**AIR TRAFFIC AND NAVIGATION SERVICES SOC. LTD**

**REPUBLIC OF SOUTH AFRICA**

****

**REQUEST FOR PROPOSALS: ATNS/HO/RFP018/2021/22/STUDENT ACCOMODATION**

**APPOINTMENT OF A PANEL OF SERVICE PROVIDERS FOR STUDENT ACCOMMODATION AT ATNS AVIATION TRAINING ACADEMY FOR PERIOD OF THREE (3) YEARS TO BE USED AS AND WHEN REQUIRED**

**SEPTEMBER 2021**

**The information contained within this document is confidential to ATNS in all respects and it is hereby acknowledged that the information as provided shall only be used for the preparation of a response to this document. The information furnished will not be used for any other purpose than stated and that the information will not directly or indirectly, by agent, employee or representative, be disclosed either in whole or in part, to any other third party without the express written consent by the Company or its representative.**

|  |
| --- |
| **APPOINTMENT OF A PANEL OF SERVICE PROVIDERS FOR STUDENT ACCOMMODATION AT ATNS AVIATION TRAINING ACADEMY FOR PERIOD OF THREE (3) YEARS TO BE USED AS AND WHEN REQUIRED** |

|  |  |
| --- | --- |
| **RFP REFERENCE NUMBER:** | **ATNS/HO/RFP018/2021/22/STUDENT ACCOMODATION** |
| **CLOSING DATE:** | 14 October 2021 |
| **CLOSING TIME:** | 12h00, CAT (no late and or facsimile responses will be accepted |
| **VIRTUAL BRIEFING MEETING** | N/A |
| **BID VALIDITY PERIOD:** | 180 days (Commencing from the closing date) |
| **RETURNABLE DOCUMENTS** | * **VALID TAX SARS PIN** * **VALID BBBEE CERTIFICATE (SANAS APPROVED) OR SWORN AFFIDAVIT** * **LATEST CSD REPORT** * **FULLY COMPLETE AND SIGNED SBD DOCUMENTS.** |
| **MANDATORY REQUIREMENTS** | * The service Provider must Provide registration information with one of professional bodies which includes: Tourism Grading (Three Star or higher) council, FHEDASA. * The Service provider shall submit a scaled map showing the evidence of their facility being situated within a 20 Kilometres (KM) radius from the Aviation Training Academy. * The service Provider must provide Electrical Certificate of Compliance (CoC) that is not older than 2 years to verify that the installation such as the plugs, lights, DBboard, geyser and wiring in a home comply with the legislated requirement according with Occupational Health and Safety ACT. * The service provider shall provide details of their in-house transport that will be used to transport students. Details include: * Vehicle passenger liability insurance (for Combi and mini-bus) * PDP (Public Drivers Permit) for drivers and for combi and mini-bus Roadworthy certificates. * Service Provider must provide plan to cater for Halaal, Kosher and Vegetarian dietary requirements, including proof for Halaal Certification.   + - **The service provider must provide a COVID 19 pandemic protocol plan.** Quarantine contingencies * Provision of PPE for Guests and Staff. * Social distancing plan for the Lodge. * Social distancing plan for Transportation.   + - **The service provider shall provide evidence of emergency plans for guests.**   **Evidence shall include the following:**   * Evacuation Plan * First Aid Kits and Trained officers * Medical Assistance after hours * Smoke detectors * Certified Fire Fighting equipment * Panic buttons in rooms.   Provision should be made for emergency callouts should a Positive case of COVID19 is reported.   * + - Occupational Health and Safety Certificate     - Chef certificate from accredited institution     - CV of the site manager a site manager with minimum three-year working experience in the hospitality industry as a Supervisor or Manager. |
| **DESCRIPTION:** | Appointment of a Panel of Service Providers for Student Accommodation at ATNS Aviation Training Academy for period of three (3) years to be used as and when required |
| **DEPOSITED IN THE BID BOX SITUATED AT:** | ATNS SOC Limited,  Eastgate Office Park, Block C,  South Boulevard Road,  Bruma,2298 |
| **online submission** | Should a bidder require to submit their documents online, they must send an email to [tenders@atns.co.za](mailto:tenders@atns.co.za) to express their interest to do so and will be sent a link to upload the documents electronically.  On the email Bidders must specify on the subject line – the tender number and description. |
| **Procurement Specialist:** | Busisiwe Molapisi |
| **Telephone:** | (011) 607 1000/1325 |
| **E-mail:** | [BusisiweMo@atns.co.za](mailto:BusisiweMo@atns.co.za) |

|  |
| --- |
| THE FOLLOWING PARTICULARS MUST BE FURNISHED (FAILURE TO DO SO SHALL RESULT IN YOUR BID BEING DISQUALIFIED) |

**BIDDING STRUCTURE**

|  |  |
| --- | --- |
| Indicate the type of Bidding/Biding Structure by marking with an ‘X’ | |
| Individual Bidder |  |
| Joint Venture |  |
| Consortium |  |
| With Sub-Contractors |  |
| Other |  |

|  |  |
| --- | --- |
| If Individual: | |
| Name of Bidder |  |
| Registration Number |  |
| VAT Registration Number |  |
| Contact Person |  |
| Telephone Number |  |
| Fax Number |  |
| Cell Number(s) |  |
| E-mail Address |  |
| Postal Address |  |
| Physical Address |  |

|  |  |
| --- | --- |
| If Joint Venture or Consortium, indicate the name/s of the partners: | |
| Company Name |  |
| Registration Number |  |
| VAT Registration Number |  |
| Contact Person |  |
| Telephone Number |  |
| E-mail Address |  |
| Fax Number |  |
| Postal Address |  |
| Physical Address |  |

|  |  |  |
| --- | --- | --- |
| **HAS AN ORIGINAL VALID TAX CLEARANCE CERTIFICATE/S BEEN SUBMITTED FOR CONSORTIUM, JOINT VENTURE AND/OR SUB CONTRACTORS** | | |
| **YES** | **NO** |
|  |  |

|  |  |
| --- | --- |
| **PLEASE INDICATE THE TYPE OF YOUR COMPANY E.G. PRIVATE COMPANY OR CLOSED CORPORATION OR OTHER** | |
| Indicate the Type of Company |  |

**SIGNATURE OF BIDDER:**

………………………………………………………… DATE: ……………………

…………………………………………………………

CAPACITY UNDER WHICH THIS BID IS SIGNED:

|  |
| --- |
| IMPORTANT NOTICE |

The information contained herein, is given without any liability whatsoever to Air Traffic & Navigation Services Company Limited (ATNS) and no representation or warranty, express or implied, is made as to the accuracy, completeness or thoroughness of the content of this Request for Bid (RFB).

This RFB is for the confidential use of only those persons/companies who are participants of this RFB. Each recipient acknowledges that the contents of this RFB are confidential and agrees that it will not without the prior written consent of ATNS, reproduce, use or disclose such information in whole or in part, to any other party other than as required by law or other regulatory requirements.

The Bidder shall bear all costs incurred by him in connection with the preparation and submission of his Bid Response and for finalisation of the contract and the attachments thereof. ATNS will in no case be responsible for payment to the Bidder for these costs.

