt	=	Price of tender under consideration
Pmin	=	Price of lowest acceptable tender

### Evaluation of Preference

ACSA will score specific goals out of 20 in accordance with the PPP Regulations 2022/2023. If a bidder fails to meet the Specific goals as outlined on the table below and to submit proof, the bidder will score zero (0) out of 20. ACSA will not disqualify the bidder. See below Specific goals that must be achieved for this bid: Paste applicable goal here:

Category	Specific Goals	Score
		20
Construction	51% owned by Black male and Black women and Black youth and People living with disabilities	20
	51% owned by Black male or Black women or Black youth or People living with disabilities (at least two of the above designated groups must achieved)	15
	51% owned by Black male or Black women or Black youth or People living with disabilities	10
	Less than 51% owned by Black male, Black women, Black youth, People living with disabilities	5
	Other	0

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- 3.5.1.1. In line with the PPPFA, the tender must be awarded to the bidder who scores the highest points, unless objective criteria in addition to those contemplated in the specific goals (Preference) justify the award to another bidder or ACSA splits the award or cancels the bid, or commercial risks *etcetera*. After price and Preference evaluation, the Bids must be checked to determine compliance with prescribed objective criteria. Objective criteria that will be used in the evaluation of this Bid must be disclosed in the published Bid document and evaluated, failing which ACSA will be bound to award the Bid to the highest points earner on Price and Preference.
- 3.5.1.1.1. ACSA requires sub-contracting for this bid to local black owned EMEs and/or QSEs as an objective criterion for local economic empowerment. The ACSA may provide the Bidders with a list of all relevant CSD registered suppliers from which the Bidder must choose for subcontracting; and/or
- 3.5.1.1.2. The promotion of SMMEs; and/or
- 3.5.1.1.3. The creation of new jobs or the intensification of labour absorption; and/or
- 3.5.1.1.4. The promotion of enterprises located in a specific province for work to be done or services to be rendered in that province; and/or
- 3.5.1.1.5. The promotion of enterprises located in a specific region for work to be done or services to be rendered in that region; and/or
- 3.5.1.1.6. The promotion of enterprises located in a specific municipal area for work to be done or services to be rendered in that municipal area; and/or
- 3.5.1.1.7. The promotion of enterprises located in rural areas; and/or
- 3.5.1.1.8. The promotion of South African owned enterprises; and/or
- 3.5.1.1.9. The promotion of export orientated production to create jobs and/or
- 3.5.1.1.10. The empowerment of the work force by standardising the level of skill and knowledge of workers; and/or
- 3.5.1.1.11. The development of human resources, including by assisting in tertiary and other advanced training programmes, in line with key indicators such as percentage of wage bill spent on education and training and improvement of management skills; and/or
- 3.5.1.1.12. The upliftment of communities through, but not limited to, housing, transport, schools, infrastructure donations, and charity organisations.

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## SECTION 4: LIST OF RETURNABLE DOCUMENTS

### 4.1 Mandatory Returnable documents

ACSA will disqualify from the bid process any bidder that has failed to submit mandatory returnable documents and information. Bidders should therefore ensure that all the mandatory returnable documents and information have been submitted. 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]
<i>Full completed and signed form of offer and acceptance (C1.1). Found in the NEC3 Contract document.</i>	
<i>Form 5.2: Tenderers must complete and sign the declaration of interest form (SBD4)</i>	

### 4.2 Other Returnable Documents and information

These types of documents and information are required but are not mandatory or are only mandatory at specific stages of the process. ACSA may request bidders to submit these documents or information after the closing date and time or might already have them on the system. Where a document or information is only mandatory at a specific stage in the process, ACSA may only disqualify a bidder for non-submission at that stage and after reasonable efforts were made to request the document from the bidder. The documents are as follows:

OTHER RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
<i>Form 5.1: Declaration of Interest Form and Politically Exposed Persons</i>	
<i>Form 5.3: SBD 6.1 Preference Points Claim Form</i>	
<i>Form 5.4: Confidentiality and Non- Disclosure Agreement</i>	
<i>Form 5.5: Acceptance of Terms and Conditions of RFP and Bidder's Particulars</i>	
<i>Form 5.6: Record of Addenda to Tender Documents</i>	
<i>Form 5.7: Certificate of Authority of Joint Ventures (if applicable)</i>	
<i>Form 5.8: Proposed Amendments and Qualifications</i>	

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OTHER RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
<i>Certificate of Authority to sign Tender – Appendix A</i>	
<i>Annexure B: Joint Venture (JV) Agreement (If applicable)</i>	
<i>Annexure C: Schedule of the Tenderer's Recent Experience related to this Project</i>	
<i>Annexure D: Client Reference Letters</i>	
<i>Annexure E: Proof of Qualification and Professional Registration</i>	
<i>Annexure F: CV and Schedule of Key Personnel's Experience</i>	
<i>Annexure G: Eligibility for Preference Points (B-BBEE Recognition Level)</i>	
<i>Annexure H: BEE Certificate or Sworn BEE Affidavit from Accredited Provider</i>	
<i>Annexure I: Tax Pin issued by the South African Revenue Services.</i>	
<i>Annexure J: Central Supplier Database Report (CSD) If bidder is a JV, must provide a CSD report for the JV.</i>	
<i>Annexure K: Insurance Commitment</i>	
<i>Annexure L: Valid Letter of Good Standing issued in accordance with the Compensation for Occupational Injuries and Diseases Act (COIDA).</i>	
<i>Annexure M: Certificate of Incorporation CIPC Registration documents, Partnership Agreement, and/or Registered Trust Document</i>	
<i>Annexure N: Certified Copies of Identity documents of Directors / Trustees / Members / Shareholders</i>	
<i>Annexure O: Protection of Personal Information Act (POPIA)</i>	
<i>Annexure P: NEC Professional Services Contract (Attached separately)</i>	

