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

**REPUBLIC OF SOUTH AFRICA**

****

**REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A PANEL OF SUPPLIERS FOR SUPPLY, DELIVERY AND TRAINING OF STAFF FOR THE GENERAL:TEST EQUIPMENT AT AIR TRAFFIC AND NAVIGATION SERVICES (ATNS) CENTRES FOR A PERIOD OF FIVE (5) YEARS.**

**RFP NO: ATNS/TPQ/RFP050/22.23/GENERAL TEST EQUIPMENT PANEL**

**VOLUME 1A**

**NOVEMBER 2022**

**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 it’s representative.**

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| --- |
| **REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A PANEL OF SUPPLIERS FOR SUPPLY, DELIVERY AND TRAINING OF STAFF FOR THE GENERAL:TEST EQUIPMENT AT AIR TRAFFIC AND NAVIGATION SERVICES (ATNS) CENTRES FOR A PERIOD OF FIVE (5) YEARS.** |
| **RFP REFERENCE NUMBER:** | **ATNS/TPQ/RFP050/22.23/GENERAL TEST EQUIPMENT PANEL** |
| **CLOSING DATE:** | 30 November 2022 |
| **CLOSING TIME:** | 12h00, CAT  |
| **NON-COMPULSORY** **TENDER BRIEFING SESSION** | N/A |
| **BID VALIDITY PERIOD:** | 180 days (Commencing from the closing date) |
| **DESCRIPTION:** | **REQUEST FOR PROPOSAL FOR THE APPOINTMENT OF A PANEL OF SUPPLIERS FOR SUPPLY, DELIVERY AND TRAINING OF STAFF FOR THE GENERAL:TEST EQUIPMENT AT AIR TRAFFIC AND NAVIGATION SERVICES (ATNS) CENTRES FOR A PERIOD OF FIVE (5) YEARS.** |
| **DEPOSITED IN THE BID BOX SITUATED AT:** | ATNS Company Limited,Eastgate Office Park, Block C,South Boulevard Road,Bruma, 2298 **OR**Should a bidder require to submit their documents online, they must send an email to nokuthulasa@atns.co.za and copy tenders@atns.co.za to express their interest to do so by no later than 29th of November 2022 at 12h00 in order to receive an online link to be utilised to download the tender response. On the email Bidders must specify on the subject line – the tender number and description. |
| **Procurement Specialist:** | Nokuthula Sangweni |
| **Telephone:** | (011) 607 1316 |
| **E-mail:** | nokuthulasa@atns.co.za |

**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 A VALID TAX PIN B-BBEEN SUBMITTED FOR INDIVIDUAL BIDDER, CONSORTIUM, JOINT VENTURE AND/OR SUB CONTRACTORS** |
| **YES** | **NO** |
|  |  |
| **HAS A JOINT B-BBEECERTIFICATE/SWORN AFFIDAVIT B-BBEEN SUBMITTED FOR CONSORTIUM/JOINT VENTURE BIDDERS** |
| **YES** | **NO** |
|  |  |
| **IF JOINT VENTURE OR CONSORTIUM-HAS A SIGNED AGREEMENT INDICATING WORKSPLIT% AND WORK PLAN SUBMITTED** |
| **YES** | **NO** |
|  |  |
| **HAS A LIST OF SUBCONTRACTORS INDICATING SUBCONTRACTING PERCENTAGE % INDICATED** |
| **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:

**NB: FAILURE TO SUBMIT THE BELOW JOINT VENTURE OR CONSORTIUM DOCUMENTS SHALL LEAD TO AUTOMATIC DISQUALIFICATION:**

* **JOINT VENTURE/CONSORTIUM SIGNED AGREEMENT**
* **JOINT VENTURE/CONSORTIUM JOINT B-BB-BBEE CERTIFICATE**
* **WORK SPLIT % AND WORKPLAN**
* **SUBCONTRACTING LIST AND SUBCONTRACTING %**
* **COMPLETED AND SBD 6.1**

|  |
| --- |
| 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 Proposal (RFP).

This RFP is for the confidential use of only those persons/companies who are participants of this RFP. Each recipient acknowledges that the contents of this RFP 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 B-BBEE considered.

