

**REQUEST FOR PROPOSAL FOR THE DEVELOPMENT/INVESTMENT AND OPERATIONS OF CARGO HUB AT
POLOKWANE INTERNATIONAL AIRPORT**



• GATEWAY TO THE REST OF AFRICA •

Reg No: 1995/002792/06
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REQUEST FOR PROPOSAL

GAAL/124/2024/2025

**DEVELOPMENT/INVESTMENT AND OPERATIONS OF CARGO HUB AT
POLOKWANE INTERNATIONAL AIRPORT.**

A COMPULSORY BRIEFING SESSION TO BE HELD ON

2 DECEMBER 2024 AT 10H00

POLOKWANE INTERNATIONAL AIRPORT CONFERENCE HALL

CLOSING DATE AND TIME OF BID

3 FEBRUARY 2025 AT 11H00

BID VALIDITY PERIOD: 150 DAYS FROM THE CLOSING DATE

REQUEST FOR PROPOSAL FOR THE DEVELOPMENT/INVESTMENT AND OPERATIONS OF CARGO HUB AT POLOKWANE INTERNATIONAL AIRPORT

1. INTRODUCTION:

Gateway Airport Authority Limited (GAAL) seeks to appoint a suitably qualified, reputable, and experienced partner capable of undertaking the development/investment and operations of cargo hub at Polokwane International Airport.

2. BACKGROUND:

Polokwane International Airport (IATA: PTG, ICAO: FAPP) is located 5nm north of the City of Polokwane, in the Limpopo Province, South Africa. Situated in the centre of the province and near three regional borders, it serves as a regional gateway into SADEC. With strategic plans for upgrade and expansion, Polokwane International Airport presents an opportunity for the establishment of a major cargo hub to enhance logistics, tourism and trade.

Polokwane's location is crucial to serving the broader Limpopo province, a region that is rich in agricultural production, mining, and cross-border trade with neighbouring countries like Zimbabwe, Botswana, and Mozambique. The city lies along the N1 National Route, a vital corridor that connects South Africa to the north, making the airport a key node for air freight in the region.

Our infrastructure and services

- Category 7 international license
- 945 hectares of land with potential to acquire more land
- 2 runways with lengths of 3175 meters and 2581 meters
- 4 aprons with parking capacity of 74 800 sq meters
- Air traffic control and navigational aids
- Accessible through roads and rail
- Rescue and firefighting services.
- Passenger handling and aviation security
- Customs and BMA services
- Fueling services
- Hangars with potential to convert to cold storage

3. SCOPE OF WORK:

3.1 Request for proposal overview

GAAL is hereby soliciting competitive proposals from potential investors for the development/investment and operations of cargo hub at Polokwane International Airport.

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This request for proposal is being provided to the recipient to assist in making its appraisals of the partnership opportunities presented herein and in deciding whether to submit a proposal in connection with the opportunities. However, this RFP is not intended to serve as the basis for an investment decision on the opportunities, and each recipient is expected to make such independent investigations and to obtain such independent advice as he or she deems necessary for a decision. The purpose of this RFP is not a solicitation for proposal to privatise the cargo hub within the airport, but it is rather an invitation for proposal that will leverage the sector's access, development, utilisation and activation of the airport economy for job creation and economic opportunities in the Limpopo Province. GAAL will retain ownership and management of the cargo hub within the airport.

The proposal should include a plan to create and implement capital investment strategies to benefit both parties. The plan should include developing and operating from the cargo hub facilities.

3.2 Purpose of the request for proposal

This RFP is soliciting a multifaceted response that includes amongst other, solutions that are innovative, feasible bankable and sustainable. The proposals should address three critical components:

- Capital for development of the cargo hub
- Cargo operations from the airport
- Daily operation and maintenance of the cargo hub

The entity or joint venture must have the resources and experience necessary to satisfy all of the above components. Thus, GAAL encourages the respondents to collaborate broadly from the most experienced, capable, and creative team for the proposed components in and around the airport. GAAL will not consider proposals that address only part of the above components of this RFP.