#### 4.3 Validity of submitted information

Bidders must ensure that all conditions, documents and information which has been submitted in pursuance to this bid remains valid for the duration of the contract period. In the event where a validity document expires an updated document must be submitted. The duty is on the bidder to provide updated information to ACSA immediately after such information has changed.

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## SECTION 5: RETURNABLE DOCUMENTS

### FORM 5.1: DECLARATION OF INTEREST AND POLITICALLY EXPOSED PERSONS 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.

ACSA requires all bidders to declare that they have not acted in any manner inconsistent with the law, policy, or fairness. Furthermore, ACSA requires bidders to declare if they have Politically Exposed Persons (PEP) also known as Domestic Prominent Influential Persons (DPIP) in their organisation. See below definition of PEP/DPIP.

Politically Exposed Persons or DPIP are individuals who are or have been entrusted with prominent public functions in the country or a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state-owned corporations, important political party officials. Business relationships with family members or close associates of PEPs involve reputational risks similar to those with PEPs themselves. PEP status in the following areas shall be declared:

- Current or former senior official in the executive, legislative, administrative, military, or judicial branch of government or foreign government (elected or not)
- A senior official of a major political party or major foreign political party;
- A senior executive of government owned commercial enterprise
- or a foreign government owned commercial enterprise, being a corporation, business or other entity formed by or for the benefit of any such individual;
- A related and or inter-related immediate member of such individual; meaning spouse, parents, siblings, children, and spouse's parents or siblings etc

#### 5.1.1 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

---

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I/We certify that there is / no PEP/DPIP conflict of interest/ no relationship between the bidding entity or any of its shareholders / directors / owner / member / partner/ senior management with any ACSA employee or official.

Where a relationship or PEP/DPIP conflict of interest exists, please provide details of the ACSA employee or official and the extent of the relationship below:

---



---



---

#### PEP/DPIP Declaration

DPIP/PEP Declaration for self/family member or close associate:

Nature of Political Exposure	Term of the office	Description of activities relating to political exposure

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

Full Name	Identity Number	Personal Income Tax Reference Number

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5.1.2.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

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## FORM 5. 2: BIDDER'S DISCLOSURE FORM SBD 4

### 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

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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.
- 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

2 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.

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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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### FORM 5.3: PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 SBD 6.1

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

#### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals / Preference.

1.3 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS / PREFERENCE	
Total points for Price and SPECIFIC GOALS	100

1.4 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.5 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

#### 2. DEFINITIONS

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- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1. POINTS AWARDED FOR PRICE

##### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) & or & Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration  
 Pt = Price of tender under consideration  
 Pmin = Price of lowest acceptable tender

#### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

##### 3.2.1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) & or & Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)
 \end{array}$$

Where

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Ps = Points scored for price of tender under consideration  
 Pt = Price of tender under consideration  
 Pmax = Price of highest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

The specific goals/preference point allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
51% owned by Black male and Black women and Black youth and People living with disabilities	20	
51% owned by Black male or Black women or Black youth or People living with disabilities (at least two of the above designated groups must achieved)	15	
51% owned by Black male or Black women or Black youth or People living with disabilities	10	
Less than 51% owned by Black male, Black women, Black youth, People living with disabilities	5	
Other	0	

#### DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

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- 4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
  - iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
    - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....

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

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**P O Box 75480, Gardenvue, Gauteng, South Africa, 2047**

**[www.airports.co.za](http://www.airports.co.za)**

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofu (Chief Executive Officer), N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatwayo, Dr KH Badimo, F Sefara (Company Secretary)

CIA RFQ 71904



**FORM 5.4: CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT**

between

**AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED**

(Registration No. 1993/004149/30)

**("Airports Company")**

of

Western Precinct, Aviation Park

O.R. Tambo International Airport

1 Jones Road

Kempton Park

1632

**AND**

**[NAME OF SERVICE PROVIDER]**

(Registration No: \_\_\_\_\_)

**("\_\_\_\_\_")**

of

[Service Providers Address]