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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 commercialised 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

The Air Traffic & Navigation Services Company Ltd (Reg. No. 1993/004150/06) invites bidders from suitable professional service providers for:

A panel of suppliers for supply, delivery, and training of staff for the General: Test Equipment at Air Traffic and Navigation Services (ATNS) centres for a period of five (5) years

Bidders must meet the minimum qualifying threshold to be part of the panel.

ATNS will source quotes from all the suppliers in the panel as and when required and the supplier who score the highest on Price and B-BBEE will be appointed on an as and when basis.

## Acquisition strategy

The proposed acquisition strategy is to appoint five suppliers meeting the ATNS tender requirements for the entire scope of the project. ATNS will source quotes from all the suppliers in the panel as and when required and award to the suppliers who scores the highest on Price and B-BBEE stage.

# 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: Nokuthula Sangweni – nokuthulasa@atns.coz.za

ATNS Company Limited,

Eastgate Office Park, Block C,

South Boulevard Road,

Bruma

2298

South Africa

### All correspondence shall be made as follows:

 Ref No: **ATNS/TPQ/RFP050/22.23/GENERAL TEST EQUIPMENT PANEL**

Date : Day Month Year:

To : ATNS Company Ltd:

From : Name of Bidder:

Subject: **ATNS/TPQ/RFP050/22.23/GENERAL TEST EQUIPMENT PANEL**

All correspondence may be sent by email to nokuthulasa@atns.co.za or alternatively delivered by hand at the address specified in 2.1.1. The Company, however, shall not be responsible for non-receipt of any correspondence sent by post either registered or otherwise.



## BID SUBMISSION INSTRUCTIONS

**FAILURE TO ADHERE TO THE FOLLOWING BID SUBMISSION INSTRUCTIONS MAY RESULT IN THE BID BEING RENDERED UNRESPONSIVE 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 Price Structure (Response to Volume 1A, ATNS Service Level Agreement and General Conditions of Contract); and**

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Reference** | **Requirement** | **Comply** | **Do not comply** |
| **GCC** | Bidders' acceptance of the National Treasury General Conditions of Contract (initialled at the bottom of all pages as acceptance) |  |  |
| **Volume 1 A** | **Mandatory Requirements- kindly refer to page 29 of 67. Bidders must comply to all the set mandatory requirements** |  |  |
| **Volume 1 A** | Bidders shall submit a complete and signed SBD Forms |  |  |
| **Volume 1 A** | South African companies shall submit their:* Tax Compliance Status Report and PIN
* ID copies of members/directors
* Banking Details and
* Company registration docs
* CSD Report
 |  |  |

# 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.

## TENDER AND SITE BRIEFING SESSIONS

### There will be a **no tender briefing session** for this tender:

## 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 Nokuthula Sangweni at: nokuthulasa@atns.co.za and tenders@atns.co.za not later than 12:00 CAT on 18th November 2022. 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 BIDS

### Bids shall be submitted in Response to Volume 1A,Volume 2,3,4 (Technical Requirements Document) and initialled General Conditions of Contract. The parcel shall contain; 1 (one) original and soft copy (PDF format) on a movable storage medium (**USB**), 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 1/2”.

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

### 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 and copy nokuthulasa@atns.co.za to express their interest to do so by the 29th November 2022 at 15h00 CAT in order to receive an online link to be utilised to download the tender response.

#### On the email Bidders must specify on the subject line – the tender number and description.

### 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.

## SUBMISSION OF BID:

### The Bid Documents shall be hand delivered to:

ATNS SOC Limited,

Eastgate Office Park, Block C,

South Boulevard Road,

Bruma,

2298

South Africa; **OR**

Should a bidder require to submit their documents online, they must send an email to nokuthulasa@atns.co.za and copy tenders@atns.co.za to express their interest to do so by the 29th November 2022 at 15h00 CAT in order to receive an online link to be utilised to download the tender response.

On the email Bidders must specify on the subject line – the tender number and description.

### No later than 12:00 CAT on 30th November 2022, Central African Time at which time the Bid Proposals will be collected, and online submission closed.

### 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/electronic tender submissions inbox shall be locked/closed at exactly 12:00 CAT and bids arriving or received late will not be considered under any circumstances.