All document accompanying this invitation to bid must be completed in detail, where applicable be sealed in an envelope, and delivered to the following address: N1 North to Makhado, Gateway Weg, Polokwane, 0700.

4. RETURNABLE SCHEDULES

Bidders should submit their bid responses with the following returnable schedules specified below (each program must be marked):

4.1 Schedule 1

Cover page: (the cover page must indicate the RFP reference number, bid description, and the bidders name). A bidder's company, or a special purpose vehicle (SPV) to bid for this invitation opportunity. The following must be specified:

- SBD 1 – Invitation to Bid
- SBD 4 – Bidders Disclosure
- SBD 6.1 – Preference Point Claims Form
- Certified copy of Memorandum and Articles of Association or Memorandum of Incorporation (or equivalent consultative documents).
- Certified copy of shareholders or partners register at the date of submission of the bid indicating each shareholder or partners beneficial interest and if there is more than one class of shares, the percentage held by each.
- An irrevocable confirmation, to the satisfaction of the Department by the bidder that it has irrevocably waived any right it may have to seek and obtain a writ of injunction or prohibiting or restraining order against the Department to prevent or restrain the tender or any proceeding relating to it. Such waiver shall be without prejudice to the right of a disqualified or losing bidder to question the lawfulness of their qualifications or the rejection of its bid by appropriate administrative or judicial processes not involving the issuance of a writ or injunction or prohibition or restraining order.
- The bidder must certify by providing an attestation the Legal Representative, notarised by a Notary Public, that the company or incorporated joint venture or trust meets the operational and financial criteria as contained in the RFP regarding the operational experience and financial prerequisites and provide a summary statement of the operational and financial criteria and how they are met in the reasonable opinion of the bidder. (In the case of SPV/ a joint venture the joint venture agreement, inclusive of the JV bank account and consolidated BBBEE certificate must be attached.
- The bidder must be in possession of a professional indemnity insurance.
- A physical presentation will be required for the bidders that pass the mandatory stage at an evaluation or adjudication .

Failure to comply with Mandatory Requirements may lead to the bidder being disqualified.

4.2 Schedule 2:

Financial and Capital Plan

The Bidder should provide the following information:

- Audited financial statement corresponding to the last two (2) years.
- Schedule of history of profit over the past five (5) years.
- Cash flow from operations for the past 12 months.
- Indicate how much capital will be needed, where it will come from (own capital, grants, loans) and the expected amount and terms (interest rates, payment period, security) of any proposed loans. Specify whether the necessary financing has been secured and provide appropriate proof.
- Indicate the amounts proposed for the capital investments in the facilities and the applicable timing thereof.
- A recent auditor's report confirming that all the members of the bidder are solvent and liquid, and
- A cash flow forecast (net of VAT) for the proposed term (number of years) of the agreement. This may be in a spreadsheet format of the bidders choice, but must at least present : cash inflows , owners capital, loans received, grants received, cash from sales and other operating revenue, cash from other sources ,cash outflow, project cost and starting up expense, salaries , wages , and staff costs , all other operating costs and expenses , loan repayments , infrastructure upgrades, building additions , internal décor , replacement of equipment and vehicles.

4.3 Schedule 3:

Business, Operational and Design Plan

The objective here is to determine the technical ability and expertise of the bidder. This is a very critical success and hence the adjudication of this element forms a significant part of the bid. Bidders should therefore provide the following information with backup evidence wherever possible:

- Business Plan
- Cargo Operations
- Cargo Design Plan

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4.4 Schedule 4:

Environmental Proposal

The environmental proposal should detail amongst others the following:

- Legislative requirements
- Departmental Internal Requirements
- Code of Conduct
- Staff Safety
- Visual Impacts
- Noise Impacts
- Aircraft pollution
- Water
- Waste Management-Solid wastes
- Noxious Fumes
- And Access

4.5 Schedule 5

Risk Matric

The risk matrix should include but not be limited to the following:

Type of risk, general description of risk, project-specific risk, mitigation measures, and allocation of risk (institution /private party/shared).