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## 1. **INTERPRETATION**

In this agreement -

- 1.1 "confidential Information" – is information which is confidential to the disclosing party, and includes whether in written, graphic, oral, proprietary, tangible, intangible, electronic or other form, and, -
  - 1.1.1 any information in respect of know-how, formulae, statistics, processes, systems, business methods, marketing, trading and merchandising methods and information, promotional and advertising plans and strategies, pricing, financial plans and models, inventions, long-term plans, research and development data, user or consumer/ customer data and profiles, ideas, computer programmes, drawings and any other information of confidential nature of the disclosing party, in whatever form it may be;
  - 1.1.2 the contractual business and financial arrangements of the disclosing party and others with whom it has business arrangements of whatever nature;
  - 1.1.3 all information peculiar to the business of the disclosing party which is not readily available to a competitor of the disclosing party in the ordinary course of business;
  - 1.1.4 the fact of and content of any discussions between the disclosing party and the receiving party as well as the existence and content of any agreement, which may be concluded between the disclosing party and the receiving party;
  - 1.1.5 all other matters of a confidential nature which relate to the disclosing party's business;
  - 1.1.6 generally, information which is disclosed in circumstances of confidence or would be understood by the parties, exercising reasonable business judgement, to be confidential;
  - 1.1.7 all information of whatsoever nature relating to the disclosing party as contemplated in 2.1 below;
    - but does not include information which -
  - 1.1.8 is or hereafter becomes part of the public domain, otherwise than as a result of a breach or default of the receiving party or of a representative or affiliate of the receiving party;
  - 1.1.9 can be shown to have been lawfully in the possession of the receiving party or its affiliates or consultants prior to its disclosure and is not subject to an existing agreement between the disclosing party and the receiving party;
  - 1.1.10 is acquired by the receiving party independently from a third party who lawfully acquired such information without restriction and who had not previously obtained the confidential information directly or indirectly under a confidentiality obligation from the disclosing party;
  - 1.1.11 is acquired or developed by the receiving party independently of the disclosing party and in circumstances which do not amount to a breach of the provisions of this agreement;
    - is disclosed or released by the receiving party to satisfy an order of a court of competent jurisdiction or to otherwise comply with the provisions of any law or regulation in force at the time or the

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requirements of any recognised stock exchange; provided that, in these circumstances, the receiving party shall inform the disclosing party of the requirement to disclose prior to making the disclosure and provided further that the receiving party will disclose only that portion of the confidential information which it is legally required to so disclose; and the receiving party will use its reasonable endeavours to protect the confidentiality of such information to the widest extent lawfully possible in the circumstances (and shall co-operate with the disclosing party if it elects to contest any such disclosure);

For the purposes of this agreement the party, which discloses confidential information, shall be referred to as “the disclosing party” and the party, which receives the confidential information, shall be referred to as “the receiving party”.

- 1.2 ““affiliate” –of a Party means any person, now or hereafter existing, who directly or indirectly controls, (*holding company*) or is controlled or is under common control of such Party (subsidiary company); a Person “controls” another person if it holds or is beneficially entitled to hold , directly or indirectly, other than by way of security interest only, more than 50% of its voting , income or capital;
- 1.3 “disclosing party” – the party disclosing confidential information in terms of this agreement and being Airports Company;
- 1.4 “receiving party” – the party receiving confidential information in terms of this agreement;
- 1.5 “the parties” – the Airports Company and \_\_\_\_\_.

## 2. **INTRODUCTION**

- 2.1 The parties intend to provide each other with certain information pertaining to their operations and the parties are in the process of discussing certain matters with a view to concluding an agreement (“the potential agreement”), which discussions have required and will require the disclosure to one another of information of a proprietary, secret and confidential nature. Whether or not the parties conclude the potential agreement will not affect the validity of this agreement.
- 2.2 If the confidential information so disclosed is used by the receiving party for any purpose other than that for which its use is authorised in terms of this agreement or is disclosed or disseminated by the

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receiving party to another person or entity which is not a party to this agreement, this may cause the disclosing party to suffer damages and material financial loss.

2.3 This agreement shall also bind the parties, notwithstanding the date of signature hereof, in the event that either party shall have disclosed any confidential information to the other party prior to date of signature hereof.

2.4 The parties wish to record the terms and conditions upon which each shall disclose confidential information to the other, which terms and conditions shall constitute a binding and enforceable agreement between the parties and their agents.

### **3 USE OF CONFIDENTIAL INFORMATION**

Any confidential information disclosed by the disclosing party shall be received and used by the receiving party only for the limited purpose described in 2.1 above and for no other purpose.

### **4 NON-DISCLOSURE**

4.1 THE RECEIVING PARTY undertakes that –

4.1.1 it will treat the disclosing party's confidential information as private and confidential and safeguard it accordingly;

4.1.2 it will not use (except as permitted in 3 above) or disclose or release or copy or reproduce or publish or circulate or reverse or engineer and/or decompile or otherwise transfer, whether directly or indirectly, the confidential information of the disclosing party to any other person or entity; and the receiving party shall take all such steps as may be reasonably necessary to prevent the disclosing party's confidential information falling into the hands of unauthorised persons or entities;

4.1.3 it shall not disclose the confidential information of the disclosing party to any employee, consultant, professional adviser, contractor or sub-contractor or agent of the receiving party (collectively referred to herein as "representative") or an affiliate of the receiving party, nor shall they be given access thereto by the receiving party -

4.1.4 unless it is strictly necessary for the purposes referred to in 2.1 above; and

4.1.5 the receiving party shall have procured that the representative, affiliate or consultant to whom or to which such information is disclosed or made available shall have agreed to be bound by all the terms of this agreement, and, in such event, the receiving party hereby indemnifies the disclosing party against any

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loss, harm or damage which it may suffer as a result of the unauthorised disclosure of confidential information by a representative, affiliate or consultant.

- 4.2 Any documentation or written record or other material containing confidential information (in whatsoever form) which comes into the possession of the receiving party shall itself be deemed to form part of the confidential information of the disclosing party. The receiving party shall, on request, and in any event if the discussions referred to in 2.1 above should not result in an agreement, return to the disclosing party all of its confidential information which is in physical form (including all copies) and shall destroy any other records (including, without limitation, those in machine readable form) as far as they contain the disclosing party's confidential information. The receiving party will, upon written or oral request from the disclosing party and within five (5) business days of the disclosing party's request, provide the disclosing party with written confirmation that all such records have been destroyed.

## 5. **COPIES**

- 5.1 The receiving party may only make such copies of the disclosing party's confidential information as are strictly necessary for the purpose and the disclosures which are not in breach of this agreement and authorised in terms of this agreement. The receiving party shall clearly mark all such copies as "Confidential".
- 5.2 At the written request of the disclosing party, the receiving party shall supply to the disclosing party a list showing, to the extent practical –
- 5.2.1 where copies of the confidential Information are held;
  - 5.2.2 copies that have been made by the receiving party (except where they contain insignificant extracts from or references to confidential information) and where they are held; and
  - 5.2.3 the names and addresses of the persons to whom confidential information has been disclosed and, if applicable, a copy of the confidentiality undertaking signed by such persons complying with the provisions of this agreement.

## 6. **THE USE OF THE COMPANY'S INTELLECTUAL PROPERTY**

- 6.1 The receiving party shall not use any intellectual property of the Company (including trademarks, service marks, logos, slogans, trade names, brand names and other indicia of origin) (collectively, the "Company IP") for any reason whatsoever without first obtaining the Company's prior written consent which consent the Company shall be entitled to grant solely at its own discretion.
- 6.2 If the receiving party requires the use of such Company IP, a request must be sent to [Kamaal.Allom@airports.co.za](mailto:Kamaal.Allom@airports.co.za). Each single request by the same receiving party shall be treated as a new request.

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6.3 Should the Company provide its consent in terms of clause 6.1 above, the receiving party shall comply with the Company's policies and standards with regard to the use of the Company IP. Such policies and standards shall be communicated to the receiving party at the time the Company grants the consent to the receiving party.

6.4 Failure to adhere to the provisions of this clause 6 or the policies, brand requirements and protocols that will be communicated by the Brand Custodians Office to the receiving party, shall result in the penalty equal to the value of 2% (two per cent) of the receiving party's annual turnover in the financial year in which the aforesaid failure occurred.

## 7. **DURATION**

7.1 Subject to Clause 2.3 this agreement shall commence or shall be deemed to have commenced on the date of signature of this agreement by the last party to sign the agreement.

7.2 This agreement shall remain in force for a period of **5 years** ("the term"), or for a period of one (1) year from the date of the last disclosure of confidential information to the receiving party, whichever is the longer period, whether or not the parties continue to have any relationship for that period of time.

## 8. **TITLE**

8.1 All confidential information disclosed by the disclosing party to the receiving party is acknowledged by the receiving party:

8.1.1 to be proprietary to the disclosing party; and

8.1.2 not to confer any rights to the receiving party of whatever nature in the confidential information.

## 9. **RELATIONSHIP BETWEEN THE PARTIES**

9.1 The disclosing party is not obliged, by reason of this agreement, to disclose any of its confidential information to the receiving party or to enter into any further agreement or business relationship with the receiving party. Nothing herein shall imply or create any exclusive relationship between the Parties or otherwise restrict either Party from pursuing any business opportunities provided it complies at all times with the non-disclosure obligations set forth herein

9.2 The disclosing party retains the sole and exclusive ownership of intellectual property rights to its confidential information and no license or any other interest in such confidential information is granted in terms hereof or by reason of its disclosure.

9.3 The termination of the discussions referred to in 2.1 above shall not release the parties from the obligations set out in this agreement.

## 10. **ENFORCEMENT, GOVERNING LAWS AND JURISDICTION**

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- 10.1 This agreement shall be governed by and interpreted according to the laws of the Republic of South Africa, without reference to the choice of laws' provisions of the Republic of South Africa. In the event of a conflict between or inconsistency in the laws applicable in the various provinces of the Republic of South Africa, the law as applied and interpreted in the Gauteng Province shall prevail.
- 10.2 The parties irrevocably submit to the exclusive jurisdiction of the High Court of South Africa, Witwatersrand Local Division, in respect of any action or proceeding arising from this agreement.
- 10.3 The parties agree that, in the event of a breach of this agreement, monetary damages would not be an adequate remedy. In the event of a breach or threatened breach of any provisions of this agreement by the receiving party, the disclosing party (and/or its relevant affiliate) shall be entitled to injunctive relief in any court of competent jurisdiction and the receiving party shall reimburse the disclosing party for any costs, claims, demands or liabilities arising directly or indirectly out of a breach. Nothing contained in this agreement shall be construed as prohibiting a party or its affiliate from pursuing any other remedies available to it for a breach or threatened breach.
- 10.4 The failure by the disclosing party to enforce or to require the performance at any time of any of the provisions of this agreement shall not be construed to be a waiver of such provision, and shall not affect either the validity of this agreement or any part hereof or the right of the disclosing party to enforce the provisions of this agreement.