### Bids received late shall be returned unopened to the bidder. Bidders are therefore strongly advised to ensure that bids be delivered allowing enough time for any unforeseen events that may delay the delivery of the bid.

## 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.

## ACCESS TO INFORMATION

### All bidders will be informed of the status of their bid once the procurement process has B-BBEE completed.

### Requests for information regarding the bid process will be dealt with in line with the ATNS procurement policy and relevant legislation.

## CANCELLATION OF PROCUREMENT PROCESS

### This procurement process can be postponed or cancelled at any stage.

#  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 the General Conditions of Contract. 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 B-BBEE considered.

# SPECIFIC REQUIREMENTS

## EQUIPMENT DELIVERY

The appointed Panel of suppliers shall be required to supply, deliver and training of staff for the General: Test Equipment for a period of five (5) years as and when required.

A request for quotation process with be followed and sent to the appointed service providers on the panel. The service provider will be responsible for the delivery of equipment to all ATNS Stations as and when required according to award and the required bill of material.

### List of ATNS Stations: Below is a list of ATNS Stations with addresses and GPS Coordinates:

|  |  |  |
| --- | --- | --- |
| Station Name | Physical address | GPS Co-ordinates |
| OR Tambo | OR Tambo Control Centre - ATNS Operations Complex, Gate 14 Bonaero drive, Bonaero Park, 1622 | 26°08'13.3"S 28°15'00.5"E |
| Bruma | Eastgate Office Park Block C, South Boulevard Rd, Bruma, 2198 | 26°10'47.0"S 28°06'40.8"E |
| Cape Town | 113297 Air Traffic Control road, Cape Town Intl Airport, Bishop Lavis | 33°58'46.1"S 18°36'01.5"E |
| King Shaka International Airport | ATNS Control Tower, 1 King Shaka Airport Road, Tongaat, La Mercy KwaZulu Natal | 29°36'28.1"S 31°06'41.6"E |
| Port Elizabeth | E2830 Alistor Miller Road, Walmer, Port Elizabeth | 33°59’0.21”S 25°36’46.64”E  |
| East London | 984 Settlers WA, Greenfields, East London | 33°2’21.45”S 27°49’43.41”E  |
| George | 1 PW Botha Airport, Moeras Rivier, George | 34°00’06”S 22°22’56”E |
| Bloemfontein | ATNS, Operations Building, 1 Thaba Nchu Rd, Bob Rodgers Park Bloemfontein | 29°05'44.4"S 26°17'53.0"E |
| Lanseria | 11 Lanseria Airport road, Lanseria airport, Lanseria Randburg | 25°56'16.9"S 27°55'33.3"E |
| Mafikeng | Bray road Mafikeng Airport, Mafikeng, 2745 | 25°48'12.5"S 25°32'22.4"E |
| Kimberly | 1001 Compton Patterson Rd, Diskobolos, Kimberly Airport, Kimberly | 28°47'41.27"S 24°46'23.06"E |
| Bisho | 1 Stand Street, Bulembo  | 32°53’41.02”S 27°17’29.64”E |
| Rand Airport | 172 Rand Airport road, Rand Airport, Germiston | 26°14'23.4"S 28°09'07.3"E |
| Nelspruit | Kruger Mpumalanga International Airport , ATNS control tower | 25°23'15.7"S 31°05'55.7"E |
| Upington | ATNS Radar offices, 1 Diederiks road, Upington Airport, Upington | 28°24'31.4"S 21°15'21.7"E |
| Pietermaritzburg | Pietermaritzburg Airport 115 oribi road, Bisley, Pietermaritzburg | 29°38'35.8"S 30°23'48.0"E |
| Wonderboom | Wonderboom airport, 35R plot road, Wonderboom, Pretoria | 25°39'28.7"S 28°12'55.1"E |
| Polokwane | Gateway Airport, T37 Stand, Polokwane | 23°51'32.1"S 29°27'12.5"E |
| Pilanesberg | Pilanesberg Airport,1 airport road, Pilansberg, Rustenburg | 25°20'05.2"S 27°10'13.2"E |
| Mthatha | Mthatha Airport, A1 street, Mthatha Military Base, Mthatha | 31°32’58.32”S 28°40’20.28”E |
| Virginia  | 13 fairway Street, Beachwood, Durban (Virginia Airport) | 29°46'24.0"S 31°03'21.3"E |