The Company reserves the right to reject any or all Bids, to undertake discussions with one or more Bidders, and to accept that Bid or modified Bid which in its sole judgment, will be most advantageous to the Company, price and other evaluation factors having been considered.

|  |
| --- |
| TABLE OF CONTENTS |

1 GENERAL INFORMATION AND INSTRUCTIONS TO BIDDERS 9

1.1 Background and Introduction 9

1.2 Purpose of the Bid 11

2 SCOPE OF WORK……………………………………………………………………………………………………………………..11

3 GENERAL BID INSTRUCTIONS AND ADMINISTRATIVE REQUIREMENTS 13

3.1 Correspondence during Bid Period 13

3.2 Failure to Adhere to Instructions 15

4 BID SUBMISSION CONDITIONS AND INSTRUCTIONS 15

4.1 FRAUD AND CORRUPTION 15

4.2 COMPULSORY BRIEFING SESSION 15

4.3 CLARIFICATIONS/ QUERIES 15

4.4 SUBMITTING BIDS 15

4.5 SUBMISSION OF BID: 22

4.6 LATE BIDS………………………………………………………………………………………………………………………...17

4.7 NEGOTIATION AND CONTRACTING 17

4.8 REASONS FOR REJECTION 23

4.9 CANCELLATION OF PROCUREMENT PROCESS 18

5 CONTRACT TERMS 19

6 DISCLAIMER 20

7 EVALUATION PROCESS 20

7.1 COMPLIANCE WITH MINIMUM REQUIREMENTS CRITERIA 20

7.2 PREFERENTIAL PROCUREMENT REFOR 21

7.3 FUNCTIONALITY, PRICE AND PREFERENCES POINTS: 22

7.4 Bid Response Evaluation 27

#### 7.5 Evaluation Critaria…………………………………………………………………..............................................22

7.6 Pricing Structure…………………………………………………………………………………………………….23

8 FORM OF BID 27

9 CHECKLIST OF BIDDING DOCUMENTATION BEFORE SUBMITTING 32

10 FORM D……………………………………………………………………………………………………………………………….36

11 TAX COMPLIANCE REPORT AND PIN ……………………………..…………………………………………………….38

12 SBD4 - DECLARATION OF INTEREST 39

13 SBD 6.1 - PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011 47

14 SBD 7.1 - CONTRACT FORM - RENDERING OF SERVICES 56

15 SBD 7.2 - CONTRACT FORM - RENDERING OF SERVICES 56

16 SBD 8 - DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES 57

17 SBD 8 (2) 59

18 SBD 9 - CERTIFICATE OF INDEPENDENT BID DETERMINATION 60

19 ANNXURE A: GENERAL CONDITION OF CONTRACT…………………………………………………………66

# GENERAL INFORMATION AND INSTRUCTIONS TO BIDDERS

## Background and Introduction

The Air Traffic and Navigation Services (ATNS) Company of South Africa is the major provider of air traffic management, communication, surveillance, navigation and associated services (including training) within South Africa. ATNS manages 10% of the world’s airspace.

Standing strong with over 1100 employees, ATNS strives to continuously provide safe airspace, orderly, expeditious and efficient management of Air Traffic Management services. The company operates at 21 aerodromes within the country, including OR Tambo, Cape Town and King Shaka International Airports.

In the rest of the African Continent, ATNS provides amongst others the Aeronautical Satellite Communication (VSAT) networks.

This service extends from Cape to Cairo interconnecting more than 33 states in Africa and Middle East. Other services include ATS and technical training, WGS 84 surveys, airspace design, AIP documentation, billing and consultancy services.

**Vision**

ATNS’s Vision is to be the preferred supplier of air traffic management solutions and associated services to the African continent and selected international markets.

**Mission**

Our Mission is to provide safe, expeditious and efficient air traffic management solutions and associated services, whilst ensuring long-term economic, social and environmental sustainability.

* Our business is driven through our embedded Values, being:
* Accountability
* Safety and customer service
* Continuous improvement and innovation
* Employee engagement and development
* Fairness and consistency
* Open and effective communication

The Air Traffic and Navigation Service Company Limited (ATNS) is a State-Owned Company (SOC), established in 1993 in terms of the ATNS Company Act (Act 45 of 1993) to provide air traffic management solutions and associated services on behalf of the State. These services accord with International Civil Aviation Organisation (ICAO) standards and recommended practices, and the South African Civil Aviation Regulations and Technical Standards. As an air navigation services provider (ANSP), ATNS is governed by the nation’s legislative and administrative framework.

ATNS is also a commercialized ANSP operating on the “user pays” principle that relies on current revenues and debt funding for its operational and capital expenditure requirements.

Our business offerings are divided into Regulated and non-regulated activities:

**Regulated Business**

At present 90% of ATNS’s revenue is facilitated through its regulated business:

Air navigation services and infrastructure

The principal activities of ATNS’s regulated business encompass the planning, operating and maintenance of safe and efficient air traffic management services in the airspace for which the State is responsible. Airspace infrastructure consists of the following main components:

* Communications, navigation and surveillance (CNS) infrastructure.
* Auxiliary aviation services, such as aeronautical information publications, flight procedure design and aeronautical surveys.
* Air traffic management.

ATNS’s infrastructure development is informed by user expectations and regulatory requirements at a global level; as well as the needs of the air traffic management (ATM) community and new enabling technologies.

Air traffic service charges

As a monopoly service provider, ATNS is regulated economically by the Economic Regulating Committee (RC) that is a statutory body formed and appointed by the Shareholder, the Department of Transport (DoT). The RC is empowered by the ATNS Company Act (Act 45 of 1993) to issue permission to ATNS. The permission regulates the increase in specified tariffs that ATNS can issue and lays down minimum service standards requirements for the regulated business. ATNS is, through the permission, authorised to levy air traffic service charges on users (aircraft operators) for the use of air navigation infrastructure and/or the provision of an air traffic service. The permission has a five-year life span.

Training institution

ATNS runs a successful training institution as a division within the Company, namely: the Aviation Training Academy (ATA). The ATA provides a full range of air traffic services training, technical support training and related training to delegates in South Africa and the broader African continent in the disciplines of engineering, air traffic services and management. The ATA is an ISO9001:2000 accredited institution and has international cooperation agreements in place with partners, enabling the academy to maintain mutually beneficial partnerships in the presentation and accreditation of international courses in air traffic services (ATS). The ATA is a world-renowned academy, and in both 2012 and 2013 was formally recognized as the International Air Transport Association (IATA) Worldwide Top Regional Training Partner.

**Non-Regulated Business**

ATNS’s non-regulated business currently contributes 10% of the Company’s revenue. The non-regulated business encompasses a long-term strategy to facilitate regional expansion through a subsidiary vehicle presently known as “ATNS International”. ATNS International will enable the Company to take a more robust and agile stance in the non-regulated business market without posing undue risks to its regulated market and Shareholder. It will also enable ATNS to enter into joint ventures and partnerships with external suppliers so that the Company can harness more valuable market opportunities and extend its regional influence and reach.

Additional information is available on ATNS website – [www.atns.co.za](http://www.atns.co.za)

## Purpose of the Bid

ATNS invites Bidders to tender for Appointment of a Panel of Service Providers for Student Accommodation at ATNS Aviation Training Academy for period of three (3) years to be used as and when required

# ROLES AND OBJECTIVES

* The Air Traffic and Navigation Services (ATNS) is seeking proposals for Student and Instructor Accommodation and Transportation within a 20km radius of the Aviation Training Academy, OR Tambo International Airport, Gate 14, Bonaero Drive, Bonaero Park, 1619.