5: EVALUATION CRITERIA

5.1 Functionality Evaluation

The minimum qualifying score for functionality is 60 points

ELEMENTS	WEIGHT
Bidders experience in Airport development/infrastructure development, which must include the following: turnaround strategies, financing models, and operational models. (Attach clients reference letters) Over ten years of experience =40 Over six to ten years of experience =30 Over three to six years of experience =20 Less than three years of experience =0	40

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<p>Qualification of project leader in either of the following (Airport Management, Strategic Management, Transport Economics, Civil Engineering, Airport Engineering, Infrastructure Project Management, Aviation Management, Imports and Exports, Cargo Operations).</p> <p>Honours Degree =10</p> <p>Degree / Advanced Diploma =05</p>	10
<p>Business, Operational, and Design Plan</p> <p>Business plan =05</p> <p>Operational plan =05</p> <p>Design plan =05</p>	15
<p>Financing and Capital plans</p> <p>How much investments is needed and where it will come from (own capital, grants, loans, etc.)</p> <p>Attached =15</p> <p>Not attached =00</p>	15
<p>Risk Matrix (As per schedule 5)</p> <p>Attached =10</p> <p>Not attached =00</p>	10
<p>Environmental plan (As per schedule 4)</p> <p>Attached =10</p> <p>Not attached =00</p>	10
TOTAL	100

The maximum points that can be scored on functionality equals to 100, Bidders scoring less than 70 points will be disqualified.

Bidders that fail to meet the minimum threshold for functionality will be disqualified. Thereafter, **only the qualifying bid(s) will be evaluated in terms of the 80/20.**

Gate 2: Preference Point System,

Only Bidders that have met the 70 points thresholds in Gate 1 will be evaluated in Gate 2 for price and specific goals.

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Preference Points System where the 80 points are awarded for price and the 20 points are awarded for specific goals as follows:

FINAL EVALUATION CRITERIA	POINTS
Price	80
Specific goals	20
Total	100

6. SPECIAL CONDITIONS OF BIDDING AND BID SUBMISSION REQUIREMENTS

6.1 Terms and conditions:

- 6.1.1** The individuals proposed for professional work on the project shall remain on the project unless the airport grants permission to change the proposal. Such permission will only be granted in exceptional circumstances.
- 6.1.2** No material or information derived from the provision of the services under the Contract may be used for any purposes other than those of the airport, except where authorized in writing to do so. All information will be held strictly confidential. The successful service provider will be required to sign a non-disclosure and confidentiality agreement with the airport.
- 6.1.3** Copyright of all documents and electronic aids, software programs prepared or developed in terms of the appointment, shall vest in the airport.
- 6.1.4** The airport reserves the right to amend, modify or withdraw this TOR document or amend, modify, or terminate any of the procedures or requirements set out herein at any time and from time to time, without prior notice except where required by law, and without liability to compensate or reimburse any Prospective service providers.
- 6.1.5** Any briefing notes which may be issued by the airport to the Bidder/s should be considered as part of this TOR. Furthermore, in the event that the negotiations between the airport and the preferred Bidder/s fail with regard to the conclusion of a Service Level Agreement, the airport reserves its right not to appoint the Preferred Bidder/s without incurring any liability to compensate or reimburse the Preferred Bidder/s.

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- 6.1.6** Neither the airport, nor any of its respective, officers, or employees may make any representation or warranty, expressed, or implied in this TOR document. And nothing contained herein is, or shall be relied upon as, a promise or representation, whether as to the past or the future.
- 6.1.7** A proposal submitted by a company, close corporation or other legal person must be accompanied by a resolution or agreement of the directors or members and be signed by a duly authorized person.
- 6.1.8** A proposal submitted by a partnership must be accompanied by a written partnership agreement.
- 6.1.9** A proposal submitted by a consortium of two or more parties must be accompanied by a signed memorandum of understanding between the parties to such consortium indicating:
- the conditions under which the consortium will function;
 - Its period of duration;
 - The persons authorized to represent it;
 - The participation of the several parties forming the consortium;
 - The benefits that will accrue to each party;
 - Any other information necessary to permit full appraisal of its functioning.
- 6.1.10** The costs of preparing proposals and of negotiating the contract will not be reimbursed.
- 6.1.11** The preferred Bidder will be required to enter into a Service Level Agreement (SLA) prior to appointment.
- 6.1.12** The airport is not bound to accept any of the proposals submitted and reserves the right to call for best and final offers from short-listed bidders before final selection. The airport also reserves the right to call interviews with short-listed bidders before final selection, and to negotiate prices.
- 6.1.13** Bidders may ask for clarification on this TOR or any of its Annexures up to close of business seven (7) working days before the deadline for the submission of bids. Any request for clarification must be submitted by email to the contact person. Copies of questions and answers will be published on the entity's website, without revealing the identity of the source of the questions.