**NB: Kindly refer to the technical requirements document for the list of the test equipment’s and detailed specifications. The requirements may be amended should a need arise during the course of the contract:**

**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, may be eliminated from further consideration.

## MANDATORY REQUIREMENTS AND FUNCTIONALITY POINTS

### All remaining bids as per paragraph 6.1.1 will be evaluated as follows:

### **The First Stage,** bids will be evaluated first for **Pre-Qualification Criteria**. Only bids that meet Pre-Qualification Criteria requirements will be considered for further evaluation

### **The Second stage**, bids will be evaluated for **Mandatory Criteria**. Only bids that meet all the **Mandatory Criteria** requirements will be considered for further evaluation.

### **The Third stage**, Bids will be evaluated for **functionality** of which (100 points) shall be awarded for functionality. Bids will be considered further if it achieves the minimum prescribed qualifying score for functionality. Bids that failed to achieve the minimum qualifying score of 70% for functionality will be disqualified.

### The panel of bidders will be appointed based on obtaining the highest technical evaluation score, meaning that suppliers who have obtained the highest score on the technical evaluations will be the ones who are appointed however the score shall be 70% and above.

##  PREFERENTIAL PROCUREMENT REFORM:

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

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.

In accordance with the Preferential Procurement Policy Framework Act (PPPFA) and the Code of Good Practice of the Republic of South Africa, this Bid will be adjudicated in terms of functionality and a scoring system for Price and B-BBEE using the 90/10 scoring system. Bidders are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof and or Original BEE affidavit certified by the commissioner of Oath, together with their Bid responses, to substantiate their BBBEE rating claims. Failure to submit a valid B-BBEE certificate will result in the Bidder not qualifying for preferential points.

In addition, the Preferential Procurement (PP) requirements as per the ATNS Procurement Policy which states that ATNS shall deal with suppliers in accordance with the B-BBEE Codes of Good Practice will be taken into consideration.

The service provider shall maintain or improve upon their current B-BBEE Contribution level for the duration of the contract. The service provider will be required to submit a new SANAS accredited BBBEE or Sworn Affidavit. The service provider shall maintain or improve upon their current B-BBEE Contribution level for the duration of the contract. The service provider will be required to submit a new B-BBEE certificate/Sworn Affidavit every year and each time there are changes in the company.

All responsive Bid offers shall be evaluated in terms of functionality and scoring system for Price and B-BBEE. The 90/10 Preference Point System shall be applicable in accordance with the Preferential Procurement Framework Act (No.5) of 2017: PREFERENTIAL PROCUREMENT REGULATIONS, 2017

## BID RESPONSE EVALUATION

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

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

**B-BBEE compliant suppliers with a level 1 to level 4.**

Suppliers not meeting the requirements of the Preferential Procurement requirements (PP) are required to clearly identify any possible teaming arrangement which could be established with South African EME/QSE BBBEE compliant enterprises and which could result in significant Transfer of Technology and Skills development. Any workable plan to train and promote black businesses or individuals through meaningful participation in this project will be considered favourably by the Company during the Bid evaluation process.

Partnership must be in the form of Joint Ventures/Consortium/Partners Agreement between compliant B-BBEE and non-B-BBEE Organisation/or foreign supplier in order to meet the policy requirements. Failure to submit agreement will result in a disqualification.

### **Stage 2:** Functionality Evaluation

During this stage Bid response documentation will be evaluated against compliance to the Technical Requirements Document (Volume 2,3 and 4 combined). Bidders who fail to meet the minimum scoring of 70% will be disqualified**.** The panel will be appointed based on obtaining the highest technical evaluation score, meaning the suppliers who have obtained the highest score on the technical evaluations will be the ones who are appointed however the score shall be 70% and above.