## SPECIFICATION (STUDENT ACCOMMODATION AND TRANSPORTATION SERVICES REQUIRED)

* + - 1. The service provider shall indicate the following fully functional facilities in every room**:**
* Bed and Bathroom.
* Telephone System.
* Intercom or Internal communication facility in all rooms.
* Bar fridge.
* Air-conditioning unit.
* Stable WIFI coverage.
* Lockable Wardrobe per Student.
* Television in a room (TV Entertainment Package (DSTV, OpenView, etc)
  + - 1. **Each Student should have sufficient study area (to cater for files and laptops) for study in the room with a Desk, Study Lamp and Chair**. For the Chair, different fabric constructions and innovations allow for different properties and functions, there is merit in a mask designed from at least two layers of suitable fabric or three layers of such fabric (two layers plus an extra third barrier layer in the centre). **Double rooms must have Two Desks, Study Lamps and Chairs**.
      2. **The service provider shall indicate if the organization have facilities to accommodate special needs such as:**
* Prayer room that will accommodate all religions
* Accessibility for people with physical disabilities.
  + - 1. The service provider shall provide a list of all serviceable Recreational facilities (Supply to provide the list of service) for example:
      2. **The service provider shall provide evidence of emergency plans for guests.**

**Evidence shall include the following:**

* Evacuation Plan
* First Aid Kits and Trained officers
* Medical Assistance after hours
* Smoke detectors
* Certified Fire Fighting equipment
* Panic buttons in rooms.

Provision should be made for emergency callouts should a Positive case of COVID19 is reported.

* + - 1. **The service provider shall provide evidence of the mandatory Security Measurements. These include:**
* 24/7 CCTV Monitoring
* 24/7 Security guard on premise
* Armed Response Services
* Electric fencing on the property boundary
* Alarm system.
  + - 1. **The service provider shall provide evidence of Utility back-up plans for guests.** Evidence shall include the following:
* Water Storage Tanks.
* Power Generators
  + - 1. **The service provider must provide a COVID 19 pandemic protocol plan**.

Plan must include:

* Quarantine contingencies
* Provision of PPE for Guests and Staff
* Social distancing plan for the Lodge
* Social distancing plan for Transportation

# GENERAL BID INSTRUCTIONS AND ADMINISTRATIVE REQUIREMENTS

## Correspondence during Bid Period

All correspondence, in the “Form of Questionnaire” with the Company during the Biding period in connection with the Bid Documents, shall be made as follows:

### All correspondence to ATNS shall be in writing and addressed to:

Procurement Specialist: Busisiwe Molapisi - [BusisiweMo@atns.co.za](mailto:BusisiweMo@atns.co.za)

### All correspondence shall be made as follows:

Ref No : ATNS/HO/RFP018/2021/22/STUDENT ACCOMODATION

Date : Day Month Year

To : ATNS SOC Limited

From : Name of Bidder

Subject: **APPOINTMENT OF A PANEL OF SERVICE PROVIDERS FOR STUDENT ACCOMMODATION AT ATNS AVIATION TRAINING ACADEMY FOR PERIOD OF THREE (3) YEARS TO BE USED AS AND WHEN REQUIRED**

## Failure to Adhere to Instructions

**FAILURE TO ADHERE TO THE FOLLOWING BID SUBMISSION INSTRUCTIONS SHALL RESULT IN THE BID BEING RENDERED NONRESPONSIVE AND ELIMINATED FROM FURTHER EVALUTION.**

### Preparation of Bid

The Bid shall be delivered as one complete submission, which shall comprise of:

* **Parcel A - Commercial Proposal; Financials and Pricing Structure (Response to Volume 1A, 1B and 1C);**

Parcel A - Commercial Proposal; Financials and Pricing Structure. - labelled and tabbed as per index.

|  |  |  |  |
| --- | --- | --- | --- |
| **Reference** | **Requirement** | **Comply** | **Do not comply** |
| **Volume 1 B** | Bidders' acceptance of terms and conditions of bid |  |  |
| **Volume 1 A** | South African companies should submit original or certified copies of valid B-BBEE Status Level Verification Certificates from SANAS/EME Affidavit |  |  |
| **Volume 1 A** | Is the tender divided into commercial and technical submissions? |  |  |
| **Volume 1 C** | Pricing Schedule (on a separate envelope) |  |  |

Parcel B Functional Proposal: Response to the Scope – labelled and tabbed as per Volume 1A, 1B and 1C.

# BID SUBMISSION CONDITIONS AND INSTRUCTIONS

**CONDITIONS AND INSTRUCTIONS THAT BIDDERS NEED TO TAKE NOTE OF**

## FRAUD AND CORRUPTION

### All providers are to take note of the implications of contravening the Prevention and Combating of Corrupt Activities Act, Act No 12 of 2004 and any other Act applicable.

## BRIEFING SESSION

### N/A

## CLARIFICATIONS/ QUERIES

Any clarification required by a bidder regarding the meaning or interpretation of the Terms of reference, or any other aspect concerning the bid, is to be requested in writing by completing Form of Questionnaire and email to Busisiwe Molapisi at: BusisiweMo@atns.co.za no later than 12:00 CAT on the 07th of October 2021. A reply will be published on the ATNS website [www.atns.co.za](http://www.atns.co.za) under the Tenders section. The bid reference number should be mentioned in all correspondence. Telephonic requests for clarification will not be accepted. If appropriate, the clarifying information will be made available to all bidders by e-mail only.

## SUBMITTING OF BIDS

### Bidders are now permitted to submit their documents either online or hard copies. Should a bidder require to submit their documents online, they must send an email to [tenders@atns.co.za](mailto:tenders@atns.co.za) to express their interest to do so and will be sent a link to upload the documents electronically.  On the email Bidders must specify on the subject line – the tender number and description. In case submitting hard copies, Bids shall be submitted in two separate Parcels. Parcel A shall be Response to Volume 1A, 1B and 1C. Each parcel shall contain; 1 (one) original and Two (2) copies i.e. 3 (Three) Documents and soft copy (PDF format) on a movable storage medium (CD or USB disk), each sealed and addressed in accordance with the following requirements:

#### The name and address of the Bidder;

#### The Bid Number;

#### The closing date of the Bid indicated on the envelope;

#### A Cover Letter, signed by the authorised representative of each member of the Biding Entity, Consortium or Joint Venture, which shall contain:

#### List of Bid Proposal Documents and an Index of the contents therein;

#### Particular points to which the Bidder wishes to draw the Company’s attention in his Commercial Proposal and Technical Proposal.

#### The parcels shall not contain documents relating to any Bid other than that shown on the envelope.

### Within each parcel, each document shall be individually packaged in a sealed envelope, assigned an identification number and clearly marked with either the designation “Original” or “Copy”, as applicable. When referencing another related document this identification number shall be indicated. Each document which is a copy shall be marked and numbered as “Copy 1/3”.

### All Bid Response documents to be submitted shall be hand delivered to the Company not later than the time and date specified on this document.

### No Bids forwarded by telegram, telex, facsimile, e-mail, or similar medium will be considered.

### Bidders are now permitted to submit their documents either online or hard copies. Should a bidder require to submit their documents online, they must send an email to [tenders@atns.co.za](mailto:tenders@atns.co.za) to express their interest to do so and will be sent a link to upload the documents electronically..  On the email Bidders must specify on the subject line – the tender number and description.

### Pricing must be submitted in a separate sealed envelope in Parcel A as Volume 1C.

### The original copy **MUST BE SIGNED IN BLACK INK** by an authorised employee, agent or representative of the Bidder and initialized on each and every page of the Bid Response.

