

# **REQUEST FOR QUOTE (RFQ)**

APPOINTMENT OF A SERVICE PROVIDER FOR ATNS 2025 STRATEGY REVIEW, FACILITATION OF KEY STRATEGY SESSIONS AND CORPORATE PLAN PREPARATION.

Date:	23 August 2022			
Department	ATNS: Strategy and Optimisation			
RFQ Number	ATNS/RFQ090/18/07/2022/2023 Strategy Planning and			
	Development			
Description of Goods/Service:	Please see below on page 4			
Closing Date and Time:	31 August 2022 @ 10h00			
Expected delivery date	TBC with the appointed bidder.			
Validity Period	90 days from the closing date			
	1. B-BBEE Certificate			
	2. Tax Pin			
Compulsory Requirements:	3. CSD Report			
	4. Banking Details with bank stamp			
	5. ID copies of members/directors			
	6. CK Documents			
	7. Pricing Schedule/Quotation			
	8. Signed and completed SBD Forms			
Mandatory Requirements	1. Refer to page 8 for Mandatory Requirements			
Compulsory Briefing / Site				
Inspection	N/A			
Description	APPOINTMENT OF A SERVICE PROVIDER FOR ATNS 2025 STRATEGY REVIEW, FACILITATION OF KEY STRATEGY SESSIONS AND CORPORATE PLAN PREPARATION.			
Quotation Delivery Address	Thokop@atns.co.za			
Enquiries	Procurement Officer: thokop@atns.co.za			
	ion on the goods and/or services listed hereunder and/or ase furnish all information as requested and return your			

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Air Traffic and Navigation Services Company SOC Limited Company Reg. No. 1993/004150/30 ISO 9001 certified	Eastgate Office Park, Block C, South Boulevard Road, Bruma Private Bag X15, Kempton Park 1620 Tel +27 11 607 1000   Fax +27 11 607 1570 www.atns.com	Directors: S Thobela (Chairman) NP Mdawe (Chief Executive Office JM Moholola (Chief Financial Offic KN Vundla, LN Ngema, ZG Myeza S Badat, KS Boqwana, N Kubheka	cer) , JC Trembath



quotation on the date stipulated. Late and incomplete / missing documentations will invalidate the quotation submitted. Suppliers which are not registered on the government central supplier database will not be considered. ATNS is not obliged to accept the lowest or any submission received. ATNS reserves the rights to accept the whole or any portion of a quotation.

This RFQ will be evaluated on the basis of the 80:20-point system as stipulad in the Preferential Procurement Policy Framework Act (Act number 5 of 2000) & the ATNS' **Procurement Policies and Procedures.** 

#### **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			
ATNS/R	FQ090/18/07/2022/2023 Strategy Pla	nning and Development	Page 2 of 19	23 August 2022
Air 1	Traffic and Navigation Eastgate Office	Park Block C	Directors: S Thobela (Chairman)	

Air Traffic and Navigation Services Company SOC Limited Company Reg. No. 1993/004150/30 ISO 9001 certified

South Boulevard Road, Bruma Private Bag X15, Kempton Park 1620 Tel +27 11 607 1000 | Fax +27 11 607 1570 www.atns.com

NP Mdawe (Chief Executive Officer)

JM Moholola (Chief Financial Officer)

KN Vundla, LN Ngema, ZG Myeza, JC Trembath

S Badat, KS Boqwana, N Kubheka, CR Burger, T Kgokolo



Telephone Number	
E-mail Address	
Fax Number	
Postal Address	
Physical Address	

HAS AN VALID TAX CLEARANCE CERTIFICATE AND PIN BEEN SUBMITTED FOR CONSORTIUM, JOINT VENTURE AND/OR SUB CONTRACTORS			
YES	NO		

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

#### SIGNATURE OF BIDDER:

..... DATE: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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# 1. PURPOSE OF BID

APPOINTMENT OF A SERVICE PROVIDER FOR THE ATNS 2025 STRATEGY REVIEW, FACILITATION OF KEY STRATEGY SESSIONS AND CORPORATE PLAN PREPARATION.

# 2. SCOPE OF WORK

# 2.1 PART A

Review of the ATNS Corporate 2025 Strategy:

- Assessment of the external environment to determine the impact on the current 2025 strategy which entails review benchmarking, industry analysis, stakeholder analysis, sector and relevant SOEs performance but limited to the above
- Review of the internal organisational performance including performance in the past three years, dependencies, challenges and potential opportunities and key priorities relevant for the remaining two years of the strategy and beyond
- Review and collection of supporting information and distribution
- Determine and incorporate key sustainability trends, and opportunities and assess potential sustainability threats that may influence the corporate strategy taking into consideration current external sustainability i.e., SDGs
- Collection of supporting information and distribution

#### Relevant stakeholders

- Engagements, facilitation, and presentation to ATNS board
- Engagements, facilitation, and presentation ATNS Executive Committee
- Engagements, facilitation, and presentation Management Committee
- Continuous engagement with the CEO, Executives, Strategy and Optimisation department
- Engagement with relevant external stakeholders where required
- Prepare and facilitate workshop and briefing meetings

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#### Deliverables:

- Review of the objectives and strategic initiatives
- Review of the key performance indicators
- Review of strategy implementation plans (incl. Annual Operational Plan and initiatives)
- Assessment report/gap analysis on the 2025 strategy
- Development of recommendations including road map and action plans and timelines in consultation with key stakeholders
- Solicit approval from Executive Management and Board on the reviewed strategy
- Sustainability strategy road map and inclusion in the reviewed corporate strategy

# 2.2 PART B

Supporting ATNS with key events aligned to the strategy review (Part A):

# Corporate Plan preparation (2023/24 - 2025/26):

- Support the team in reviewing the Corporate Plan to ensure adequacy and alignment the strategy review process (Part A)
- Process review and alignment of the corporate plan to the broader corporate activities i.e., risk, materiality, performance outcomes
- Editorial and proof-reading of the corporate plan including formatting, grammar, and spelling checks.
- Facilitation in refined KPIs and targets to ensure alignment with Part A
- Facilitate the approval of the KPIs have a measurable high strategic impact on business and meet the SMART criteria
- Support the business in defining Technical Indicator Descriptors for the proposed KPIs
- Facilitate the approval of the corporate plan by EXCO and Board

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# Strategic planning sessions

Key events	Rationale	Possible dates	Deliverables
Exco Strategy mid-term review	Performance on the corporate 2025 strategy, BSC, Shareholder scorecard	September 2022	<ul> <li>Facilitation including Preparatory work</li> <li>Resolutions, Documentation, reports, Templates, programme</li> </ul>
Exco strategy review	Preparation of the Corporate plan in line with section 52 of the PFMA	October 2022	<ul> <li>Facilitation including Preparatory work</li> <li>Resolutions, Documentation, reports, Templates, programme</li> </ul>
Board/Exco Strategy	Approval of the Corporate in line with section 52 of the PFMA and agreement of the Corporate Scorecard	December 2022	<ul> <li>Facilitation including Preparatory work</li> <li>Resolutions, Documentation, reports, Templates, programme</li> </ul>
Board	Board approval of the corporate plans and sign-off in the Shareholder Scorecard	December and January 2022/23	<ul> <li>Facilitation including Preparatory work</li> <li>Resolutions, Documentation, reports, Templates, programme</li> </ul>
Exco Strategy	Approval of the plans and BSC.	March 2023	<ul> <li>Facilitation including Preparatory work</li> <li>Resolutions, Documentation, reports, Templates, programme</li> </ul>

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# 1. TECHNICAL REQUIREMENTS, PRICE AND PREFERENCE POINTS

- The First stage, bids will be evaluated first for Pre-Qualification Criteria (Preferential Procurement Requirements) prescribed in Preferential Procurement Regulations. Only bids that meet Preferential Procurement requirements will be considered for further evaluation.
- Preferential Procurement Reform: The Preferential Procurement Regulations, 2011 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2003.
- Preferential Procurement in ATNS will be implemented in line with the PPPFA and its amended Regulations. Where feasible, pre-qualification criteria for preferential procurement or subcontracting will be set to advance certain designated groups which are EMEs or QSEs which are at least 51% black owned (in line with the PPPFA). Where not feasible to set preferential procurement as a pre-qualification criteria ATNS shall evaluate suppliers in accordance with the B-BBEE Codes of Good Practice.
- The **Second stage**, Bids will be evaluated for Mandatory Technical Requirements and Functionality Evaluation . During this stage, Tender response documentation will be evaluated against compliance to the Mandatory documents required. Failure to submit Mandatory documents will result in disqualification.