**ATNS FORM D**

# DISCLOSURE OF GROUP/COMPANY STRUCTURE

1. In view of possible allegations of favouritism, 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**  |
|  |   |   |   |
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|  |   |   |   |

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  |

# FORM OF BID (N/A)

|  |  |  |  |
| --- | --- | --- | --- |
| CLOSING TIME: |  | ON |  |
|  | BID NO. |  |
|  |  |  |
| VALIDITY: **180 DAYS** | NAME OF BIDDER: | .................................................................................................... |
|  |  |  |
| ITEM NO. | QUANTITY | DESCRIPTION | BID PRICE IN RSA CURRENCYBID PRICE MUST EXCLUDE VALUE-ADDED TAX |
|  |  |  |  |
| 1 |  | Supply, delivery and training (Volume 2) | R |
|  |  | Total Bid Price | R |
|  |  | Alternative Offers (Bidder to advise) | R |
| Manufacturer, type and model | .....................................…….......... |
|  |  |
| Country of manufacture | ..........................................……..... |
|  |  |
| 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) | ..............................................……. |
| \* Price as reflected on form must include all customs and/or other duties, delivery and installation costs. Bids on a basis of c.i.f. or in bond or qualified to the effect that bills of entry are to be furnished may be disqualified.Rate of Exchange VariationInstallation Contract: ATNS shall not be liable for the Rate of Exchange Variation under the Contract for Acquisition Phase. The Contract Price shall be a fixed in Rands for the Acquisition Phase. . Should there be any variation/change to the Contract Price due to a change in the rate of exchange, such price variation/change shall be for the account/cost of the Contractor/Service Provider.Option and CVO:Any options: ATNS shall not be liable for the Rate of Exchange Variation under the Contract for Acquisition Phase. The Contract Price shall be a fixed in Rands for the Acquisition Phase. Should there be any variation/change to the Contract Price due to a change in the rate of exchange, such price variation/change shall be for the account/cost of the Contractor/Service Provider. or Contract Variation Contract shall be varied only by variations approved by the Engineer. Either the Contractor or the Company may submit variations to the Contract. Any additional work or expenses incurred by the Contractor in performing activities outside the scope of the Contract and not approved through a Contract Variation shall be at the Contractors cost and no liability shall rest with the Company. Contract Variations shall be submitted to the Engineer for consideration. The Engineer shall, provided the submission is properly documented; approve or reject the Variation within 30 days of receipt at his office and notify the Contractor accordingly. On approval of a Contract Variation the Engineer shall issue a Contract Change Notice amending the Contract as appropriate.Rules that apply when exchange cover on a fixed term basis is a condition of the contract:The Contractor shall, within 14 fourteen days of receipt of the contract (or if an export permit is required within 14 [fourteen] days after receipt of such permit) or such extended period as agreed upon at the time, arrange exchange cover for the total exchange amount which cover may not exceed the contractual term and shall be transferred abroad on a fixed term basis. Once the currency futures have B-BBEEn issued, the Company's finance division must be provided with a copy of such currency futures.Should the currency futures not be taken out within the prescribed period, then, subject to the provisions of paragraph one of the following two rates, whichever is to the best advantage of the company, shall be used for calculation purposes:* the spot rate applicable on the last day of the prescribed period;
* the actual rate applicable to the currency futures.
 |

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)*** |
|  |
|  |
|  |
|  |
| **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-BB-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX][ ]  Yes [ ]  No | B-BB-BBEE STATUS LEVEL SWORN AFFIDAVIT  | [TICK APPLICABLE BOX][ ]  Yes [ ]  No |
| ***[A B-BB-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BB-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 [ ]  NODOES THE ENTITY HAVE A BRANCH IN THE RSA? [ ]  YES [ ]  NODOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? [ ]  YES [ ]  NODOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? [ ]  YES [ ]  NOIS 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 B-BBEEn completed, signed and submitted with your proposal?** |
| **Documentation** | **Checked by Bidder** | **Checked by Procurement Specialist** |
| Invitation to Bid- SBD 1 |  |  |
| Tax Clearance Pin |  |  |
| 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 |  |  |
| ID Documents of Directors/Shareholders |  |  |
| Central Supplier Database Summary Report |  |  |
| Company Profile |  |  |
| ATNS FORM D |  |  |
| Submitted One (1) original, and one (1) electronic copy (on USB) in PDF format. |  |  |

