



## REQUEST FOR QUOTE (RFQ)

**APPOINTMENT OF A SUITABLE SERVICE PROVIDER TO SUPPLY AND DELIVERY 10X 130L DUSTBINS TO GAMAGARA HIGH SCHOOL TO JOHN TAOLO GAETSEWE DISTRICT DEBEN – KATHU.**

<b>RFQ REFERENCE NUMBER:</b>	<b>ATNS/RFQ037/Bins/2023/2024</b>
<b>ISSUE DATE:</b>	<b>11 July 2023</b>
<b>CLOSING DATE:</b>	<b>18 July 2023</b>
<b>CLOSING TIME:</b>	<b>12h00pm CAT</b>
<b>COMPULSORY BRIEFING SESSION:</b>	<b>N/A</b>
<b>QUOTATION VALIDITY PERIOD:</b>	<b>60 Days</b>
<b>DESCRIPTION:</b>	<b>APPOINTMENT OF A SUITABLE SERVICE PROVIDER TO SUPPLY AND DELIVERY 10X 130L DUSTBINS TO GAMAGARA HIGH SCHOOL TO JOHN TAOLO GAETSEWE DISTRICT DEBEN – KATHU.</b>
<b>RFQ DOCUMENTS MAY BE ADDRESSED TO:</b>	<p><b>Procurement Officer: Sanelisiwe Klaas</b></p> <p><b>Email address: <a href="mailto:RFQs@atns.co.za">RFQs@atns.co.za</a></b></p> <p><b>NB: Please note our emails can only receive documents that are less 40MB, if documents are more, please send them in separate emails</b></p> <p><b>NB: All responses must be submitted on the above dedicated mailbox. No hand delivery submissions will be considered.</b></p>
<b>REQUIRED RETURNABLE DOCUMENTS</b>	<ul style="list-style-type: none"> <li>• <b>Central Supplier Database (CSD) Report</b></li> <li>• <b>Duly completed and signed SBD Forms (SBD1, SBD 4, SBD 6.1)</b></li> <li>• <b>General conditions of contracts (GCCs) - Initialled and signed.</b></li> <li>• <b>ATNS Completed pricing schedule</b></li> </ul>
<b>REQUIRED ADMINISTRATIVE PRE-QUALIFICATION DOCUMENTS</b>	<ul style="list-style-type: none"> <li>• <b>Valid Tax Pin Status</b></li> <li>• <b>Valid B-BBEE Certificate or Sworn Affidavit – Certified</b></li> <li>• <b>Banking Details with a Bank Stamp</b></li> <li>• <b>Quotation on the Company Letterhead (aligned</b></li> </ul>

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	to ATNS pricing schedule) • CIPC registration Documents
<b>MANDATORY DOCUMENTS:</b> <b>NB: FAILURE TO SUBMIT ALL OF THESE DOCUMENTS WILL RESULT ON YOUR QUOTATION BEING DISQUALIFIED.</b>	• N/A
<b><u>PLEASE NOTE:</u></b>	
<b>ATNS RESERVES THE RIGHT TO APPOINT MORE THAN ONE SERVICE PROVIDERS</b>	
<b>PROCUREMENT OFFICER:</b>	Sanelisiwe Klaas
<b>TELEPHONE:</b>	011 607 1000
<b>E-MAIL:</b>	<a href="mailto:RFQs@atns.co.za">RFQs@atns.co.za</a>
<p>The ATNS requests your quotations on the services listed hereunder and/or on the available RFQ forms. Please furnish all information as requested and return your proposal on the date stipulated. Late submissions will not be considered. Incomplete / missing documentations will invalidate the proposal submitted. 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.</p> <p>This RFQ will be evaluated on the basis of the 80:20 preference point system as stipulated in the ATNS' Procurement Policies and Procedures.</p>	

## BIDDING STRUCTURE

<b>Indicate the type of Bidding/Tendering Structure by marking with an 'X'</b>	
<b>Individual Bidder</b>	
<b>Joint Venture</b>	
<b>Consortium</b>	
<b>With Sub-Contractors</b>	
<b>Other</b>	
<b>If Individual:</b>	
<b>Name of Bidder</b>	
<b>Registration Number</b>	



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



## ANNEXURE A: SCOPE OF WORK

### 1. PURPOSE OF THE REQUEST FOR QUOTATIONS

- 1.1 Air Traffic and Navigation Services SOC (herein this document referred to as “ATNS”) seeks to identify and appoint suitable supplier to supply and delivery of hard drives at Aviation Training Academy.
- 1.2 The purpose of this RFQ is to contract with a suitably qualified supplier with specific product knowledge and the requisite capacity to execute this project within the desired quality, scope, timeframe, and cost-effectiveness for ATNS.