### Bid responses sent by post or courier must reach this office at least 36 hours before the closing date as specified, to be deposited into the Bid Box. Failure to comply with this requirement will result in the proposal/Bid response being treated as a “late proposal/response” and will not be entertained. Such proposal will be returned to the respective bidders.

### No later than **12:00 CAT on 14th October 2021**, Central African Time at which time the Bid Proposals will be collected.

### Bidders should allow time to access the premises due to security arrangements that need to be observed.

## LATE BIDS

### Bids received late shall not be considered. A bid will be considered late if it arrived even one second after closing time or any time thereafter. The tender (bid) box shall be locked at exactly 12:00 CAT and bids arriving late will not be considered under any circumstances.

## NEGOTIATION AND CONTRACTING

### ATNS have the right to enter into negotiation with one or more bidders regarding any terms and conditions, including price(s), of a proposed contract.

### ATNS shall not be obliged to accept the lowest of any quotation, offer or proposal.

### A contract will only be deemed to be concluded when reduced to writing in a formal contract and Service Level Agreement signed by the designated responsible person of both parties. The designated responsible person of ATNS is the Chief Executive Officer (CEO) or his written authorised delegate.

### Under no circumstances will negotiation with any bidders constitute an award or promise / undertaking to award the contract.

## REASONS FOR REJECTION

### ATNS shall reject a proposal for the award of a contract if the recommended bidder has committed a proven corrupt or fraudulent act in competing for the particular contract.

### ATNS may disregard the bid of any bidder if that bidder, or any of its directors:

#### Have abused the SCM system of ATNS.

#### Have committed proven fraud or any other improper conduct in relation to such system.

#### Have failed to perform on any previous contract and the proof exists.

### Such actions shall be communicated to the National Treasury.

## CANCELLATION OF PROCUREMENT PROCESS

### This procurement process can be postponed or cancelled at any stage provided that such cancellation or postponement takes place prior to entering into contract with a specific service provider to which the bid relates.

# CONTRACT TERMS

* 1. Whilst ATNS have taken every reasonable step to ensure the accuracy of this brief, the Company accepts no liability in relation to the accuracy of any representation made. Bidder should accept that their Bid response is on the basis and reliance of its own judgment and information. ATNS reserves the right to vary the scope and terms as described in this document although variation is not anticipated at this time. If any variation does take place Bidder will be advised as soon as possible.
  2. The successful Bidder will be engaged subject to acceptance of a contract containing the standard Terms and Conditions as given in Volume 1B. The contract contains standard clauses including a retention clause for non-satisfactory completion, breach of contract and confidentiality clauses and a requirement for the Bidder to have adequate professional indemnity insurance. All Bidders must bear in mind that if circumstances dictate, ATNS reserves its right to withdraw from any commitments that will be entered into within this statement of work.
  3. All designs and documentation will be the property of ATNS.

# DISCLAIMER

* 1. The Bidder shall bear all costs incurred by him in connection with the preparation and submission of his Bid Response and for finalisation of the contract and the attachments thereof. ATNS will in no case be responsible for payment to the Bidder for these costs.
  2. The Company reserves the right to reject any or all Bids, to undertake discussions with one or more Bidders, and to accept that Bid or modified Bid which in its sole judgment, will be most advantageous to the Company, price and other evaluation factors having been considered.

**BIDDERS MUST TAKE NOTE OF THE EVALUATION PROCESS THAT WILL BE FOLLOWED**

# EVALUATION PROCESS

## COMPLIANCE WITH MINIMUM REQUIREMENTS CRITERIA

### All bids duly lodged as specified in this Request for Bid will be examined to determine compliance with bidding requirements and conditions. Bids with deviations from the requirements / conditions, will be eliminated from further consideration.

## TECHNICAL REQUIREMENTS, PRICE AND PREFERENCE POINTS

### All remaining bids as per 16.1.1 will be evaluated as follows:

### **The First stage**, bids will be evaluated first for **Pre-Qualification Criteria (Preferential Procurement Requirements)** prescribed in Preferential Procurement Regulations.

### **Second Stage: Mandatory requirements as follows:**

* + - 1. The service Provider must Provide registration information with one of professional bodies which includes: Tourism Grading (Three Star or higher) council, FHEDASA.
      2. The Service provider shall submit a scaled map showing the evidence of their facility being situated within a 20 Kilometres (KM) radius from the Aviation Training Academy.
      3. The service Provider must provide a current Electrical Certificate of Compliance (CoC) to verify that the installation such as the plugs, lights, DBboard, geyser and wiring in a home comply with the legislated requirement according with Occupational Health and Safety ACT .
      4. The service provider shall provide details of their in-house transport that will be used to transport students. Details include:
* Vehicle passenger liability insurance (for Combi and mini bus)
* PDP (Public Drivers Permit) for drivers (for combi and mini-bus Roadworthy certificates)
* Vehicle passenger liability insurance (for Combi and minibus)
* PDP (Public Drivers Permit) for drivers (for combi and mini-bus Roadworthy certificates)
  + - 1. Service Provider must provide the business plan to cater for Halaal, Kosher and Vegetarian dietary requirements, the including Halaal Certification
      2. **The service provider must provide a COVID 19 pandemic protocol plan.**
      3. Provision of PPE for Guests and Staff.
  + Social distancing plan for the Lodge.
  + Social distancing plan for Transportation.
  + Quarantine contingencies
    - 1. **The service provider shall provide evidence of emergency plans for guests.**

**Evidence shall include the following:**

* Evacuation Plan
* First Aid Kits and Trained officers
* Medical Assistance after hours
* Smoke detectors
* Certified Fire Fighting equipment
* Panic buttons in rooms.

Provision should be made for emergency callouts should a Positive case of COVID19 is reported.

* + - 1. Occupational Health and Safety Certificate
      2. Chef certificate from accredited institution
      3. CV of the site manager a site manager with minimum three-year working experience in the hospitality industry as a Supervisor or Manager

### Only bids that meet Preferential Procurement and Mandatory requirements will be considered for further evaluation.

### **The Third stage: Site Inspection**, bids will be evaluated in terms of the **80/20** **preference point systems.** Only bids that **achieve the minimum qualifying score/percentage of 80%** for functionality will be evaluated in accordance with the **80/20** preference point system

## PREFERENTIAL PROCUREMENT REFORM:

**THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017 PERTAINING TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, ACT NO 5 OF 2000.**

Black Economic Empowerment is one of the essential objectives of ATNS. In accordance with government policy, ATNS insists that the Bidders demonstrates its commitment and track record to Black Economic Empowerment in the areas of ownership (shareholding), skills transfer, employment equity and procurement practices, (SMME Development) etc.

All responsive Bid offers shall be evaluated in terms of **80/20 Preference Point System in accordance with the Preferential Procurement Framework Act (No.5) of 2000 as amended**.

Only Bidders who meet **Mandatory requirements and Minimum threshold of 80% requireme**nt will be evaluated further in terms of Price and B-BBEE.

BBBEE compliant suppliers (with a level 1 to level 4) **WITH** one of the following ownership requirements:

* At least at least 51% owned by black people;
* At least 51% owned by black people who are youth;
* At least 51% owned by black people who are women;
* At least 51% owned by black people with disabilities;
* At least 51% owned by black people living in rural or underdeveloped areas or townships;
* At least cooperative which is at least 51% owned by black people;
* At least 51% owned by black people who are military veterans;

**Bidders that do have the required BBBEE Level and Ownership requirements as stated above must partner with EME/QSE that meet the BBBEE levels and Ownership requirements stated above and give the partner that meet the requirements at least 30% of the work and submit the following**:

* BBBEE certificates/Sworn Affidavit of the EME/QSE
* Subcontracting/Partnership/JV/consortium agreement of 30%.
* Detailed workshare-split that indicates the work that will be done by the EME/QSE partner.