**TAX COMPLIANCE STATUS AND PIN REQUIREMENTS**

|  |
| --- |
| **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 submit **Tax Compliance Status Report and Pin.**
2. **PROTECTION OF PERSONAL INFORMATION**
	1. The Service Provider shall ensure that its employees, representatives and officers, comply with the provisions of the Protection of Personal Information Act, 2013 (“**POPIA**”) and all other applicable data protection laws and, without limitation to the aforegoing, shall ensure the security and confidentiality of all Personal Information processed by that Party is in accordance with POPIA and all other applicable data protection laws.
	2. The Service Provider must only process personal information of the Company and third parties on behalf of the Company, with the Company’s knowledge or authorisation, treat such information which comes to their knowledge as confidential and must not disclose it unless required by law or in the course of the proper performance of the Service Provider’s duties. The Service Provider must comply with the responsible party’s obligations in clause section 19 of POPIA.
	3. Where the Service Provider, its agents, subcontractors, officers, directors, shareholders, representatives, or employees has/have access to any Personal Information held by the Company for any reason in connection with this Agreement or is/are supplied with or otherwise provided with Personal Information by the Company or on behalf of the Company for any purpose, or are supplied with or otherwise provided with Personal Information relating to the Services, the Service Provider shall:
		1. process such Personal Information only for purposes of performing its/their obligations under this Agreement and shall not otherwise modify, amend or alter the contents of such Personal Information or disclose or permit the disclosure of such Personal Information to any third party, unless specifically authorised to do so by the Company or as required by law or any regulatory authority, and shall take all such steps as may be necessary to protect and safeguard such Personal Information;
		2. without prejudice to the generality of the foregoing, ensure that appropriate, reasonable technical and organisational measures shall be taken by it/them to prevent –
			1. the unauthorised or unlawful processing of such Personal Information; and
			2. the accidental loss or destruction of, or damage to, such Personal Information; and
			3. promptly notify the Company when it becomes aware of any unauthorised, unlawful or dishonest conduct or activities, or any breach of the terms of this Agreement relating to Personal Information.
	4. The Service Provider shall be liable for all claims, demands, actions, costs, expenses (including but not limited to reasonable legal costs and disbursements), fines, losses and damages arising from or incurred by reason of any wrongful processing of any Personal Information by the Service Provider (including its agents, subcontractors, officers, representatives or employees) for any breach of its obligations or warranties in terms of clause 14.9
	5. Both Parties will comply with their obligations under POPIA in relation to personal information for which they are the responsible party.
	6. The Service Provider must notify the Company immediately where there are reasonable grounds to believe that personal information has been accessed or acquired by any unauthorised person (Data Breach) and must assist the Company, at its own cost: a) with any investigation or notice to the Regulator or data subjects that the Company may make in relation to a Data Breach; and b) in responding to any directions by the Regulator to publicise the Data Breach, including assisting the Company to make public announcements if required.
	7. The Service Provider indemnifies the Company against any civil or criminal action or administrative fine or other penalty or loss as a result of the Service Provider’s breach of this clause.
3. **POPIA CONSENT**
	1. The Service Provider, by submitting its proposal/ quotation, consents to the use of his/her personal information contained therein and confirms that:
		1. The information is voluntarily supplied, without undue influence from any party; and
		2. The information is necessary for the purposes of the engagement with ATNS.
	2. The tenderer acknowledges that he /she is aware of his/her right to:
		1. Access the information at any reasonable time for the purposes of rectification thereof;
		2. Object to the processing of the information;
		3. Lodge a compliant with the Information Regulator.

SBD4

**BIDDER’S DISCLOSURE**

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.

1. **Bidder’s declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest[[1]](#footnote-1) 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**

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**

* + 1. If so, furnish particulars:

…………………………………………………………………………….

…………………………………………………………………………….

1. **DECLARATION**

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

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium[[2]](#footnote-2) will not be construed as collusive bidding.

3.4In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

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

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the 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.