### 2. EXTENT OF WORK

#### 2.1 SCOPE OF WORK

The successful service provider will be required to provide the following:

Suitable supplier to supply and delivery of 10x dustbins to Gamagara High School to John Taolo Gaetsewe District Deben - Kathu.

Description: A bin with wheels to use in schools.

Must Include:

- 130l Wheelie Bins
- Features rim flange for operational reliability and is highly resistant to the effects of continuous mechanical handling.
- The design is shock-absorbent.
- Resistant to chemical attack
- Withstands the extreme and frequent temperature variations experienced in South Africa.
- The rubber wheels minimize noise pollution and provide easy maneuverability.
- SABS Approved

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## Demonstration:



### 3. GENERAL

- 3.1. Provide quoted prices which is inclusive of all items (preparation, material, labour and transport costs)
- 3.2. Provide quotation inclusive of VAT valid for 60 days.
- 3.3. The contractor shall leave area of works neat and tidy on completion.

### 4. DELIVERIES OF GOODS AND SERVICES

- 4.1. Deliveries must take place within 7 working days of placing an official purchase order.
- 4.2. The service provider shall always remain fully and solely responsible for the timeous delivery of service/goods to ATNS.
- 4.3. An official purchase order must be issued before any services may be rendered to ATNS.

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## 5. QUALITY

### 5.1. Quality Standards

5.1.1. In the event where ATNS elects to accept an alternative item purported to be equal/similar by the tenderer, acceptance of the item(s) will be conditional on ATNS's inspection on receipt.

## ANNEXURE C: PRICING SCHEDULE.

This section provides the tenderer with guidelines and requirements regarding the completion of the Price Schedule.

Items	Quantity	Unit Price	Total Price
-130L Wheelie Bins	10		
		<b>Sub-Total</b>	
		<b>VAT @15%</b>	
		<b>VAT Incl.</b>	

- All Prices must be quoted in South African Rand, exclusive of VAT
- To facilitate like-for-like comparison, bidders must submit pricing strictly in accordance with this pricing schedule and not utilise a different format. Deviation from this pricing schedule will result in a bid being disqualified.
- Provide quoted prices which is inclusive of all items (preparation, material, labour and transport costs).

**NB: The pricing schedule must be fully completed (100%) and submitted. Failure to comply with this instruction will result in the bid being disqualified.**

**NAME OF THE COMPANY**.....

**DESIGNATION**.....

**SIGNATURE**.....

**CSD NUMBER**.....

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## **PREFERENTIAL PROCUREMENT REFORM:**

**The Preferential Procurement Regulations, 2022 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000.**

ATNS Preferential Procurement (PP) requirements as per the ATNS Supply Chain Management Policy, states that ATNS shall deal with suppliers in accordance with the ATNS specific goals. The application of the specific goals will be per request, per tender up to the maximum points as per the applicable pricing formula, the 80/20 system.

Suppliers not meeting the requirements of the Preferential Procurement are required to clearly identify any possible teaming arrangement which could be established with South African B-BBEE compliant enterprises Any workable plan to train and promote black businesses or individuals through meaningful participation in this project will be considered favorably by the Company during the Tender evaluation process.

Partnership must be in the form of Joint Venture Agreement or Consortium Agreement between compliant B-BBEE and non-B-BBEE Organisation/or foreign supplier in order to meet the policy requirements.

All responsive tender offers shall be evaluated in terms of Price and ATNS specific goals. The 80/20 Preference Point System shall be applicable in accordance with the Preferential Procurement Framework Act (No.5) of 2000.





## THE EVALUATION OF THE RFQ:

STAGE 1	ADMINISTRATIVE PRE-QUALIFICATION REQUIREMENTS
STAGE 2	MANDATORY REQUIREMENTS
STAGE 3	PRICE AND ATNS SPECIFIC GOALS

**The bidder must qualify for each stage to be eligible to proceed to the next stage of the evaluation.**

### **STAGE 1: ADMINISTRATIVE PRE-QUALIFICATION REQUIREMENTS**

The bidder must comply with **ALL** of the bid pre-qualification requirements in order for the bid to be accepted for evaluation.

If the Bidder failed to comply with any of the administrative pre-qualification requirements, or if ATNS is unable to verify whether the pre-qualification requirements are met, then ATNS reserves the right to-

- (a) Reject the bid and not evaluate it, or
- (b) Accept the bid for evaluation, on condition that the Bidder must submit within 7 (seven) days any supplementary information to achieve full compliance, provided that the supplementary information is administrative and not substantive in nature.

### **STAGE 2: MANDATORY REQUIREMENTS**

***FAILURE TO SUBMIT ALL OF THE BELOW REQUIREMENTS WILL RESULTS ON YOUR QUOTATION BEING DISQUALIFIED***

Mandatory Criteria	Proof Required
N/A	

### **STAGE 3: PRICE AND ATNS SPECIFIC GOALS:**

#### **Evaluation for Price and ATNS specific goals**

Quotations will be evaluated in terms of the ATNS' Procurement Policies and Procedures using the 80:20 point system. 80 points will be awarded for price and 20 points for ATNS specific goals claimed.

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<b>PRICE</b>	<b>80</b>
<b>ATNS SPECIFIC GOALS</b>	<b>20</b>

B-BBEE rating certificates are applicable, and points will be allocated in terms of the ATNS specific goals as indicated in the table below. Bidders must submit valid B-BBEE Certificates, requested declarations, utility statements and any other supporting information that may be required to claim ATNS specific goals.

**Note to tenderers: The tenderer must indicate how they claim points for each preference point system in the provided SBD 6.1 attached.**

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system)
51% Black Owned Suppliers (Section 2(1)(d)(i) of the PPPFA)	10	(To be completed by the tenderer in SBD 6.1 attached)
30% Black Woman Owned Suppliers. (Section 2(1)(d)(i) of the PPPFA)	10	(To be completed by the tenderer in SBD 6.1 attached)

This RFQ will be evaluated according to the above on ATNS specific goals. Failure to submit supporting documents may result to a bidder being allocated zero (0) points. Bidders are required to claim ATNS specific goals in the provided **SBD 6.1** attached.

## CONTRACT TERMS

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 representations made. Tenderer should accept that their tender 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

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document. If any variation does take place tenderer will be advised as soon as possible in writing.

The successful tenderer will be engaged subject to acceptance of a contract containing the standard Terms and Conditions as given. The contract contains standard clauses including a retention clause for non-satisfactory completion, breach of contract and confidentiality clauses and a requirement for the tenderer to have adequate professional indemnity insurance. All Tenderers 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.

All designs and documentation submitted by the tenderer will be treated as confidential.

***ATNS reserves the right to reject, withdraw or cancel any or all Proposals/Tenders, to undertake discussions with one or more Tenderers and to accept that tender or modified tender which in its sole judgment, will be most advantageous to the Company, price and other evaluation factors having been considered.***



**SBD 1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ATNS SOC LTD</b>							
BID NUMBER:				CLOSING DATE:			
DESCRIPTION							
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>							
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>				<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>			
CONTACT PERSON		Mzwandile Mzimela		CONTACT PERSON			
TELEPHONE NUMBER		011 607 1000		TELEPHONE NUMBER			
FACSIMILE NUMBER		N/A		FACSIMILE NUMBER			
E-MAIL ADDRESS		MzwandileM@atns.co.za		E-MAIL ADDRESS			
<b>SUPPLIER INFORMATION</b>							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER		CODE		NUMBER			
CELLPHONE NUMBER							
FACSIMILE NUMBER		CODE		NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS		TAX COMPLIANCE SYSTEM PIN:			OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE		TICK APPLICABLE BOX]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		TICK APPLICABLE BOX]	
		<input type="checkbox"/> Yes <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>							



<b>ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	<b>ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>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.</b>	



SBD 1

**PART B**

**TERMS AND CONDITIONS FOR BIDDING**

**1. BID SUBMISSION:**

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

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

DATE: .....

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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: Z Majavu (Chairman)  
NP Mdawe (Chief Executive Officer)  
JM Moholola (Chief Financial Officer)  
MA Amod, CR Burger, MJ Neluheni, KS Boqwana,  
NL Ngema, NC Kubheka, PN Sibiya, P Mangoma, SG Kudumela

Acting Company Secretary: N Mongali



## SBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

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

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

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

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

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

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

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

The maximum points for this tender are allocated as follows:

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





- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) \quad \text{or} \quad Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

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then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
51% Black Owned Suppliers (Section 2(1)(d)(i) of the PPPFA)	10	
30% Black Woman Owned Suppliers. (Section 2(1)(d)(i) of the PPPFA)	10	

#### DECLARATION WITH REGARD TO COMPANY/FIRM

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

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

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

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender,

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qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (e) forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....  
.....  
.....  
.....



## 1 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 foregoing, 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 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 authorized 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.

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- 1.3.2 without prejudice to the generality of the foregoing, ensure that appropriate, reasonable technical and organizational measures shall be taken by it/them to prevent –
- 1.3.2.1 the unauthorized 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 unauthorized, 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 in terms of clause.
- 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.

## 2. POPIA CONSENT

- 2.1 The Service Provider, by submitting its proposal/ quotation, consents to the use of his/her personal information contained therein and confirms that:

- 2.1.1 The information is voluntarily supplied, without undue influence from any party; and  
2.1.2 The information is necessary for the purposes of the engagement with ATNS.

## 3. The tenderer acknowledges that he /she is aware of his/her right to:

- 3.1.1 Access the information at any reasonable time for the purposes of rectification thereof.  
3.1.2 Object to the processing of the information.  
3.1.3 Lodge a complaint with the Information Regulator.