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6.1.14 Bidders may not contact the airport on any matter pertaining to their bid from the time when bids are submitted to the time the contract is awarded. Any effect by the bidder to influence bid evaluation, bid comparisons or award decisions in any manner, may result in rejection of the bid concerned.

6.1.15 Implement the project in schedules in accordance with the BOQ and should GAAL decide so, such split implementation should not affect the costs offered at the time of award;

6.1.16 Bid submission requirements must be completed in sections and appendices provided in the bid document.

7 BID SUBMISSION

Bid documents must be placed or couriered in the bid box to the address on or before the stipulated closing date and time as indicated in the SBD1.

Bid documents will only be considered if received by the entity on or before the closing date and time.

Bidders are required to submit their bids in two clearly marked envelopes as follows:-

ENVELOPE 1 (ADMINISTRATIVE AND/OR MANADATORY & FUNCTIONALITY)	ENVELOPE 2 (PRICE & SPECIFIC GOALS)
<p>Exhibit 1: Administrative and mandatory documents (Refer to Section 4.1 -</p>	<p>Exhibit 3: <ul style="list-style-type: none"> • Company Profile • Any other supplementary information • General Conditions of Contract (GCC) </p>
<p>Exhibit 2: Functionality Responses and Bidder Compliance Checklist for Technical Evaluation. Supporting documents for technical responses. (Refer to Section 5.3 - Gate 2: <i>Functionality Evaluation Criteria</i>)</p>	<p>Exhibit 4: SBD 6.1: Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022.</p>

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**PART A
INVITATION TO BID**

SBD 1

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	GAAL/124/2024/2025	CLOSING DATE:	3 FEBRUARY 2025	CLOSING TIME:	11H00
DESCRIPTION	PROPOSAL FOR DEVELOPMENT/INVESTMENT AND OPERATION OF CARGO HUB AT POLOKWANE INTERNATIONAL AIRPORT.				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
ADMIN BLOCK					
N1 NORTH TO MAKHADO					
GATEWAY WEG					
POLOKWANE, 0700					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	JULIUS RAMATJIE		CONTACT PERSON	TSHEPO RAMOKGOPA	
TELEPHONE NUMBER	087-291-1088		TELEPHONE NUMBER	087-291-1054	
FACSIMILE NUMBER	015-288-0125		FACSIMILE NUMBER	015-288-0122	
E-MAIL ADDRESS	scmgroupp@gaal.co.za		E-MAIL ADDRESS	tshepo.ramokgopa@gaal.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?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?				<input type="checkbox"/> YES	<input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?				<input type="checkbox"/> YES	<input type="checkbox"/> 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.

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 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.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 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:

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

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**

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

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2.2.1 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.

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....

Signature

Date

.....

Position

Name of bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

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

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

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

a) The applicable preference point system for this tender is the **80/20** preference point system.

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

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

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and Specific Goals	100

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

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

2. DEFINITIONS

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

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3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the

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lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Enterprises with ownership of 51% or more by person/s who are black	5	
Enterprises with ownership of 51% or more by person/s who are women	5	
Enterprises with ownership of 51% or more by person/s who are youth	4	
Enterprises with ownership of 51% or more by person/s with disability	2	
Small, Medium and Micro Enterprises (SMMEs and QSEs)	4	
Total	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this

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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

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:
DATE:
ADDRESS:

