



Request for Proposals for the Establishment of a Quantity Surveying Consultants Panel of Service Providers for a Period of Five (5) Years at Airports Company South Africa SOC Limited (ACSA)

Bid Number: : COR7602/2024/RFP

Issue Date : 02 December 2024

Query Closing Date : 09 January 2025

Non - Compulsory Briefing Session Date and Time : 11 December 2024 (12H00pm noon)

Site Inspection Requirements : N/A

Bid Closing Date and Time : 27 January 2025 at 11H00 am

Indicate which service/s you are submitting your bid for by ticking the box provided. (Bidder(s) / Tenderers can participate in one or more categories on the Panel or select those that they are interested in and will be evaluated on what they select).

Table 1:

Number	Category	√
A.	Projects with a total value of R50 million up to R200 million	
B.	Projects with a total value of R200 million up to R599 million	
C.	Projects with a total value of R600 million up to R999 million	
D.	Projects with a total value of R1 billion and above	

Note: Bidders must not submit pricing for this process

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 P O Box 75480, Gardenview, Gauteng, South Africa, 2047
www.airports.co.za

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: F Zikalala Mvelase (Interim Chairperson), Dr K Badimo, D Hlatshwayo, A Khumalo, G Mancotywa, L Mbotya (Chief Financial Officer), M Mpofu (Chief Executive Officer), Y Pillay, S Sambo, N Siyotula, F Sefara (Company Secretary)

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE AIRPORTS COMPANY SOUTH AFRICA					
BID NUMBER:	COR7602/2024/RFP	CLOSING DATE:	27 January 2025	CLOSING TIME:	11H00am
DESCRIPTION	Establishment of Project Management Consultants Panel of Service Providers for a Period of Five (5) Years at Airports Company South Africa SOC Limited (ACSA)				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
O R Tambo International Airport					
North Wing Offices, 3 rd Floor, Tender office, Tender box A					
Kempton Park, Johannesburg					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Motlhabane Molamu		CONTACT PERSON	Motlhabane Molamu	
TELEPHONE NUMBER	n/a		TELEPHONE NUMBER	n/a	
FACSIMILE NUMBER	n/a		FACSIMILE NUMBER	n/a	
E-MAIL ADDRESS	motlhabane.molamu@airports.co.za		E-MAIL ADDRESS	Motlhabane.molamu@airports.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	Yes No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	Yes No	[IF YES, ANSWER THE QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			YES NO		
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			YES NO		
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			YES NO		
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			YES NO		

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IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	YES NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.	

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

DATE:

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SECTION 1: INSTRUCTIONS TO BIDDERS

1.1. Access to RFP documents

Tenders are available on 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 **11H00am on the 27th January 2025** using the following method(s):

1.1.1. Hand delivery:

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

Tender box: A

The **Tender Box A** is located at:

Airports Company South Africa SOC Limited Offices

North Wing
3rd Floor
OR Tambo International Airport

- 1.1.2. Proposals must be in duplicate (an original printed copy and a printed copy of the original) together with an electronic copy of the bid documents using a compact disc or flash drive. The original copy will be the legal and binding copy, in the event of discrepancies between any of the submitted documents; the original copy will take precedence.

1.2 Late Bids

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

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1.3 Clarification and Communication

Name: Motlhabane Molamu

Designation: Specialist Category Management

Email: Motlhabane.molamu@airports.co.za

- 1.3.1 Request for clarity or information on the bid may only be requested until **09 January 2025 close of business**. 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 Briefing Session

A compulsory briefing session will be held on **11 December 2024 at 12H00pm noon**. The session will be held at the following location:

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 329 138 842 374

Passcode: Lp3RJ7Q5

Dial in by phone

[+27 21 834 0841,,288355065#](tel:+27218340841288355065) South Africa, Cape Town

[Find a local number](#)

Phone conference ID: 288 355 065#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

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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.