**Bidders that fails to meet any pre-qualifying criteria stipulated above will be disqualified and will not be evaluated further**.

## Bid Response Evaluation

### The evaluation of responsive Bids shall be conducted by a panel appointed by the Company following a three-stage process as follows:

### **First Stage: Initial Screening (Pre-Qualification Criteria)**

### **Stage Two: mandatory requirements as follows:**

* + - 1. The service Provider must Provide registration information with one of professional bodies which includes: Tourism Grading (Three Star or higher) council, FHEDASA.
      2. The Service provider shall submit a scaled map showing the evidence of their facility being situated within a 20 Kilometres (KM) radius from the Aviation Training Academy.
      3. The service Provider must provide a current Electrical Certificate of Compliance (CoC) to verify that the installation such as the plugs, lights, DBboard, geyser and wiring in a home comply with the legislated requirement according with Occupational Health and Safety ACT .
      4. The service provider shall provide details of their in-house transport that will be used to transport students. Details include:
* Vehicle passenger liability insurance (for Combi and mini-bus)
* PDP (Public Drivers Permit) for drivers (for combi and mini-bus Roadworthy certificates)
* Vehicle passenger liability insurance (for Combi and minibus)
* PDP (Public Drivers Permit) for drivers (for combi and mini-bus Roadworthy certificates)
  + - 1. Service Provider must provide the business plan to cater for Halaal, Kosher and Vegetarian dietary requirements, the including Halaal Certification
      2. **The service provider must provide a COVID 19 pandemic protocol plan.**
      3. Provision of PPE for Guests and Staff.
  + Social distancing plan for the Lodge.
  + Social distancing plan for Transportation.
  + Quarantine contingencies
    - 1. **The service provider shall provide evidence of emergency plans for guests.**

**Evidence shall include the following:**

* Evacuation Plan
* First Aid Kits and Trained officers
* Medical Assistance after hours
* Smoke detectors
* Certified Fire Fighting equipment
* Panic buttons in rooms.

Provision should be made for emergency callouts should a Positive case of COVID19 is reported.

* + - 1. Occupational Health and Safety Certificate
      2. Chef certificate from accredited institution
      3. CV of the site manager a site manager with minimum three-year working experience in the hospitality industry as a Supervisor or Manager

### Only bids that meet Preferential Procurement and Mandatory requirements will be considered for further evaluation.

#### During this stage Bid response documents will be reviewed to assess adherence to submission instructions set out in clause 12.14.1 above, compliance **to TAX Requirement.**

#### **Third Stage: Site Inspection**

During this stage Air Traffic Navigation Services team of Evaluators will visit the premises of shortlisted supplier for site inspection be evaluated against compliance to the Technical Specifications.

#### **Site Inspection**

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Criterion** | **Key Components** | **Minimum Scores** |
| **1** | **Infrastructure (Layout, structure design, equipment including fridges, deep freezers, stoves, bathrooms and toilets or showers WIFI/ internet facilities, parking space and emergency assembly Points** | Residential facility with Parking and marked assembly point = (10 points)  Residential facility with Parking (5 points)  Residential facility without Parking and without marked assemble point = (0 points) | **10%** |
| **2** | **Services (mechanical:2 wall mounted heater, fans or Air conditioners, serviceable and valid firefighting equipment’s including the hose reel extinguisher in the passage, smoke detector, firefighting canisters. Electrical 100 Lux X2 and 15 AMP Socket x 4** | All services provided= (5 points)  Limited services (at least three) = (3 points)  No services provided= (0 points) | **5%** |
| **3** | **Security** | Security- physical security, CCTV and electronic access control entrance or biometric system= (10 points)  Physical security, CCTV without electronic access control entrance or biometric= (7 points)24hrs physical security only= (5 points) | **10%** |
| **4** | **Room furniture (Bed and mattress x2) privacy partition or curtain, study table x 2, desk chair x 2, lockable wall drops, curtains or blinds, study lamp-low energy x 2, water paper bin, bedside table x 2, pin board mounted and bookshelf x 2** | All basic room furniture provided= (15 points)  Some basic furniture provided= (5 points)  No room furniture provided= (0 points) | **15%** |
| **5** | **Study space** | * + - * 1. Study space for a computer/laptop plus a study lamp plus 2 A4 office files= (10 points)   Semi-adequate= (5 points)  No space= (0 points) | **10%** |
| **6** | **Recreational Venue (**TV Entertainment Package (DSTV, OpenView, Tennis Courts, Swimming Pool  Gymnasium and Recreational Area | Recreational facilities available with TV Entertainment Package including, the complete hotel range and Netflix or showmax or OpenView = (10 points)  Limited services (at least three) = (5 points)  No Service= (0 points) | **10%** |
| **7** | **Passages (statutory fire equipment’s, signage, notice boards, intercom system linked to each passage and panic button** | * + - * 1. Fire equipment’s, signage, notice boards, intercom system linked to each passage and panic button = (5 points)         2. Fire equipment’s, signage, notice boards, intercom system linked to each passage and panic button not provided (0 points) | **5%** |
| **9** | **Water heating (adequate water supply heat, heat pumps with boiler backup)** | * + - * 1. Adequate supply of hot water= (10 points)         2. No facility= (0 points) | **10%** |
| **10** | **Laundry facilities (washing machines and tumble dryers, clothes horse, fixed ironing boards, sufficient power points for washing machine, tumble dryers and student irons, outdoor clothes hanging lines- cost of the laundry facilities must be included in the overall price)** | * + - * 1. Laundry facilities available= (10 points)         2. No facilities= (0 points) | **5%** |
| **11** | **Provision for person with disabilities** | * + - * 1. Universal access for person with disabilities= (5 points)         2. Not accessibility for person with disabilities= (0 points) | **5%** |
| **12** | **Dining area, with adequate utensils, crockery, kitchen facilities, furniture and table linen** | * + - * 1. Dining area, with adequate utensils, crockery, kitchen facilities, furniture and table linen= (15 points)   Limited services (at least three) = (10 points)  No services provided= (0 points) | **15%** |
| **Minimum threshold** | |  | **80%** |
| **Total points** | |  | **100%** |

**NB: Bidders not meeting the minimum threshold of 80% will be disqualified and not evaluated further**.

## PRICING SCHEDULE

* **The suppliers must populate the pricing table below using information from table**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | |  | |  | Year 1 (one) | Year 2 (two) | Year 3 (three) |
| ITEM NO. | | QUANTITY | | DESCRIPTION | TENDER PRICE IN RSA CURRENCY  TENDER PRICE MUST EXCLUDE VALUE-ADDED TAX |  |  |  |
|  |  | | |  |  |  |  |  |
| 1 |  | | | Single Room | R |  |  |  |
| 2 |  | | | Sharing Room (two People) | R |  |  |  |
| 3 |  | | | Breakfast | R |  |  |  |
| 4 |  | | | Lunch | R |  |  |  |
| 5 |  | | | Dinner | R |  |  |  |
| 6 |  | | | Cancellation for booking Fee | R |  |  |  |
| 7 |  | | | WIFI/Internet facility per day | R |  |  |  |
| 8 |  | | | Printing/Copy | R |  |  |  |
| 9 |  | | | Telephone Charges | R |  |  |  |
| 10 |  | | | Self – Catering Room | R |  |  |  |
| 11 |  | | | To and from your facility to ATA | R |  |  |  |
| 12 |  | | | Pick-up and drop-off at the OR Tambo Airport | R |  |  |  |
| 13 |  | | | Pick-up and drop-off at the Park Station | R |  |  |  |
| 14 |  | | | Laundry charges per 5kg | R |  |  |  |
| 15 |  | | | To and From Dr or Medical Facility | R |  |  |  |
|  |  | | | Total excluding Vat | R |  |  |  |
|  |  | | | Total including VAT | R |  |  |  |