* 1. 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

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

a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for 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 OR 90/10 PREFERENCE POINT SYSTEMS**

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

 **80/20 or 90/10**

 **** or ****

 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 6.2

**DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. **General Conditions**
	1. Preferential Procurement Regulations, 2011 (Regulation 9) makes provision for the promotion of local production and content.
	2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of bids local production and content is of critical importance, such bids must be advertised with the specific bidding condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
	3. Where necessary, for bids referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
	4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
	5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

 LC = [1 - x / y] \* 100

Where

 x is the imported content in Rand

 y is the bid bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

**The SABS approved technical specification number SATS 1286:2011 is accessible on http:/www.thedti.gov.za/industrial development/ip.jsp at no cost.**

* 1. A bid may be disqualified if –
1. this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation; and
2. the bidder fails to declare that the Local Content Declaration Templates (Annex C, D and E) have been audited and certified as correct.
3. **Definitions**
	1. **“bid”** includes written price quotations, advertised competitive bids or proposals;
	2. **“bid price”** price offered by the bidder, excluding value added tax (VAT);
	3. **“contract”** means the agreement that results from the acceptance of a bid by an organ of state;
	4. **“designated sector”** means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;
	5. **“duly sign”** means a Declaration Certificate for Local Content that has been signed by the Chief Financial Officer or other legally responsible person nominated in writing by the Chief Executive, or senior member / person with management responsibility (close corporation, partnership or individual).
	6. **“imported content”** means that portion of the bid price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad (this includes labour or intellectual property costs), plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;
	7. **“local content”** means that portion of the bid price which is not included in the imported content, provided that local manufacture does take place;
	8. **“stipulated minimum threshold”** means that portion of local production and content as determined by the Department of Trade and Industry; and
	9. **“sub-contract”** means the primary contractor’s assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.
4. **The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Description of services, works or goods Stipulated minimum threshold

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_%

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_%

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_%

4. Does any portion of the services, works or goods offered have any imported content?

 (***Tick applicable box***)

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

4.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [**www.reservebank.co.za**](http://www.reservebank.co.za)**.**

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

|  |  |
| --- | --- |
| **Currency**  | **Rates of exchange** |
| US Dollar |  |
| Pound Sterling |  |
| Euro |  |
| Yen |  |
| Other |  |

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

5. Were the Local Content Declaration Templates (Annex C, D and E) audited and certified as correct?

 (***Tick applicable box***)

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

5.1. If yes, provide the following particulars:

1. Full name of auditor: ………………………………………………………
2. Practice number: ………………………………………………………………………..
3. Telephone and cell number: ……………………………………………………………….
4. Email address: ………………………………………………………………………..

(Documentary proof regarding the declaration will, when required, be submitted to the satisfaction of the Accounting Officer / Accounting Authority)

6. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the DTI must be informed accordingly in order for the DTI to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**

**(REFER TO ANNEX B OF SATS 1286:2011)**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)** **IN RESPECT OF BID NO.** .................................................................................**ISSUED BY**: (Procurement Authority / Name of Institution): .........................................................................................................................NB 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on [http://www.thdti.gov.za/industrial development/ip.jsp](http://www.thdti.gov.za/industrial%20development/ip.jsp). Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.**  Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.I, the undersigned, …………………………….................................................... (full names),do hereby declare, in my capacity as ……………………………………… ………..of ...............................................................................................................(name of bidder entity), the following:(a) The facts contained herein are within my own personal knowledge.(b) I have satisfied myself that:1. the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
2. the declaration templates have been audited and certified to be correct.

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

|  |  |
| --- | --- |
| Bid price, excluding VAT (y)  | R |
| Imported content (x), as calculated in terms of SATS 1286:2011 | R |
| Stipulated minimum threshold for local content (paragraph 3 above)  |  |
| Local content %, as calculated in terms of SATS 1286:2011 |  |

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.** **The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.(e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000). **SIGNATURE: DATE: \_\_\_\_\_\_\_\_\_\_\_** **WITNESS No. 1 DATE: \_\_\_\_\_\_\_\_\_\_\_** **WITNESS No. 2 DATE: \_\_\_\_\_\_\_\_\_\_\_** |

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.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **DESCRIPTION OF SERVICE** | **PRICE** **(ALL APPLICABLE TAXES INCLUDED)** | **COMPLETION DATE** | **B-BB-BBEE STATUS LEVEL OF CONTRIBUTION** | **MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)** |
|  |  |  |  |  |

1. I confirm that I am duly authorised to sign this contract.

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

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:** | Nokuthula Sangweni |
| **Telephone:** | (011) 607 1316 |
| **E-mail:** | nokuthulasa@atns.co.za  |

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. [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)