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 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:

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Airports Company South Africa TIP-OFFS ANONYMOUS

Free Call: 0800 00 80 80 or 086 726 1681

Email: office@thehotline.co.za

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SECTION 2: BACKGROUND, SCOPE OF WORK AND SITE INFORMATION

2.1 Background and/or Purpose of this Bid

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

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

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

In order to achieve its divisional strategy, the Infrastructure Departments will appoint a Panel to provide Professional services. The main purpose of panel will be to provide:

- Flexibility and agility in the execution of the approved annual capital programs; and
- Access a wide range of best practices and professional trends.

2.2 Scope of Work

2.2.1 Employers Objectives and scope of work

ACSA's objective is to appoint **Quantity Surveying Services** consultants to a panel to provide professional services across ACSA airports for a five-year period.

2.2.2. Description of the Services

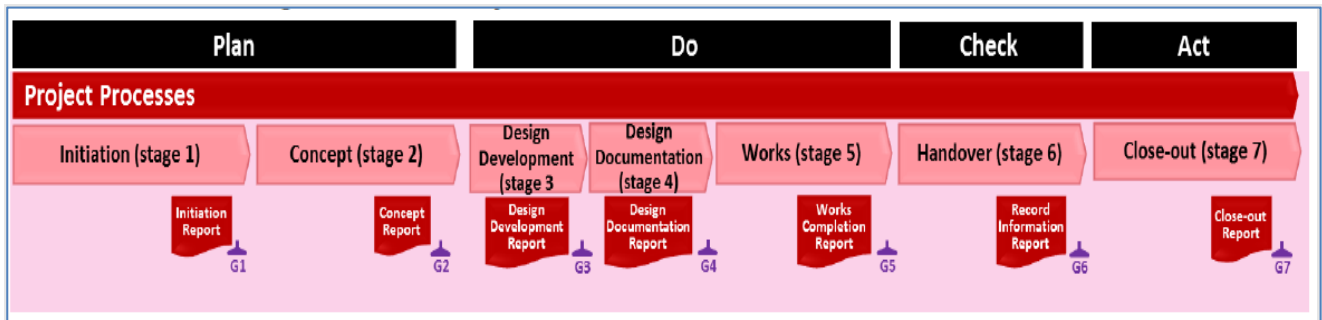
Standard professional services as per the Guideline Scope of Services rendered by persons registered in the relevant Built Environment Councils - (SACQSP). The Capital programme includes building, civil/structural, mechanical and electrical related works.

2.2.3. Extent of the Services

The projects will be managed in line with the following:

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The services required by the Employer from the Professional Service Providers can be summarized as, but not limited to, the following:

- Provide high-quality technical support and advice to facilitate the initiation, planning, preparation, design, procurement, construction, and contract management, monitoring and reporting on the identified infrastructure projects.
- Implementation of projects with particular focus on the planning, preparation, appropriate procurement, construction, monitoring, quality control, cost control, risk identification, risk management and control, co-ordination, and reporting.
- Provide continuous monitoring and reporting on the implementation of project work against baselines and where necessary the formulation of interventions, in consultation with stakeholders, to minimize / eradicate obstacles, delays, cost overruns and schedule slippage. Ensuring that the Contractors and Sub- contractor's technical proposals and drawings confirm with the design and specification requirements.
- Providing all necessary contract administration to monitor the various Contractors/ Sub- contractors diligently and timeously in the execution of the contract works, and in the event of problems being experienced, immediately notify the Clients representatives as the case may be, so that action may be taken.
- Visiting the works of relevant Contractors and Suppliers to ensure satisfactory quality control and correct utilization of materials in the fabrication process.

2.2.4. Use of reasonable skill and care

- The service provider is required to provide all aspects of the service with all reasonable care, diligence and skill in accordance with generally accepted professional techniques and to ensure that all legal requirements are met, and that all legal processes are adhered to.

2.2.5. Co-operation with other service providers

- In addition to the appointment of professionals, ACSA may also appoint other consultants for delivery of the project.

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- The service provider will be required to Liaise with other appointed professional service providers on design, time control and budgetary aspects of the project and reporting on progress and selection of various materials and components on the project.