#### 11. **DOMICILIUM**

- 11.1 The parties choose as their *domicilium* the addresses indicated in the heading to this agreement for the purposes of giving any notice, the payment of any sum, the serving of any process and for any other purpose arising from this agreement.
- 11.2 Each of the parties shall be entitled from time to time, by written notice to the other, to vary its domicilium to any other address which is not a post office box or poste restante.
- 11.3 Any notice required or permitted to be given in terms of this agreement shall be valid and effective only if in writing.
- 11.4 Any notice given and any payment made by one party to the other ("the addressee") which:
  - 11.4.1 is delivered by hand during the normal business hours of the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee at the time of delivery;
  - 11.4.2 is posted by prepaid registered post from an address within the Republic of South Africa to the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee on the fourth day after the date of posting;

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11.4.3 is transmitted by facsimile to the addressee's receiving machine shall be presumed, until the contrary is proved, to have been received within one (1) hour of transmission where it is transmitted during normal business hours or, if transmitted outside normal business hours, within one (1) hour of the resumption of normal business hours on the next normal business day.

## 12. **GENERAL**

- 12.1 No party shall be bound by any representation, warranty, undertaking, promise or the like not recorded in this agreement.
- 12.2 No addition to, variation or agreed cancellation of this agreement shall be of any force or effect unless in writing and signed by or on behalf of the parties.
- 12.3 Any indulgence which either party may show to the other in terms of or pursuant to the provisions contained in this agreement shall not constitute a waiver of any of the rights of the party which granted such indulgence.
- 12.4 The parties acknowledge that this agreement and the undertakings given by it in terms hereof are fair and reasonable in regard to their nature, extent and period and go no further than is reasonably necessary to protect the interests of the parties.
- 12.5 The parties hereby confirm that they have entered into this agreement with full and clear understanding of the nature, significance and effect thereof and freely and voluntarily and without duress.
- 12.6 Neither party shall have the right to assign or otherwise transfer any of its rights or obligations under this agreement.
- 12.7 This agreement may be executed in several counterparts that together shall constitute one and the same instrument.
- 12.8 In this agreement, clause headings are for convenience and shall not be used in its interpretation.
- 12.9 Each clause of this agreement is severable, the one from the other and if any one or more clauses are found to be invalid or unenforceable, that clause shall not affect the balance of the clauses which shall remain in full force and effect.

SIGNED at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_ 2024

\_\_\_\_\_  
**AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED**

the signatory warranting that he is duly authorised thereto.

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Name: \_\_\_\_\_

Designation: \_\_\_\_\_

**AS WITNESSES**

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

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

SIGNED at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_ 2024

\_\_\_\_\_  
**[NAME OF SERVICE PROVIDER]**

the signatory warranting that s/he is duly authorised thereto.

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

**AS WITNESSES**

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

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

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## FORM 5.5: 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: CIA RFQ 71904

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

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

### 2. Proposal Certification

We hereby submit a Proposal in respect of the appointment of professional services 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 conditions of this bid and documentation provided by Airports Company South Africa in this Request for Proposal.
- We accept that Airports Company South Africa's Bid Adjudication Committee decision is final and binding.
- We acknowledge that the bidder/s, directors, shareholders and employees may be subjected to security vetting by Airport Company South Africa or its agent.

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- 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 bid 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 Bidder 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		2024
Signature:						
Name:						

For and behalf of:

Bidding entity name:	
Capacity:	

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## FORM 5.6: RECORD OF ADDENDA TO TENDER DOCUMENTS

We confirm that the following communications received from the Employer before the submission of this response for Tenders, amending the Tenders documents, have been taken into account in this response:

	Date	Title or Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Attach additional pages if more space is required.

Signed

Date

Name

Position

Tender

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**FORM 5.7: 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: . . . . .
		Signature: . . . . .  Name: . . . . .
		Signature: . . . . .  Name: . . . . .

Signed

Date

Name

Position

Tenderer

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**FORM 5.8: PROPOSED AMENDMENTS AND QUALIFICATIONS**

The Tenderer shall record any deviations or qualifications he/she may wish to make to the tender documents in this Returnable Schedule. The Tenderer's attention is drawn to Terms and conditions of RFQ Section 10 regarding the Employer's handling of material deviations and qualifications.

Page	Clause or item	Proposal

Attach additional pages if more space is required.

Signed

Date

Name

Position

Tender

Tel +27 11 723 1400 Fax +27 11 453 9354  
 Western Precinct, Aviation Park, O.R. Tambo International Airport, 1 Jones Road, Kempton Park, Gauteng, South Africa,  
 1632  
 P O Box 75480, Gardenvue, Gauteng, South Africa, 2047  
[www.airports.co.za](http://www.airports.co.za)

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofu (Chief Executive Officer), N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatwayo, Dr KH Badimo, F Sefara (Company Secretary)

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**APPENDIX A: 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

**Tel +27 11 723 1400 Fax +27 11 453 9354****Western Precinct, Aviation Park, O.R. Tambo International Airport, 1 Jones Road, Kempton Park, Gauteng, South Africa, 1632****P O Box 75480, Gardenvue, Gauteng, South Africa, 2047****[www.airports.co.za](http://www.airports.co.za)**

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CIA RFQ 71904

**APPENDIX B: JOINT VENTURE (JV) AGREEMENT (IF APPLICABLE)**

Bidder to attach duly signed JV agreement between the parties.

Signed

Date

Name

Position

Tenderer

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

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### ANNEXURE C: SCHEDULE OF THE TENDERER'S EXPERIENCE

Bidders to present professional **Electro-Mechanical systems & Civil Infrastructure Design and Project Management** experience on completed projects within the last 12 years. This must be related to Automated Industrial Access Gates and Fencing Including Road Refurbishment projects. The construction value of each completed project **must exceed R5 Million (excl. Vat)**.

Bidders are requested to submit a comprehensive portfolio of relevant (value and complexity) projects successfully completed.

As a minimum the bidder is to have successfully completed at **least three projects** with a construction value of **R5 000 000 (Ex. VAT)** or more to achieve a satisfactory score.

Bidders should very briefly describe the experience in this regard and attach to the schedule below.

The description should be in tabular format, with the below headings.

Projects	Name of Client (For which a <u>same or similar</u> service was rendered)	Project Description (Refer to functionality)	Value of Construction Contract Ex. VAT	Performance Period (Date)		Reference (Client contact details)
				Construction Start Date	Construction End Date	
Project No. 1						Name: .....  Tel: .....  Email: .....

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

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Project 2						Name: ..... Tel: ..... Email: .....
Project 3						Name: ..... Tel: ..... Email: .....

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

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Project 4						Name: ..... Tel: ..... Email: .....
Project 5						Name: ..... Tel: ..... Email: .....

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

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- The Tenderer must complete Appendix C. Failure to complete may result in disqualification.
- Contactable references must be provided.
- Projects listed must be completed projects. Ongoing/incomplete projects will not be evaluated.

I, the undersigned, warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

**Note:** When completing the above schedule, Tenderer's must take cognisance of the evaluation criteria as described on Section 3.

Signed

Date

.....

\_\_\_\_\_

Name

Position

.....

\_\_\_\_\_

Tender

.....

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

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## ANNEXURE D: CLIENT REFERENCE LETTERS

**\*Attach a copy of signed Client Reference letters for ALL projects listed in Annexure B for evaluation purposes.**

A valid Client Reference letter to indicate the following:

- a. A valid signed reference letter to indicate the following information:
  - The information to be on a client letterhead/ stamped letter.
  - Project Name
  - Service Provider Name
  - Scope of services rendered by the tenderer.
  - Construction value
  - Client Representative/ Principal Agent/ Project Lead details (name, surname, designation, phone number and email address).

**(ATTACH CLIENT REFERENCE LETTERS HERE)**

I, the undersigned, warrants that he / she is duly authorized to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

**Note: When completing the above schedule, Tenderer's must take cognisance of the evaluation criteria as described on Section 3.**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Position \_\_\_\_\_

Tender \_\_\_\_\_

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## ANNEXURE E: PROOF OF QUALIFICATION AND PROFESSIONAL REGISTRATION

Please attach certified copies Qualification and Professional Registrations of Key Personnel as listed under Appendix F to this page.

International qualifications must be accompanied by a valid SAQA accreditation letter/certificate.

**Note: Tenderer's must take cognisance of the evaluation criteria as described on Section 3.**

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed ..... Date .....

Name ..... Position .....

Tender .....

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**ANNEXURE F:****CV and Experience of Lead/Principal Engineer**

<b>Position held:</b>	<input type="checkbox"/> Lead/Principal Mechanical/ Electrical Engineer/ Engineering Technologist		
First Name			
Surname			
Nationality		Date of Birth	
Current Residence (City/ Town)			
Education (Qualification)		NQF Level	
Relevant Number of Years' Experience as an Engineer			
Professional Body:			
Affiliation/ Accreditation:			
Registration No.			
<b>Personal Project Experience:</b>			
Project 1	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		
	Commencement Date		
	Completion Date		
	Contactable Reference Details	Employer/Company Name	
		Reference Person Name	
Contact Number			
Project 2	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		
	Commencement Date		
	Completion Date		

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CIA RFQ 71904

	Contactable Reference Details	Employer/Company Name	
		Reference Person Name	
		Contact Number	
Project 3	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		
	Commencement Date		
	Completion Date		
	Contactable Reference Details	Employer/Company Name	
		Reference Person Name	
		Contact Number	
Project 4	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		
	Commencement Date		
	Completion Date		
	Contactable Reference Details	Employer/Company Name	
		Reference Person Name	
		Contact Number	
Project 5	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		
	Commencement Date		
	Completion Date		
	Contactable Reference Details	Employer/Company Name	
		Reference Person Name	
		Contact Number	

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When completing the above schedule, Tenderers must be cognisant of the evaluation criteria as described in the Tender Data.

Complete the above Template and attach **a detailed CV** indicating projects completed (year completed, start and end dates) as an Electrical Lead Engineer/ Engineering Technologist.