# FORM OF BID

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| CLOSING TIME: | |  | | ON |  | | |
|  | | | | | | BID NO. | | | | |  | | |
|  | | | | | | | | |  | | |  | |
| VALIDITY: **180 DAYS** | | | | NAME OF BIDDER: | | | ..................................................  .................................................. | | | | | | |
|  | | | |  | | |  | | | | | | |
| ITEM NO. | QUANTITY | | DESCRIPTION | | | | | | | BID PRICE IN RSA CURRENCY  BID PRICE MUST INCLUDING VALUE-ADDED TAX | | | |
|  |  | |  | | | | | | |  | | | |
|  |  | | Total Bid Price | | | | | | | R | | | |
|  |  | | Alternative Offers (Bidder to advise) | | | | | | | R | | | |
|  | | | | | |  | | | | | | | |
|  | | | | | |  | | | | | | | |
| Is the offer strictly to specification? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| If not to specification, state deviations | | | | | | ..............................................……. | | | | | | | |
|  | | | | | |  | | | | | | | |
| Contract period excluding guarantee period | | | | | | ..............……................................. | | | | | | | |
|  | | | | | |  | | | | | | | |
| Is the price quoted fixed? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| Is the delivery and installation period fixed? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| Are the supplies/services guaranteed as required in the Bid specification? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| If a guarantee is not specifically required in the Bid specification, are the Supplies/ services guaranteed? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| Are you the accredited agent for the manufacturers of the equipment offered? | | | | | | YES / NO | | | | |  | | |
|  | | | | | |  | | | | | | | |
| Where in the Republic of South Africa can a machine/equipment of the type offered by you be inspected under working conditions? | | | | | | ............................……................... | | | | | | | |
|  | | | | | |  | | | | | | | |
| What are the names and addresses of the factories where the supplies will be manufactured? | | | | | | .................................…….............. | | | | | | | |
|  | | | | | |  | | | | | | | |
| What is the approximate value of spares carried in stock in the Republic of South Africa for the equipment offered? | | | | | | R....................................……........ | | | | | | | |
| Furnish full particulars (separately if necessary) of the arrangements which can be made by you for the efficient servicing/maintenance of the supplies/services locally | | | | | | ............................................……... | | | | | | | |
|  | | | | | |  | | | | | | | |
| In respect of supplies to be specially imported, indicate - | | | | | |  | | | | | | | |
|  | | | | | |  | | | | | | | |
| (i) | Whether a special import permit is required? | | | | | YES / NO | | | | |  | | |
|  |  | | | | |  | | | | | | | |
| (ii) | The name and address of the person or company to whom payment is to be made abroad | | | | | ..............................................……. | | | | | | | |
|  |  | | | | |  | | | | | | | |
| (iii) | The amount in foreign currency to be paid by you abroad  (See **Volume 1B**, paragraph 2.16.15.1) | | | | | .............................................…….. | | | | | | | |
|  |  | | | | |  | | | | | | | |
| (iv) | What ruling rate of exchange (at date of Bid) was applied in the conversion of this amount to South African currency (See Volume 1B, paragraph 2.16.15.1 and what was the date when this rate applied) | | | | | ..............................................……. | | | | | | | |
|  | | | | | | | | | | | | |

PART A

INVITATION TO BID

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (***NAME OF DEPARTMENT/ PUBLIC ENTITY***)** | | | | | | | | | | | |
| BID NUMBER: |  | | | CLOSING DATE: | |  | | CLOSING TIME: | | |  |
| DESCRIPTION |  | | | | | | | | | | |
| **BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*** | | | | | | | | | | | |
| ATNS SOC Limited,  Eastgate Office Park, Block C,  South Boulevard Road,  Bruma,2298 | | | | | | | | | | | |
|  | | | | | | | | | | | |
|  | | | | | | | | | | | |
|  | | | | | | | | | | | |
| **BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO** | | | | | **TECHNICAL ENQUIRIES MAY BE DIRECTED TO:** | | | | | | |
| CONTACT PERSON | | |  | | CONTACT PERSON | | | | |  | |
| TELEPHONE NUMBER | | |  | | TELEPHONE NUMBER | | | | |  | |
| FACSIMILE NUMBER | | |  | | FACSIMILE NUMBER | | | | |  | |
| E-MAIL ADDRESS | | |  | | E-MAIL ADDRESS | | | | |  | |
| **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 | | | | |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | | TICK APPLICABLE BOX]  Yes  No | | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | | | | [TICK APPLICABLE BOX]  Yes  No | | |
| ***[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]*** | | | | | | | | | | | |
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | | Yes No  [IF YES ENCLOSE PROOF] | | | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS 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  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.** | | | | | | | | | | | |

PART B

TERMS AND CONDITIONS FOR BIDDING

|  |
| --- |
| 1. **BID SUBMISSION:** |
| * 1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.   2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**   3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.   4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).** |
| 1. **TAX COMPLIANCE REQUIREMENTS** |
| 1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER’S PROFILE AND TAX STATUS. 3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://www.sars.gov.za). 4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 6. WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. 7. NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE.” |

**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: ………………………………………….

CHECKLIST OF BIDDING DOCUMENTATION BEFORE SUBMITTING

**NB!! PLEASE TAKE NOTE THAT ALL STANDARD BIDDING (SBD) FORMS MUST BE COMPLETED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL. FAILURE TO DO SO MAY INVALIDATE YOUR BID**

|  |  |  |
| --- | --- | --- |
| **NB: Has the following forms been completed, signed and submitted with your proposal?** | | |
| **Documentation** | | **Checked by Bidder** | **Checked by Procurement Specialist** |
|  | |  |  |
| Declaration of interest – SBD 4 | |  |  |
| Preference point claim – SBD 6.1 | |  |  |
| Declaration Certificate for Local Production and Content for Designated Sectors-SBD 6.2 | |  |  |
| Contract Form (rendering of services) – SBD 7.1 | |  |  |
| Declaration of Bidders past Supply Chain Management Practices –SBD 8 | |  |  |
| Certification of Independent Bid Declaration – SBD 9 | |  |  |
| ID Documents of Directors/Shareholders | |  |  |
| Central Supplier Database Summary Report | |  |  |
| Company Profile | |  |  |
| Submitted One (1) original, three (3) hard copies and one (1) electronic copy (on CD or USB) in PDF format. | |  |  |
| Form D - Shareholding Disclosure Form: Bidders. | |  |  |

**ATNS FORM D**

# DISCLOSURE OF GROUP/COMPANY STRUCTURE

1. In view of possible allegations of favoritism, it is required by ATNS that the bidder or his/her authorised representative declare the group structures if any and submit information of group directors / members / shareholders / trustees or subsidiary companies and positions held in the group /companies.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

* 1. Full Name of bidder or his or her representative: …………………………………………………………………………………………...….