2.2.6. Applicable Standards

- The service provider shall ensure cognisance of, and adherence to all applicable national standards and codes, quality standards, design standards, statutory and audit compliance are taken into consideration in the execution of its work in the design and compilation of specifications for this project.
- Projects will be managed in accordance with the ACSA Project Management Manual and Processes.
- All CAD data must adhere to the standards and requirements set out in the ACSA.
- Timeous submission of all necessary plans and drawings to the relevant Authorities and expedite the necessary approvals and permission to proceed, including any negotiations in this regard.

2.2.7. Access to site

- Access to public areas is not restricted, however, personal access permits are required for access to restricted areas. The service provider will be required to apply for such personal access permits prior to commencement of project.
- All resources must wear a personal access permit at all times when on site.

2.2.8. Format of communications

- All communications must be in writing by means of letters and e-mails only. Design documentation, drawings, etc. must be in hard copy and electronic format.

2.2.9. Management Meetings and Reporting

- Attend as and when required the following regular meetings necessary for the management of the project, including but not limited to; progress, coordination, cost review, risk review, project board and project management meetings which will be scheduled during the life of the project s appointed for.
- All reports relevant to the projects, including but not limited to the design reports, monthly progress reports, ad-hoc reports and close out report will be submitted on set project calendar dates or as and when required by the Employer.

2.2.10. Copyright

- Copyright pertaining to all drawings and documentation for all projects must be ceded to ACSA.

2.2.11. Non-disclosure

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- All information including design information, annexures and other supporting documentation regarding these projects may not be shared with 3rd parties without written consent of ACSA Procurement and ACSA Legal. All parties and companies involved in this project will be required to sign a non-disclosure at appointment.

2.2.12. Professional indemnity and public liability insurance

- Confirmation of Insurance in line with ACSA's Requirements will be requested as and when the bidders are allocated scope of works for pricing of specific projects after they have been appointed to the panel.

2.2.13. Close-out documentation

- All Consultants appointed for the panel will be required to submit close-out documents for all projects that get appointed for. At submission of such documents to the Client (s), Consultant will be required to provide written and signed off confirmation that the As-Built information submitted to the Client is a true reflection of what is built on site for the particular project.

2.3 Site Information

ACSA operates in the following Airports including Corporate Office:

1. O.R. Tambo International Airport
2. Cape Town International Airport
3. King Shaka International Airport
4. George Airport
5. King Phalo Airport
6. Kimberley Airport
7. Chief Dawid Stuurman International Airport
8. Upington International Airport
9. Other airports acquired by ACSA during the period of this contract

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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 and functionality**. 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, per criterion, or overall minimum 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. (Price and Preference will not be evaluated for this RFP. Please refer to Terms of Reference)

3.3 Mandatory Requirements

- SBD 4: Bidder Disclosure Form

3.4 Functionality

The functionality evaluation will be conducted by the Tender Preparation and Evaluation Committee (TPEC) 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:

- Company Experience (Form 5.4.)
- Key Personnel Experience (Form 5.5.)

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3.4.1 Functionality Criteria

The functional evaluation will be based on the minimum and maximum requirements, where bidders which fail to achieve a minimum requirement on the functional stage will not be considered for the panel.

The minimum requirements of each element must be achieved for further evaluation and are as follows.

NOTE: The Professional registration status and company experience will be verified during evaluation stage, Only Active status will be allocated points.

NOTE: The Built Environment Council relevant for this tender is the South African Council for the Quantity Surveying Profession (SAQSP).

NOTE: Duplication of company experience will be allowed for multiple category bids

NOTE: "Built environment" refers to human-made buildings, living/working spaces, structures, and infrastructure.

NOTE: The bidder must complete Form 5.4: Company Experience with the following information:

- Client company name.
- Construction value.
- Contact details.
- Project completion date.
- It must be signed by authorised official.

NOTE: No reference letters, letters of appointment, or completion certificates will be accepted as proof of experience.