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CIA RFQ 71904


**CV and Experience of Mechanical/ Electrical Engineer/ Engineering Technologist**

<b>Position held:</b>	<input type="checkbox"/> Mechanical/ Electrical Engineer/ Mechanical/ Electrical Engineering Technologist		
First Name			
Surname			
Nationality		Date of Birth	
Current Residence (City/ Town)			
Education (Qualification)		NQF Level	
Relevant Number of Years' Experience as an Engineer			
Professional Body:			
Affiliation/ Accreditation:			
Registration No.			
<b>Personal Project Experience:</b>			
Project 1	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		
	Commencement Date		
	Completion Date		
	Contactable Reference Details	Employer/Company Name	
Reference Person Name			
Contact Number			
Project 2	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		

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CIA RFQ 71904

	Commencement Date		
	Completion Date		
	Contactable Reference Details	Employer/Company Name	
		Reference Person Name	
Contact Number			
Project 3	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		
	Commencement Date		
	Completion Date		
	Contactable Reference Details	Employer/Company Name	
		Reference Person Name	
Contact Number			
Project 4	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		
	Commencement Date		
	Completion Date		
	Contactable Reference Details	Employer/Company Name	
		Reference Person Name	
Contact Number			
Project 5	Company/Employer		
	Description of Project		
	Client/end user (of Project)		
	Construction Value (excl. VAT)		
	Commencement Date		
	Completion Date		

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	Contactable Reference Details	Employer/Company Name	
		Reference Person Name	
		Contact Number	

When completing the above schedule, Tenderers must be cognisant of the evaluation criteria as described in the Tender Data

Complete the above Template and attach **a detailed CV** indicating projects completed (year completed, start and end dates) as an Electrical Engineer/ Electrical Engineering Technologist.

**Note:**

- **Experience of Lead/Principal Mechanical/ Electrical Engineer/ Engineering Technologist**
  - Project Experience must be related to projects implemented from Design Phase to Close Out. Refer to functionality criteria. "Commencement Date" refers to the project initiation date and "Completion Date" refers to the project close out date.
- **Experience of Mechanical/ Electrical Engineer/ Engineering Technologist**
  - Project Experience must be related to projects implemented from Design Phase to Close Out. Refer to functionality criteria. "Commencement Date" refers to the project initiation date and "Completion Date" refers to the project close out date.

**Note: Tenderer's must take cognisance of the evaluation criteria as described on Section 3.**

I, the undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise, confirms that the contents of this schedule are within my personal knowledge and are to the best of my belief both true and correct.

Signed ..... Date .....

Name ..... Position .....

Tender .....

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## Appendix G: Eligibility for Preference Points (B-BBEE Recognition Level)

1. Valuation of preference points is based on tenderer's B-BBEE verification certificate:
  - a) The certificate shall have been issued by:
    - i. A verification agency accredited by South African National Accreditation System (SANAS);
    - ii. A registered auditor approved by the Independent Regulatory Board of Auditors (IRBA);
  - b) The verification certificate must be valid at the tender closing date
2. In the event of a Joint Venture (JV), a consolidated B-BBEE verification certificate in the name of the JV shall be submitted.
  - a) The verification certificate shall identify:
    - i. The name and domicilium citandi et executandi of the tenderer
    - ii. The registration and VAT number of the tenderer
    - iii. The dates of granting of the B-BBEE score and the period of validity
    - iv. The expiry date of the verification certificate
    - v. A unique identification number
3. The standard and/or normative document, including the issue and/or revision used to evaluate the tenderer:
  - a) The name and/or mark/logo of the B-BBEE verification agency.
  - b) The scorecard (GENERIC, QSE, EME) against which the tenderer has been verified.
  - c) The B-BBEE status level
  - d) The SANAS or IRBA logo on the verification certificate.
  - e) The B-BBEE procurement recognition level.
  - f) The score achieved per B-BBEE element.
  - g) The % black shareholding.
  - h) The % black woman shareholding.
  - i) The % black persons with disabilities.
4. ACSA will not be responsible to acquire data that it needs for its own reporting systems and which may not form part of a verification agency's standard certificate format. The tenderer, at its own cost, must acquire the specified data listed in 3 above from its selected verification agency and have it recorded on the certificate.

Alternatively, such missing data must be supplied separately, but certified as correct by the same verification agency and also submitted.

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Signed .....

Date .....

Name .....

Position .....

Tender .....

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**Annexure H: Certified Valid B-BBEE Verification Certificate (please attach here)**

The bid must include an original or certified copy of the B-BBEE verification certificate issued by SANAS accredited ratings agency, or an IRBA Registered Accounting Practice. The certificate should be an original or a certified copy.

If bidding entity is an EME or QSE a Sworn Affidavit

**In the event of a Joint Venture (JV), a consolidated B-BBEE verification certificate in the name of the JV shall be submitted.**

**Note: Tenderer's must take cognisance of the Pre-evaluation criteria as described on Section 2 and clause 5.4**

Signed ..... Date .....

Name ..... Position .....

Tender .....

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**Annexure I: SARS Tax Clearance Certificate**

All bid submissions must have a **valid original or certified tax clearance certificate or SARS Pin** as part of the compliance requirements. If a company or close corporation has not yet been formed at the time of submitting a bid, the prospective shareholders or members must each supply a tax clearance certificates in their personal capacities.

Signed ..... Date .....

Name ..... Position .....

Tender .....

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**Annexure J: Bidders must provide proof of registration with National Treasury's Central Supplier Database (CSD)**

**(If bidder is a JV, must provide a CSD report for the JV)**

Attach here

Signed ..... Date .....

Name ..... Position .....

Tender .....

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**Annexure K: Insurance Commitment**Bidder Acknowledgement

- a) The bidder hereby acknowledges that, in the event of their bid being successful, the necessary insurance requirements shall be met prior to signing of the contract.
- b) The bidder/contractor shall ensure that all potential and appointed Sub-Contractors are aware of ACSA's insurance requirements and enforce the compliance by sub-contractors where applicable.
- c) Proof of insurance must be submitted by the bidder to the satisfaction of ACSA, upon award.