* 1. Identity Number: …………………………………………...……………….………

* 1. Position occupied in the Company (director, trustee, shareholder²): …………………………………………………………………………………...

* 1. Company Registration Number: ……………………………………………
  2. Tax Reference Number: …………………………………………….………

* 1. VAT Registration Number: …………………………………….……………

1. **The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable. must be indicated in paragraph 3.1 below.**

**3.1 Full details of Group / directors / trustees / members / shareholders.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of Group / Company / Trust** | **Full Name and Surname** | **Identity**  **Number** | **Personal Tax**  **Reference Number** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1. **DECLARATION**

I, THE UNDERSIGNED (NAME)……………………………………………………… ……

Declare that the information furnished in paragraphs two (2) and three (3) above is correct. I accept that ATNS may reject the bid or act against me in terms of paragraph 23 of the General Conditions of Contract should this declaration prove to be false.

|  |  |
| --- | --- |
| ………………………………….. | ..…………………………………………… |
| Signature | Date |
| …………………………………. | ……………………………………………… |
| Position | Name of bidder |

Sept 2021

**TAX COMPLIANCE REPORT AND PIN**.

|  |
| --- |
| **It is a condition of the bid that the taxes of the successful bidder must be in order or those satisfactory arrangements have been made with the Receiver of Revenue to meet his /her tax obligations.** |

1. In order to meet this requirement bidders are required to **Valid Tax Compliance Report and Pin** obtainable from any SARS branch office nationally. The Tax Compliance Report and Pin. Requirements are also applicable to foreign bidders/individuals who wish to submit bids.
2. SARS will then furnish the bidder with a Tax Compliance Report and Tax Pin that will be valid for a period of 1 (one) year from date of approval.
3. The original Tax Compliance Report and Pin must be submitted together with the bid. Failure to submit the **Valid Tax Compliance Report and Pin** will result in the invalidation of the bid. Certified copies of the Tax Compliance Report and Pin will not be acceptable.
4. In bids where Consortia/Joint Ventures/Sub-contractors are involved each party must submit a separate Tax Compliance Report and Pin.
5. Copies of the TCC001“Application for Tax Compliance Report and Pin” forms are available at any SARS branch office nationally or on the website [www.sars.gov.za.](http://www.sars.gov.za/)
6. Applications for the Tax Compliance Report and Pin may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website [www.sars.gov.za](http://www.sars.gov.za)

**SBD4**

**DECLARATION OF INTEREST**

1. Any legal person, including persons employed by the State¹, or persons having a kinship with persons employed by the State, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritisms, should the resulting bid, or part thereof, be awarded to persons employed by the State, or to persons connected with or related to them, it is required that the bidder or his/her authorized representative declare his/her position in relation to the evaluating/adjudicating authority where:
2. the bidder is employed by the state; and/or
3. the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
5. Full Name of bidder or his or her representative:

……..…………………………………………………………………………………………………..

1. Identity Number:

…………………………………………………………………………………………………

1. Position occupied in the Company (director, trustee, shareholder², member):

…………………………………………………………………………………………………………

…………………………………………………………………………………………………………

1. Registration number of company, enterprise, close corporation, partnership agreement or trust:

…………………………………………………………..………….…………………………………..

1. Tax Reference Number:

………………………………………………………………………………………………………….

1. VAT Registration Number:

………………………………………………………………………………...................................

¹“State” means –

(a) any national or provincial department, national or provincial public entity /constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(b) Any municipality or municipal entity; (c) provincial legislature;

(d) National Assembly or the national Council of provinces; or

(e) Parliament.

²” Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

1. The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.
2. Are you or any person connected with the bidder presently employed by the State?

|  |  |
| --- | --- |
| **YES** | **NO** |

1. If so, furnish the following particulars:

Name of person/director /trustee /shareholder/ member:

………………………………………………………………………....………………………………

Name of State institution at which you or the person connected to the bidder is employed:

…………………………………………………………………………………………………………

Position occupied in the State institution:

………………………………………………………………………………………………

Any other particulars:

………………………………………………………………………………………………………….

………………………………………………………………………………………………………….

…………………………………………………………………………………………………………

1. If you are presently employed by the State, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?

|  |  |
| --- | --- |
| **YES** | **NO** |

1. If yes, did you attach proof of such authority to the bid document?

|  |  |
| --- | --- |
| **YES** | **NO** |

**Note:** Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

1. If no, furnish reasons for non-submission of such proof:

……………………………………………………………………………………………………….

…………………………………………………………………………………………………………

………………………………………………………………………………………………………..

1. Did you or your spouse, or any of the company’s director’s trustees/shareholders/members or their spouses conduct business with the State in the previous twelve months?
2. If so, furnish particulars:

………………………………………………………………………………………………………….

…………………………………………………………………...................................................

1. Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the State and who may be involved with the evaluation and or adjudication of this bid?
2. If so, furnish particulars:

………………………………………………………………………………………………………….

…………………………………………………………………...................................................

1. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the State who may be involved with the evaluation and or adjudication of this bid?
2. If so, furnish particulars:

………………………………………………………………………………………………………….

…………………………………………………………………...................................................

1. Do you or any of the directors/trustees/shareholders/members of the company have any interest in any other related companies whether or not they are bidding for this contract?
2. If so, furnish particulars:

………………………………………………………………………………………………………….

…………………………………………………………………...................................................

1. Full details of directors / trustees / members / shareholders.

|  |  |  |  |
| --- | --- | --- | --- |
| **Full Name** | **Identity Number** | **Personal Income Tax**  **Reference Number** | **State Employee Number/Persal Number** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1. DECLARATION

I, THE UNDERSIGNED (NAME)……………………………………………………………………………….

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE

………………………………….. ..……………………………………………

Signature

………………………………….. ..……………………………………………

Signature Date

…………………………………. ………………………………………………

Position

**SBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

1. **GENERAL CONDITIONS**
   1. The following preference point systems are applicable to all bids:

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

a) Either the 80/20 preference point system will be applicable to this tender

* 1. Points for this bid shall be awarded for:

1. Price; and
2. B-BBEE Status Level of Contributor.
   1. The maximum points for this bid are allocated as follows:

|  |  |
| --- | --- |
|  | **POINTS** |
| **PRICE** | 80 |
| **B-BBEE STATUS LEVEL OF CONTRIBUTOR** | 20 |
| **Total points for Price and B-BBEE must not exceed** | **100** |

* 1. Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
  2. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

1. **DEFINITIONS**
2. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
3. “**B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
4. **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
5. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
6. **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
7. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
8. **“prices”** includes all applicable taxes less all unconditional discounts;
9. **“proof of B-BBEE status level of contributor”** means:
10. B-BBEE Status level certificate issued by an authorized body or person;
11. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
12. Any other requirement prescribed in terms of the B-BBEE Act;
13. **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
14. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
15. **POINTS AWARDED FOR PRICE**
    1. **THE 80/20 PREFERENCE POINT SYSTEMS**

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

**80/20**

****

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

1. **POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**
   1. In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

|  |  |  |
| --- | --- | --- |
| **B-BBEE Status Level of Contributor** | **Number of points**  **(90/10 system)** | **Number of points**  **(80/20 system)** |
| 1 | 10 | 20 |
| 2 | 9 | 18 |
| 3 | 6 | 14 |
| 4 | 5 | 12 |
| 5 | 4 | 8 |
| 6 | 3 | 6 |
| 7 | 2 | 4 |
| 8 | 1 | 2 |
| Non-compliant contributor | 0 | 0 |

1. **BID DECLARATION**
   1. Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:
2. **B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1** 
   1. B-BBEE Status Level of Contributor: . = ……… (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

1. **SUB-CONTRACTING**
   1. Will any portion of the contract be sub-contracted?