NOTE: Form 5.4. must be signed by both the client and the bidder. Failure to complete Form 5.4. will result in disqualification.

NOTE: No reference letters, letters of appointment, or completion certificates will be accepted as proof of experience.

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Table 1. Quantity Surveyors Requirements:**A. Projects with a total value of R50 million up to R199 million.**

The functional/technical evaluation will be based on a threshold, where bidders which fail to achieve a minimum of **60 points** on the functional stage will not be considered further in the evaluation.

The minimum requirements of each element must be achieved for further evaluation and are as follows:

1.	Project Management professional services experience within Built Environment	Disqualification	Minimum Requirements	Maximum Requirements
1.1	Proof that Tenderer has Quantity Surveying professional services work experience in projects with a construction value of R30 million or more each (inclusive of VAT) in Built Environment. Indicated in Form 5.4.	Less than Two (2) contactable references 0 points	Two (2) contactable references 20 points	Three (3) or more contactable references 40 points
2.	Key Personnel Experience	Disqualification	Minimum Requirements	Maximum Requirements
2.1	Proof that Quantity Surveyor has Quantity Surveying professional services work experience in projects with a construction value of R30 million or more each (inclusive of VAT) in Built Environment. Demonstrated in the Form 5.5.	Less than Two (2) relevant projects in the built environment. 0 points	Two (2) relevant projects in the built environment. 20 points	Three (3) or more relevant projects in the built environment. 40 points
2.2	Proof that the Quantity Surveyor is professionally registered with the South African Council for Quantity Surveying Profession (SACQSP) as a Professional Quantity Surveyor (Pr QS)	No submission 0 points	Compulsory Requirement 20 points	
Total			Minimum 60 points	Maximum 100 points

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Table 2. Quantity Surveyors Requirements:**B. Projects with a total value of R200 million up to R599 million.**

The functional/technical evaluation will be based on a threshold, where bidders which fail to achieve a minimum of **60 points** on the functional stage will not be considered further in the evaluation.

The minimum requirements of each element must be achieved for further evaluation and are as follows:

1.	Project Management professional services experience within Built Environment	Disqualification	Minimum Requirements	Maximum Requirements
1.1	Proof that Tenderer has Quantity Surveying professional services work experience in projects with a construction value of R90 million or more each (inclusive of VAT) in Built Environment. Indicated in Form 5.4.	Less than Two (2) contactable references 0 points	Two (2) contactable references 20 points	Three (3) or more contactable references 40 points
2.	Key Personnel Experience	Disqualification	Minimum Requirements	Maximum Requirements
2.1	Proof that Quantity Surveyor has Quantity Surveying professional services work experience in projects with a construction value of R90 million or more each (inclusive of VAT) in Built Environment. Demonstrated in the Form 5.5.	Less than Two (2) relevant projects in the built environment. 0 points	Two (2) relevant projects in the built environment. 20 points	Three (3) or more relevant projects in the built environment. 40 points
2.2	Proof that the Quantity Surveyor is professionally registered with the South African Council for Quantity Surveying Profession (SACQSP) as a Professional Quantity Surveyor (Pr QS)	No submission 0 points	Compulsory Requirement 20 points	
Total			Minimum 60 points	Maximum 100 points

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Table 3. Quantity Surveyors Requirements:**C. Projects with a total value of R600 million up to R999 million.**

The functional/technical evaluation will be based on a threshold, where bidders which fail to achieve a minimum of **60 points** on the functional stage will not be considered further in the evaluation.