Signed ..... Date .....

Name ..... Position .....

Tender .....

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**Annexure L: Letter of Good Standing**

Bidders must produce a letter of Good Standing in terms of Compensation for Occupational Injuries and Diseases Act of 1993 (COIDA); or Federated Employee Mutual Assurance (FEMA) Insurance.

**(Attach here)**

Signed ..... Date .....

Name ..... Position .....

Tender .....

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**Annexure M: Certificate of Incorporation**

CIPC Registration documents, Partnership Agreement, and/or Registered Trust Document

*Attach Here*

Signed ..... Date .....

Name ..... Position .....

*Tender* .....

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**Annexure N: Certified Copies of Identity Documents of Directors/ Trustees/ Members**

*Attach Here*

Signed ..... Date .....

Name ..... Position .....

Tender .....

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## Annexure O: POPIA Declaration

### CONFIDENTIALITY AND DATA PROTECTION

Save as provided in this clause (*Confidentiality and Data Protection*), each Party shall, and shall procure that its Affiliate and their respective officers, directors, employees, agents, auditors and advisors shall, treat as confidential all information relating to the other Party or its Affiliates thereof or relating to their respective businesses that is of a confidential nature and which is obtained by that Party in terms of, or arising from the implementation of this Agreement, which may become known to it by virtue of being a Party, and shall not reveal, disclose or authorise the disclosure of any such information to any third party or use such information for its own purpose or for any purposes other than those related to the implementation of this Agreement.

The obligations of confidentiality in this clause shall not apply in respect of the disclosure or use of such information in the following circumstances:

in respect of any information which is previously known by such Party (other than as a result of any breach or default by any Party or other person of any agreement by which such Confidential Information was obtained by such Party);

in respect of any information which is in the public domain (other than as a result of any breach or default by either Party);

any disclosure to either Party's professional advisors, executive staff, board of directors or similar governing body who (i) such Party believes have a need to know such information, and (ii) are notified of the confidential nature of such information and are bound by a general duty of confidentiality in respect thereof materially similar to that set out herein;

any disclosure required by law or by any court of competent jurisdiction or by any regulatory authority or by the rules or regulations of any stock exchange;

any disclosure made by a Party made in accordance with that Party's pursuit of any legal remedy;

any disclosure by a Party to its shareholders or members pursuant to any reporting

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obligations that Party may have to its shareholders or members, provided that each such shareholder or member is notified of the confidential nature of such information and is bound by a general duty of confidentiality in respect thereof materially similar to that set out herein;

In the event that a Party is required to disclose confidential information as contemplated in this clause, such Party will:

advise any Party/ies in respect of whom such information relates (the "**Relevant Party/ies**") in writing prior to disclosure, if possible;

take such steps to limit the disclosure to the minimum extent required to satisfy such requirement and to the extent that it lawfully and reasonably can;

afford the Relevant Party/ies a reasonable opportunity, if possible, to intervene in the proceedings;

comply with the Relevant Party/ies' reasonable requests as to the manner and terms of such disclosure; and

notify the Relevant Party/ies of the recipient of, and the form and extent of, any such disclosure or announcement immediately after it was made.

Either Party may, by notice in writing, be entitled to demand the prompt return of the whole or any part of any confidential information supplied by it to the other Party, and each Party hereby undertakes to comply promptly with any such demand.

In line with the provisions of Protection of Personal Information Act, No 4 of 2013 (POPIA), particularly section 20 and 21, the service provider (referred to as Operator in POPIA) shall observe the following principles when processing personal information on behalf of the Company (referred to as Responsible Party in POPIA):

the Service Provider shall only act on the Company's documented instructions, unless required by law to act without such instructions;

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the Service Provider shall ensure that its representatives processing the information are subject to a duty of confidence;

the Service Provider shall take appropriate measures to ensure the security of processing. The Service Provider shall ensure and hereby warrants that they have minimum IT and or physical security safeguard to protect personal information;

the Service Provider shall notify the Company immediately where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person.

the Service Provider shall only engage a sub-operator with the Company's prior authorisation and under a written contract;

the Service Provider shall take appropriate measures to help the Company respond to requests from data subjects to exercise their rights;

taking into account the nature of processing and the information available, the Service Provider shall assist the Company in meeting its POPIA obligations in relation to the security of processing, the notification of personal information breaches and data protection impact assessments;

the Service Provider shall delete or return all personal information to the Company (at the Company's choice) at the end of the contract, and the service provider shall also delete existing personal information unless the law requires its storage; and

the Service Provider shall submit to audits and inspections. The Service Provider shall also give the Company whatever information it needs to ensure that the Parties meet their Section 20(1) obligations.

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**1. SIGNATURES**

**FOR AIRPORTS COMPANY SOUTH AFRICA**

THUS DONE AND SIGNED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 2024.

\_\_\_\_\_

**FOR SERVICE PROVIDER**

THUS DONE AND SIGNED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 2024.

AUTHORIZED SIGNATORY \_\_\_\_\_

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## Appendix P

### CONTRACT DOCUMENTS

- To be completed, signed and returned with the Bid Document.
- Signature at the bottom right-hand side of each page.

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