(***Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

* + 1. If yes, indicate:

1. What percentage of the contract will be subcontracted............…………….…………%
2. The name of the sub-contractor………………………………………………………….
3. The B-BBEE status level of the sub-contractor......................................……………...
4. Whether the sub-contractor is an EME or QSE

***(Tick applicable box***)

|  |  |  |  |
| --- | --- | --- | --- |
| YES |  | NO |  |

1. Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

|  |  |  |
| --- | --- | --- |
| **Designated Group: An EME or QSE which is at last 51% owned by:** | **EME**  **√** | **QSE**  **√** |
| Black people |  |  |
| Black people who are youth |  |  |
| Black people who are women |  |  |
| Black people with disabilities |  |  |
| Black people living in rural or underdeveloped areas or townships |  |  |
| Cooperative owned by black people |  |  |
| Black people who are military veterans |  |  |
| **OR** | | |
| Any EME |  |  |
| Any QSE |  |  |

1. **DECLARATION WITH REGARD TO COMPANY/FIRM**
   1. Name of company/firm:………………………………………………………………….
   2. VAT registration number………………………………….…………………………………
   3. Company registration number:……….……………………….…………………………….
   4. TYPE OF COMPANY/ FIRM

Partnership/Joint Venture / Consortium

One-person business/sole propriety

Close corporation

Company

(Pty) Limited

[Tick applicable box]

* 1. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………..

* 1. COMPANY CLASSIFICATION

Manufacturer

Supplier

Professional service provider

Other service providers, e.g. transporter, etc.

[*Tick applicable box*]

* 1. Total number of years the company/firm has been in business:………………………
  2. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
4. If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
   1. disqualify the person from the bidding process;
   2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
   3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
   4. recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
   5. forward the matter for criminal prosecution.

……………………………………….

SIGNATURE(S) OF BIDDERS(S)

DATE: …………………………………..

ADDRESS …………………………………..

…………………………………..

…………………………………..

WITNESSES

1. ……………………………………..
2. …………………………………….

**SBD 7.1**

**CONTRACT FORM - RENDERING OF SERVICES**

**THIS FORM MUST BE COMPLETED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.**

**PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)**

1. I hereby undertake to render services described in the attached bidding documents to (name of the institution) ……………………………………. in accordance with the requirements and task directives/proposals specifications stipulated in Bid Number………….………. at the price/s quoted. My offer/s remains binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
   1. Bidding documents, viz
      1. Invitation to bid;
      2. Tax clearance certificate;
      3. Pricing schedule(s);
      4. Filled in task directive/proposal;
      5. Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
      6. Declaration of interest;
      7. Declaration of bidder’s past SCM practices;
      8. Certificate of Independent Bid Determination;
   2. General Conditions of Contract and
   3. Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfilment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid
6. I confirm that I am duly authorized to sign this contract.

|  |  |  |
| --- | --- | --- |
| NAME (PRINT) | ………………………………………………… | WITNESSES |
| CAPACITY | ………………………………………………… | 1………………………………. |
| SIGNATURE | ………………………………………………… |  |
| NAME OF FIRM | ………………………………………………. | 2……….………………………. |
| DATE | ………………………………………………… |  |

**SBD 7.2**

**CONTRACT FORM - RENDERING OF SERVICES**

**PART 2 (TO BE FILLED IN BY THE PURCHASER)**

1. I…………………………………………………………………………………… in my capacity as……………………...……………………… accept your bid under reference number ………………dated………………………for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.
4. I confirm that I am duly authorised to sign this contract.

|  |  |  |  |
| --- | --- | --- | --- |
| SIGNED AT | …………………………………….. | | ON ……………………………… |
|  | | | |
| NAME (PRINT) | ………………………………………………… | | WITNESSES |
| SIGNATURE | ………………………………………………… | | 1………………………………. |
|  | | |  |
| OFFICIAL STAMP | |  | 2……….………………………. |
|  | |  |  |
|  | |  |  |

**SBD8**

**DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

1. This Standard Bidding Document must form part of all bids invited.
2. It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be disregarded if that bidder, or any of its directors have-
   1. abused the institution’s supply chain management system;
   2. committed fraud or any other improper conduct in relation to such system; or
   3. failed to perform on any previous contract.
4. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid:

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Question** | **Yes** | **No** |
| 4.1 | Is the Bidder or any of its directors listed on the National Treasury’s Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?  (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the audialterampartem rule was applied).  **The Database of Restricted Suppliers now resides on the National Treasury’s website (**[www.treasury.gov.za](http://www.treasury.gov.za)**) and can be accessed by clicking on its link at the bottom of the home page.** |  |  |
| 4.1.1 | If so, furnish particulars: | | |
| 4.2 | Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act(No 12 of 2004)?  **The Register for Tender Defaulters can be accessed on the National Treasury’s website (**[www.treasury.gov.za](http://www.treasury.gov.za)**) by clicking on its link at the bottom of the home page.** |  |  |
| 4.2.1 | If so, furnish particulars: | | |
| 4.3 | Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years? |  |  |
| 4.3.1 | If so, furnish particulars: | | |
| 4.4 | Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract? |  |  |
| 4.4.1 | If so, furnish particulars: | | |

**SBD 8 (2)**

**CERTIFICATION**

**I, THE UNDERSIGNED (FULL NAME) ………………………………………………………………………. CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

………………………………………...…………………………..

Signature Date

……………………………………….…………………………..

Position, Name of Bidder

**SBD 9**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. This Standard Bidding Document (SBD) must form part of all bids¹ invited.
2. Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
3. Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
   1. Disregard the bid of any bidder if that bidder, or any of its directors have abused the institution’s supply chain management system and or committed fraud or any other improper conduct in relation to such system.
   2. Cancels a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
   3. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
4. In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Bid Number and Description)

In response to the invitation for the bid made by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name of Institution)

Do hereby make the following statements that I certify to be true and complete in every respect: I certify, on behalf of:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
   1. Has been requested to submit a bid in response to this bid invitation;
   2. Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
   3. Provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

1. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
   1. prices;
   2. geographical area where product or service will be rendered (market allocation)
   3. Methods, factors or formulas used to calculate prices;

* 1. The intention or decision to submit or not to submit, a bid;
  2. The submission of a bid which does not meet the specifications and conditions of the bid; or
  3. Bidding with the intention not to win the bid.

1. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
2. 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. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

………………………………………… …………………………………………

Signature Date

………………………………………………….…………………………………

Position Name of the Bidder

Should it be necessary for a bidder to obtain clarity on any matter arising from or referred to in this RFP document, please refer your enquiries, in writing, to the contact person(s) listed below. ATNS reserves the right to place responses to such queries on the website.

|  |  |
| --- | --- |
| **Procurement Specialist:** | Busisiwe Molapisi |
| **Telephone:** | (011) 607 1000/1325 |
| **E-mail:** | [BusisiweMo@atns.co.za](mailto:BusisiweMo@atns.co.za) |

**18 GENERAL CONDITION OF CONTRACT**

Please see **Annexure "A”**

1. **Protection of personal Information**

Please see **Annexure "B”**