The minimum requirements of each element must be achieved for further evaluation and are as follows:

1.	Project Management professional services experience within Built Environment	Disqualification	Minimum Requirements	Maximum Requirements
1.1	Proof that Tenderer has Quantity Surveying professional services work experience in projects with a construction value of R150 million or more each (inclusive of VAT) in Built Environment. Indicated in Form 5.4.	Less than One (1) contactable reference 0 points	One (1) contactable reference 20 points	Two (2) or more contactable references 40 points
2.	Key Personnel Experience	Disqualification	Minimum Requirements	Maximum Requirements
2.1	Proof that Quantity Surveyor has Quantity Surveying professional services work experience in projects with a construction value of R150 million or more each (inclusive of VAT) in Built Environment. Demonstrated in the Form 5.5.	Less than One (1) relevant projects in the built environment. 0 points	One (1) relevant project in the built environment. 20 points	Two (2) or more relevant projects in the built environment. 40 points
2.2	Proof that the Quantity Surveyor is professionally registered with the South African Council for Quantity Surveying Profession (SACQSP) as a Professional Quantity Surveyor (Pr QS)	No submission 0 points	Compulsory Requirement 20 points	
Total			Minimum 60 points	Maximum 100 points

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Table 4. Quantity Surveyors Requirements:**D. Projects with a total value of R1 billion and above.**

The functional/technical evaluation will be based on a threshold, where bidders which fail to achieve a minimum of **60 points** on the functional stage will not be considered further in the evaluation.

The minimum requirements of each element must be achieved for further evaluation and are as follows:

1.	Project Management professional services experience within Built Environment	Disqualification	Minimum Requirements	Maximum Requirements
1.1	Proof that Tenderer has Quantity Surveying professional services work experience in projects with a construction value of R180 million or more each (inclusive of VAT) in Built Environment. Indicated in Form 5.4.	Less than One (1) contactable reference 0 points	One (1) contactable reference 20 points	Two (2) or more contactable references 40 points
2.	Key Personnel Experience	Disqualification	Minimum Requirements	Maximum Requirements
2.1	Proof that Quantity Surveyor has Quantity Surveying professional services work experience in projects with a construction value of R180 million or more each (inclusive of VAT) in Built Environment. Demonstrated in the Form 5.5.	Less than One (1) relevant projects in the built environment. 0 points	One (1) relevant project in the built environment. 20 points	Two (2) or more relevant projects in the built environment. 40 points
2.2	Proof that the Quantity Surveyor is professionally registered with the South African Council for Quantity Surveying Profession (SACQSP) as a Professional Quantity Surveyor (Pr QS)	No submission 0 points	Compulsory Requirement 20 points	
Total			Minimum 60 points	Maximum 100 points

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Procedure for the usage of the panel

The service providers, once appointed and subject to operational requirements, will be invited to deliver services on a rotational basis. Such will be in a form of a request for quotations to suppliers listed on the panel. The number of service providers to be invited for quotations will be at the discretion of ACSA and depended on the number of suppliers on the panel. Proposals will be evaluated based on the preferential procurement policy of ACSA. Where is not practical due to time constrains or the nature of the expertise required, ACSA may do a direct appointment to a service provider without sourcing quotations. The direct allocations will be determined based on one or more of the following attributes:

- Location of the supplier.
- Capacity and experience of the supplier.
- Turnaround time required.
- Company ownership (black people, youth, women or people with disability).
- BBBEE Level contributor.

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SECTION 4: RETURNABLE DOCUMENTS

4.2 Mandatory and Functionality 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. In order to assist bidders, ACSA has also included a column next to the required mandatory document and information to enable bidders to keep track of whether they have submitted or not. The additional mandatory documents and information are as follows:

RETURNABLE DOCUMENTS	SUBMITTED [Yes or No]
<i>SBD 4 Bidder's Disclosure Form</i>	

4.3 Additional Returnable Documents and information

ADDITIONAL RETURNABLE DOCUMENTS AND INFORMATION	SUBMITTED [Yes or No]
<i>Acceptance of Terms and Conditions of the tender (Completed in full and signed).</i>	
<i>Record of Addenda</i>	
<i>Company Experience</i>	
<i>Key Personnel</i>	
<i>Declaration of Interest Form and Politically Exposed Persons</i>	
<i>Confidentiality and Non-Disclosure Agreement</i>	
<i>Joint Venture (JV) Agreement (if applicable)</i>	
<i>Audited Financial Statement(s) / Letter from the Accountant</i>	
<i>VAT Questionnaire</i>	