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# Mandatory Requirement

Mandatory Criteria	Proof Required	Submitted Yes/No
Provide three (3) proof of Previous service relating to strategy planning and development and contactable references. References must be in a form of a signed reference letters on a client's business letterhead stating the scope and description of the services rendered, contract duration, with contact name, Contact number and position of the referee. Reference letters must not be older than 3 years by closing date of this RFP	YES	
Provide a company profile indicating number of years in rendering strategy planning and development & in a public and /or corporate sector (Required: Minimum 5 years)	YES	
Provide details execution plan outlining how the scope of work will be delivered including dedicated resources the project, their experience, and CVs	YES	

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#### **Functionality Evaluation**

Criteria	Description	Weight	Minimum Score	
Detailed Company Profile	Providing a company profile indicating number of years in rendering strategy planning and development, in a public and /or corporate sector. <b>A. Company experience in strategy</b> <b>planning and development</b> (i) More than 15 years and over = (20 points) (ii) More than 10 years = (15 points) (iii) More than 7 years = (10 points) (iv) More than 5 years = (5 points)	ng strategy in a public n strategy nt 20% over = (20 5 points) D points)		
	<ul> <li>B. Company's experience in strategy development and planning</li> <li>(i) More than 15 years and over = (20 points)</li> <li>(ii) More than 10 years = (15 points)</li> <li>(iii) More than 7 years = (10 points)</li> <li>(iv) More than 5 years = (5 points)</li> </ul>	20%	15%	
Company Track record and contactable references	References must be in a form of a signed reference letter/s on a client's business letterhead stating the scope and description of the services rendered, contract duration, with contact name, Contact number and position of the referee. Reference letters must not be older than 3 years by closing date of this tender. (i) More than 5 reference letters = (20 points) (ii) 4 reference letters = (10 points) (iii) 3 reference letters = (5 points) (iv) Less than 2 reference letters = (0 points)	20%	15%	
Project Execution/methodology and resource	<ul> <li>B. Provide proof approach and methodology in response to the scope of work:</li> <li>(i) Proof Provided on methodology/execution approach and with clear resources = (15 points)</li> <li>(ii) Proof Provided with limited methodology/execution approach and resources = (10 points)</li> <li>(iii) Proof Provided but does not meet requirement = (0 points)</li> </ul>	20%	15%	
	Detailed Company Profile	Providing a company profile indicating number of years in rendering strategy planning and development, in a public and /or corporate sector.A. Company experience in strategy planning and development (i) More than 15 years and over = (20 points)Detailed Company Profile(ii) More than 10 years = (15 points) (iii) More than 10 years = (15 points) (iii) More than 5 years = (5 points)B. Company's experience in strategy development and planning (i) More than 10 years = (10 points) (ii) More than 10 years = (15 points) (iii) More than 10 years = (10 points) (iv) More than 5 years = (5 points) (iii) More than 5 years = (5 points) (iii) More than 5 years = (5 points) (iii) More than 5 years = (5 points) (iv) More than 5 years = (10 points) (iv) More than 5 years = (10 points) (iv) More than 5 years = (5 points) (iv) More than 5 years = (5 points) (iv) More than 3 years by closing date of this tender.Company Track record and contactable references(i) More than 5 reference letters = (20 points) (ii) 4 reference letters = (10 points) (ii) 3 reference letters = (10 points) (ii) 3 reference letters = (10 points) (ii) 3 reference letters = (10 points) (iii) 3 reference letters = (10 points) (iii) 3 reference letters = (10 points) (iii) 9 Proof Provided on methodology/execution approach and methodology/execution app	Providing a company profile indicating number of years in rendering strategy planning and development, in a public and /or corporate sector.         20%           Detailed Company Profile         A. Company experience in strategy planning and development (i) More than 10 years = (15 points) (ii) More than 10 years = (16 points) (ii) More than 10 years = (5 points)         20%           Detailed Company Profile         (i) More than 10 years = (10 points) (ii) More than 10 years = (15 points) (ii) More than 10 years = (15 points) (ii) More than 10 years = (15 points) (iii) More than 10 years = (15 points) (iii) More than 10 years = (15 points) (iii) More than 7 years = (10 points) (iv) More than 5 years = (5 points) (iv) More than 7 years = (5 points) (iv) More than 7 years = (10 points) (iv) More than 7 years = (5 points)         20%           Company Track record and contactable references         Reference letters/ contract duration, with contact name, Contact number and position of the referee. Reference letters = (10 points) (ii) 4 reference letters = (10 points) (iii) 4 reference letters = (10 points) (iii) 3 reference letters = (10 points) (iii) 3 reference letters = (10 points) (iii) 1 reforence letters = (10 points) (iii) Proof Provided on methodology/execution approach and with clear resources = (15 points) (iii) Proof Provided with limited methodology/execution approach and resources = (10 points)         20%	

Services Company SOC Limited Company Reg. No. 1993/004150/30

 any SOC Limited
 South Bollevard Road, Bruma

 g. No. 1993/004150/30
 Private Bag X15, Kempton Park 1620

 ISO 9001 certified
 www.atns.com

M Moholola (Chief Financial Officer) KN Vundla, LN Ngema, ZG Myeza, JC Trembath S Badat, KS Boqwana, N Kubheka, CR Burger, T Kgokolo



4	Capabilities	Experience and qualification of key personnel (Strategy planning and development) that will be involved in executing this project supported by a minimum of 3 experienced personnel. (i) All 3 with >10 years' experience = (15 points) (ii) All 3 with 5 - 9 years' experience = (10 points) (iii) All 3 with < 5 = (5 points) Bidder to submit CVs of experienced personnel	20%	15%
	, N	linimum 75% qualifications on functional	ity	
	Total for functionality		100%	75%

The Third Stage, bids will be evaluated in terms of the 80/20 preference point systems. Only bids that provide all documentation requested for Mandatory Requirements will be evaluated in accordance with the 80/20 preference point system.

Stage 1- Price/B-BBEE Evaluation.

- Tenderers will be evaluated in terms of the 80/20 preference point system, where a maximum of 80 points are allocated for price and a maximum of 20 points are allocated in respect of the level of B-BBEE contribution of the Tenderer.
- Points are allocated in terms of the BBBEE Codes of Good Practice guideline as indicated in the table below. Bidders must submit valid BBBEE Certificates which will be verified.

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• Quotations will be evaluated in terms of Preferential Procurement Policy Framework Act using the 80:20 points system. 80 points will be awarded for price and 20 points for BEE points claimed.

Points for price	80	
Points for B-BBEE (Max of 20):	20	
B-BBEE status Level of Contributor	Number of Points(80/20 system)	
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non-Compliant contributor	0	

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#### 2. SUBMISSION INSTRUCTIONS:

- 2.1.1 Potential service providers are requested to provide a quotation that addresses all the items listed in the specification section as stated above.
- 2.1.2 Failing to comply with the instruction will lead to bids being disqualified.

# 2.1.3 Each quotation should also include the following information:

- 1. The expiration date for the Quotation, if any.
- 2. Details of the contact person dealing with the quotation.
- 3. CSD Summary Report.
- Black Economic Empowerment status of the service provider or legal identity of B-BBEE partner as well as the physical and postal address of the B-BBEE partner and capital structure.

Should it be necessary for a supplier to obtain clarity on any matter arising from or referred to in this RFQ 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 OFFICER:	Thoko Phukubye
TELEPHONE:	011 607 1000
E-MAIL:	thokop@atns.co.za

3. SUBMISSION OF QUOTATION:

The RFQ Documents shall be delivered to the below:

Email to thokop@atns.co.za

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# PART A

INVITATION TO BID

				-				
YOU ARE HEREE PUBLIC ENTITY)	BY INVITED	TO BID FOR REQU	IREMENT	'S OF	THE (NAN	1E OF D	EPARTI	IENT/
, BID NUMBER:	Strategy Pla Developmen	nt DATE:		2022 ັ		TIM		10h00
DESCRIPTION	FACILITATIC PREPARAT		SY SESSIC	ONS A	ND CORPO	RATE PL	_AN	
		MAY BE DEPOSITED	IN THE B	ID BO	X SITUATEI	D AT (S1	REET AL	DDRESS)
RFQ can be sent b	y emailed to	: thokop@atns.co.za						
BIDDING PROCE		UIRIES MAY BE DIF	RECTED		HNICAL EN		ES MAY	BE
CONTACT PERS	ON	Thoko Phukubye		CON	ITACT PER	SON		
<b>TELEPHONE NUI</b>	MBER	011 675 1478		TEL	EPHONE N	UMBER		
FACSIMILE NUM	BER			FAC	SIMILE NU	MBER		
E-MAIL ADDRES		thokop@atns.co.za		E-M	AIL ADDRE	SS		
SUPPLIER INFO	RMATION							
NAME OF BIDDE	R							
POSTAL ADDRES	SS							
STREET ADDRES	SS							
TELEPHONE NUI	MBER	CODE			NUMBER			
CELLPHONE NUI	MBER							
FACSIMILE NUM		CODE			NUMBER			
E-MAIL ADDRES								
VAT REGISTRAT NUMBER								
SUPPLIER COMF STATUS	PLIANCE	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIEF DATABAS No:	२	Δ	
B-BBEE STATUS	LEVEL	TICK APPLICABL	F BOX1	B-BF	BEE STATU			СК
VERIFICATION					EL SWORN		APPLI	
CERTIFICATE			<b>—</b>	AFF	IDAVIT		BC	)X]
		Yes	∐ No					
								Yes No
ATNS/RFQ090/18/0	07/2022/2023 St	rategy Planning and Develo	pment	Page	13 of 19	23 Augu	ist 2022	
Air Traffic and I Services Company SC	OC Limited So	stgate Office Park, Block C, uth Boulevard Road, Bruma	NP	Adawe (Ch	obela (Chairman) ief Executive Officer)	-)		
Services company Soc LimitedPrivate Bag X15, Kempton Park 1620JM Moholola (Chief Financial Officer)Company Reg. No. 1993/004150/30Tel +27 11 607 1000   Fax +27 11 607 1570KN Vundla, LN Ngema, ZG Myeza, JC TrembathISO 9001 certifiedwww.atns.comS Badat, KS Boqwana, N Kubheka, CR Burger, T Kgokolo								



[A B-BBEE STATUS LEVEL QSEs) MUST BE SUBMITTE BBEE]				
1.1.1.1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes [IF YES ENCLOSE PROOF]	No	1.1.1.2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	QUESTIONNAIRE
QUESTIONNAIRE TO BIDDIN	IG FOREIGN SUPPL	IERS		
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES NO DOES THE ENTITY HAVE A BRANCH IN THE RSA? VES NO DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO				
DOES THE ENTITY HAVE AN YES NO IS THE ENTITY LIABLE IN TH YES NO IF THE ANSWER IS "NO" TO	IE RSA FOR ANY FO	RM OF T E, THEN	TAXATION? I <b>IT IS NOT A REQUIR</b> I	
REGISTER FOR A TAX COM REVENUE SERVICE (SARS)				SOUTH AFRICAN

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# PART B

#### **TERMS AND CONDITIONS FOR BIDDING**

1.	BID SUBMISSION:
1.1	I. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2	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, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4	4. THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).
2.	TAX COMPLIANCE REQUIREMENTS
2.′	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	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	3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE <u>WWW.SARS.GOV.ZA</u> .
2.4	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	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

**Air Traffic and Navigation** Services Company SOC Limited Company Reg. No. 1993/004150/30 ISO 9001 certified Eastgate Office Park, Block C, South Boulevard Road, Bruma Private Bag X15, Kempton Park 1620 Tel +27 11 607 1000 | Fax +27 11 607 1570 www.atns.com

Directors: S Thobela (Chairman) NP Mdawe (Chief Executive Officer) JM Moholola (Chief Financial Officer) KN Vundla, LN Ngema, ZG Myeza, JC Trembath S Badat, KS Boqwana, N Kubheka, CR Burger, T Kgokolo



# 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:

.....

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# PROTECTION OF PERSONAL INFORMATION

- 1.1 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.
- 1.2 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.
- 1.3 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 by the Service provided with Personal Information relating to the Services, the Service Provider shall:
  - 1.3.1 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;
  - 1.3.2 without prejudice to the generality of the foregoing, ensure that appropriate,

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		Acting Company Secretary: N Mor	ngali



reasonable technical and organisational measures shall be taken by it/them to prevent –

- 1.3.2.1 the unauthorised or unlawful processing of such Personal Information; and
- 1.3.2.2 the accidental loss or destruction of, or damage to, such Personal Information; and
- 1.3.2.3 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.
- 1.4 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.
- 1.5 Both Parties will comply with their obligations under POPIA in relation to personal information for which they are the responsible party.
- 1.6 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.
- 1.7 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.

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# **POPIA CONSENT**

- 1.1 The Service Provider, by submitting its proposal/ quotation, consents to the use of his/her personal information contained therein and confirms that:
- 1.1.1 The information is voluntarily supplied, without undue influence from any party; and
- 1.1.2 The information is necessary for the purposes of the engagement with ATNS.
- 1.2 The tenderer acknowledges that he /she is aware of his/her right to:
- 1.2.1 Access the information at any reasonable time for the purposes of rectification thereof;
- 1.2.2 Object to the processing of the information;
  - 1.2.3 Lodge a compliant with the Information Regulator.

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