4.4 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

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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>BEE Certificate and Scorecard or BBBEE QSE/EME Affidavit</i>	
<i>Verifiable medical certificate of report as proof of disability (For preference claims)</i>	
<i>Tax Pin number (ACSA may not award to a bidder whose tax affairs have not been declared to be in orders by SARS)</i>	
<i>Names and identity numbers of Directors, / Trustees / Members / Shareholders and Senior management</i>	
<i>Certificate of Incorporation of the bidding entity showing ownership split</i>	
<i>Central Supplier Database Report (CSD)</i>	

4.5 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 ACCEPTANCE OF TERMS AND CONDITIONS OF RFP AND BIDDERS PARTICULARS

TO: The Airport Manager
Airports Company South Africa Limited.

Proposal No:

1. Bidder's Name and Contract Details

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

2. Proposal Certification

We hereby submit a Proposal in respect of the Built Environment Panel of Consultants 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,

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- We have read, understand and agree to be bound by the content of all the documentation provided by Airports Company South Africa in this Request for Proposal.
- We accept that Airports Company South Africa's Tender Board's decision is final and binding.
- We certify that all forms of Proposal as required in the Proposal document are included in our submission.
- We certify that all information provided in our Proposal is true, accurate, complete and correct.
- This Proposal is specific to this project only; it has no impact, influence or effect on any other project for which a Proposal may be submitted.
- The undersigned is/are authorized to submit and sign the Proposal that shall be binding on closure of the Proposal submission.
- The Proposal is binding on this Tenderer for a period which lapses after one hundred and twenty (120) business working 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:

Tendering entity name:	
Capacity:	

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FORM 5.2: BIDDER'S DISCLOSURE: 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 interest¹ 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 consortium² 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.

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

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

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

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

DECLARATION WITH REGARD TO COMPANY/FIRM

- 3.1. Name of company/firm.....
- 3.2. Company registration number:
- 3.3. TYPE OF COMPANY/ FIRM
- ☐ Partnership/Joint Venture / Consortium
 - ☐ One-person business/sole propriety
 - ☐ Close corporation
 - ☐ Public Company
 - ☐ Personal Liability Company

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- ☐ (Pty) Limited
☐ Non-Profit Company
☐ State Owned Company

[TICK APPLICABLE BOX]

3.4. 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:

.....

.....

.....

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 Western Pr
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 P O Box 75
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n Africa,

FORM 5.3: RECORD OF ADDENDA

We confirm that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this tender offer:		
	Date	Title or Details
1.		
2.		
3.		

Attach additional pages if more space is required

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

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FORM 5.4.: COMPANY EXPERIENCE



Consultant Company Name:	_____		
Client Company Name:	_____		
Project Description:	_____		
Project Construction Value (excl. VAT):	_____		
Project Start Date:	_____		
Project Completion Date:	_____		
Successfully Completed?	<table><tr><td>Yes</td><td>No</td></tr></table>	Yes	No
Yes	No		

Project Scope:

The following form is to be completed by the Employer/ Client based on the experience of working with the above mentioned consultant. The purpose of the form is to assist with tender adjudication and to gain an understanding of consultant project experience. All information contained herein will be used strictly for tender evaluation purposes and will remain confidential.

Client details:

Representative Name:	_____
Position:	_____
Contact Number:	_____
Client Signature:	_____

Consultant details

Representative Name:	_____
Position:	_____
Contact Number:	_____
Consultant Signature:	_____

FORM 5.5: KEY PERSONNEL EXPERIENCE**A. Projects with a total value of R50 million up to R199 million.**

Name :		
Surname :		
Nationality :		
Date of Birth :		
Current Residence :		
Name of current position in tendering enterprise:		
Qualifications: (<i>degrees, diplomas, and professional registrations</i>)		
Overview of post graduate working experience (<i>year, organisation and position</i>)		
Outline of RELEVANT experience of projects implemented in the built environment:		
Project Name and Description	Project value (Note: value refers to total value of project NOT value of fees)	Project start – completion dates (e.g., 2001 – 2005)

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(Attach CV's of project personnel to this page)

Commitment to the Project

The undersigned commits himself / herself to the overall project. He/she does not intend to cancel his/her contract or to leave the company which employs him/her within the overall duration of this project.

Signed: _____

Date: _____

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FORM 5.5: KEY PERSONNEL EXPERIENCE**B. Projects with a total value of R200 million up to R599 million.**

Name :		
Surname :		
Nationality :		
Date of Birth :		
Current Residence :		
Name of current position in tendering enterprise:		
Qualifications: (<i>degrees, diplomas, and professional registrations</i>)		
Overview of post graduate working experience (<i>year, organisation and position</i>)		
Outline of RELEVANT experience of projects implemented in the built environment:		
Project Name and Description	Project value (Note: value refers to total value of project NOT value of fees)	Project start – completion dates (e.g., 2001 – 2005)

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(Attach CV's of project personnel to this page)

Commitment to the Project

The undersigned commits himself / herself to the overall project. He/she does not intend to cancel his/her contract or to leave the company which employs him/her within the overall duration of this project.

Signed: _____

Date: _____

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FORM 5.5: KEY PERSONNEL EXPERIENCE**C. Projects with a total value of R600 million up to R999 million.**

Name :		
Surname :		
Nationality :		
Date of Birth :		
Current Residence :		
Name of current position in tendering enterprise:		
Qualifications: (<i>degrees, diplomas, and professional registrations</i>)		
Overview of post graduate working experience (<i>year, organisation and position</i>)		
Outline of RELEVANT experience of projects implemented in the built environment:		
Project Name and Description	Project value (Note: value refers to total value of project NOT value of fees)	Project start – completion dates (e.g., 2001 – 2005)

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Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: F Zikalala Mvelase (Interim Chairperson), Dr K Badimo, D Hlatshwayo, A Khumalo, G Mancotywa, L Mbotya (Chief Financial Officer), M Mpofu (Chief Executive Officer), Y Pillay, S Sambo, N Siyotula, F Sefara (Company Secretary)

(Attach CV's of project personnel to this page)

Commitment to the Project

The undersigned commits himself / herself to the overall project. He/she does not intend to cancel his/her contract or to leave the company which employs him/her within the overall duration of this project.

Signed: _____

Date: _____

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1632
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FORM 5.5: KEY PERSONNEL EXPERIENCE**D. Projects with a total value of R1 billion and above.**

Name :		
Surname :		
Nationality :		
Date of Birth :		
Current Residence :		
Name of current position in tendering enterprise:		
Qualifications: (<i>degrees, diplomas, and professional registrations</i>)		
Overview of post graduate working experience (<i>year, organisation and position</i>)		
Outline of RELEVANT experience of projects implemented in the built environment:		
Project Name and Description	Project value (Note: value refers to total value of project NOT value of fees)	Project start – completion dates (e.g., 2001 – 2005)

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(Attach CV's of project personnel to this page)

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FORM 5.6: 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

5.7.1 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 5.9 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]

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;

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- 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 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;

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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 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

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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 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**

- 5.1.1 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".
- 5.1.2 At the written request of the disclosing party, the receiving party shall supply to the disclosing party a list showing, to the extent practical –
- 5.1.3 where copies of the confidential Information are held;
- 5.1.4 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
- 5.1.5 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 the motlhabane.molamu@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**
- 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.

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- 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;
 - 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.

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- 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 _____ 202__

AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED

the signatory warranting that he is duly authorised thereto.

Name: _____

Designation: _____

AS WITNESSES

1. _____

2. _____

SIGNED at _____ on _____ day of _____ 202__

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[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 5.8 Certificate of Authority for Joint Ventures (JV)

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/Mrs/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.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead Partner		Signature: Name..... Designation..... Date.....
		Signature: Name..... Designation..... Date.....
		Signature: Name..... Designation..... Date.....

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www.airports.co.za

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: F Zikalala Mvelase (Interim Chairperson), Dr K Badimo, D Hlatshwayo, A Khumalo, G Mancotywa, L Mbotya (Chief Financial Officer), M Mpofu (Chief Executive Officer), Y Pillay, S Sambo, N Siyotula, F Sefara (Company Secretary)



FORM 5.9 BANK RATING LETTER

Please attach Bank Rating Letter to this page.

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FORM 5.10 VAT Questionnaire for entities bidding as a partnership, joint venture or consortium (i.e. Body of Persons). The following form is required to be completed by the winning bidder at contracting stage.

1. Are you bidding as a partnership/ joint venture or consortium? **Yes/No (Mark with X below)**

Yes	No
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2. If you have answered yes to the above question, please provide the following:
 2.1 A VAT registration certificate in the name of the joint venture, partnership or consortium which includes the VAT registration number of the partnership/joint venture.

Name of the Body of Persons	VAT Number of Body of Persons	Valid registration certificate attached? Yes/No
1.		

ACSA management will use the following link to check your registration. [VendorExactSearch\ 1.0.4 \(sarsefiling.co.za\)](http://VendorExactSearch\ 1.0.4 (sarsefiling.co.za))

3. We recommend that the supplier warrants and represents that, where applicable, it is duly registered for VAT under the VAT Act.
4. Failure to comply with the VAT Act in supplying a valid VAT invoice relating to the Body of Persons will result in Airports Company South Africa SOC Limited being entitled to recover any losses, penalties and interest suffered. Failure includes but is not limited to the invoice having a VAT number that is not registered to the Joint Venture/partnership/consortium i.e. if the VAT number supplied relates to one party of the Body of Persons.

The below definitions are in relation to the above requirement.

1. Definitions

1.1 **Person**, as defined in section1(1) of the Value Added Tax Act No 89 of 1991("the VAT Act") – includes a public authority, any municipality, any company, any body of persons (corporate or unincorporated), the estate of any deceased estate or any insolvent person and any trust fund.

The below terms are not defined in the VAT Act and as such, the ordinary meaning has been taken into account:

1.2 **Consortium or Joint Venture** - an arrangement between two or more persons based on an agreement to generally operate a single, limited or defined project. The parties to such an agreement will generally share control of the arrangement and share the product or output of the venture

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1.3 Partnership - an arrangement between two or more persons based on an agreement. The parties to that arrangement should have the intention to be partners and the essential elements for a partnership being the partners' contributions, a profit objective and joint benefit for the partners must be evident from the agreement.

2. The Law

Section 51 of the VAT Act states that:

- (1) *Subject to the provisions of section 46, where any body of persons, whether corporate or unincorporate (other than a company), carries on or is to carry on any enterprise-*
- (a) such body shall be deemed to carry on such enterprise as a person separate from the members of such body;*
 - (b) registration of that body as a vendor shall be effected separately from any registration of any of its members in respect of any other enterprise;*
 - (c) liability for tax in respect of supplies by that body shall be determined and calculated in respect of the enterprise carried on by it as an enterprise carried on independently of any enterprise carried on by any of its members, and any refund relating to that body's enterprise which is payable in terms of section 44 shall be made to that body; and*
 - (d) the duties and obligations imposed by this Act on any vendor or other person shall, as respects the enterprise carried on by that body, be performed by it separately from the duties and obligations imposed on any of its members.*

3. Application of the Law

When a body of persons forms a joint venture, partnership or consortium, such a body is treated as a separate legal person for VAT purposes and, is in terms of section 51(1) of the VAT Act, required to register for VAT with the South African Revenue Services ("SARS") where the body's taxable supplies exceed the registration threshold.

Should the joint venture or partnership or consortium not be registered for VAT, **VAT cannot be levied on any invoice** that will be issued out to Airports Company South Africa for services rendered.

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Annexures:

- ACSA Terms of Reference

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