

<b>EXPRESSION OF INTEREST</b>					
<b>THE DEVELOPMENT, FINANCING AND CONSTRUCTION OF ZONE 2 AND ZONE 3 OF THE ATLANTIS SPECIAL ECONOMIC ZONE</b>					

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE ASEZ**

BID NUMBER:	ASEZ EOI 001-2024 IP	CLOSING DATE:	30 May 2024	CLOSING TIME:	11h00
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DESCRIPTION	EXPRESSION OF INTEREST FOR THE DEVELOPMENT, CONSTRUCTION AND FINANCING OF ZONE 2 AND ZONE 3 OF THE ATLANTIS SPECIAL ECONOMIC ZONE
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**BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)**

All bids / RFQs must be emailed to the email address provided.

All submissions to be emailed to: scm@atlantissez.co.za

BRIEFING SESSION	Yes	COMPULSORY	No
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BRIEFING SESSION DETAILS	Teams Briefing Session online Meeting ID: 325 997 485 290 Passcode: 5curTd
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DATE	10 May 2024 at 10h00
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<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>	<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>
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CONTACT PERSON	Kayleen Swartz	CONTACT PERSON	Joyce Modipa
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TELEPHONE NUMBER	021 495 4400 *please note that staff work rotationally which could result in unanswered calls	TELEPHONE NUMBER	021 495 4400 *please note that staff work rotationally which could result in unanswered calls
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E-MAIL ADDRESS	kayleen@atlantissez.co.za	E-MAIL ADDRESS	joyce@atlantissez.co.za
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**SUPPLIER INFORMATION**

NAME OF RESPONDENT					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					

SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] Yes No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] Yes No	
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	Yes/ No  [IF YES ENCLOSE PROOF] e.g CIPC registration		ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS</b> /SERVICES /WORKS OFFERED?	Yes/ No  [IF YES, ANSWER QUESTIONNAIRE BELOW]	
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
<p>IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES/NO</p> <p>DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES/NO</p> <p>DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES/NO</p> <p>DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? YES/NO</p> <p>IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES/NO</p> <p>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). IF THE ANSWER IS "YES" TO ANY OF THE ABOVE, THEN REGISTER WITH SARS AS PER 2.3 BELOW.</p>					

**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 NOT EXPECTED TO EXCEED R1 000 000 INCLUDING VAT FOR THE DURATION OF THE CONTRACT
- 1.4. PRICE(S) QUOTED MUST BE FIRM AND MUST BE **INCLUSIVE OF VAT**.
- 1.5. 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.
- 1.6. THE SUCCESSFUL RESPONDENT WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

**2. TAX COMPLIANCE REQUIREMENTS**

- 2.1 RESPONDENTS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 RESPONDENTS 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](http://WWW.SARS.GOV.ZA).
- 2.4 RESPONDENTS 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 IS AVAILABLE BUT THE RESPONDENT 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."

## 1. INTRODUCTION

The Atlantis SEZ (ASEZ) is requesting Expression of Interest (EOI) for the development, financing and construction of infrastructure (general infrastructure, including roads, stormwater, water, electrical and other ancillary services including pavements and walkways), related to Zone 2 and Zone 3 in the Atlantis SEZ to get the part of zone developed-ready to house accredited investors. The Atlantis Special Economic Zone Company (ASEZCo) has divided a large greenfield (94.8 hectares) into four separate erven (designated Zone 1, Zone 2, Zone 3 and a portion of Zone 4) of approximately 65 plots which are available to lease to tenants. This EOI relates specifically to Zones 2 (32.6ha) and Zone 3 (39.4ha).

The ASEZ was designated in October 2018 by the Department of Trade and Industry with the President of the Republic of South Africa handing over the SEZ license to the Western Cape Government on 6<sup>th</sup> December 2018. As a Greentech SEZ, it seeks to contribute significantly to South Africa's green economic growth and to the Western Cape's ambition to be a leading green technology region in South Africa. These objectives will, in part, be achieved by leveraging the infrastructure support and incentives available to companies in terms of the national SEZ program and policy framework for the stimulation of investment and job creation in areas of green technology. To date, it has attracted more than R800 million in investment, creating at least 600 direct jobs. There is a significant pipeline of investments that is being developed – it is anticipated that private-sector investment over the next five years could amount to R3 billion in direct investments.

The objective of the ASEZ is to contribute to economic development through Greentech manufacturing and inclusion, applying the principles of low carbon emissions, resource efficiency, and social inclusivity. The ASEZ focuses on green industrial development and is the platform for Greentech industrial development in the Western Cape.

The Minister of Finance (Mr Enoch Godongwana) approved the listing of the ASEZCo under schedule 3D of the PFMA as a Provincial Government Business Enterprise in December 2021. The listing was gazetted via General Notice 736 of 2021 on 15 December 2021. This was a watershed milestone for the ASEZCo. It set the ASEZCo in a position to fulfil its economic development mandate.

The Atlantis SEZ has been identified as a strong manufacturing node in Atlantis and the Western Cape, with Greentech a key emerging sector for the Western Cape and for South Africa. The Atlantis community and industrial area was established by the Apartheid government as a group areas Coloured township and people forcibly removed from suburbs in Cape Town were relocated here (amongst other areas). The government also created attractive incentives for industrial manufacturing in Atlantis. When these incentives and subsidies were removed, it led to a slump in manufacturing in the nineties. Since then, the City of Cape Town, working with National and provincial government, has been actively exploring ways to stimulate new industrial investment in Atlantis. Prior to Atlantis being designated a Special Economic Zone, the city had designated the area as a green manufacturing hub.

## 2. BACKGROUND

The Atlantis Special Economic Zone (ASEZ) is a Greentech focused special economic zone whose mission is to become Africa's leading, globally competitive, and export orientated Greentech manufacturing zone and a Living Lab demonstrating the highest standards of good governance, low carbon and resource efficient economic development and social inclusion.

“Targeting the transition to an inclusive green economy therefore signifies a massive and disruptive shift, commanding a new model of development. Industrial policy is core to this process, notably to ensure a “just transition” and manage a balancing act, consisting of maximising the benefits of the transition and minimising the risks associated with not transitioning; but in line with South Africa’s capabilities to minimise the short-term trade-offs and threats. This requires a careful alignment of South Africa’s industrial policy with the inclusive green economy paradigm to support the country’s green industrial development. Ultimately, this requires the shift from industrial policy to green industrial policy” (Green Economy Policy Review of South Africa’s Industrial Policy Framework. DEFF, DTI&C and DSI. 2020 – Report Prepared by UNEP and TIPS)”

The Atlantis Greentech SEZ is a key enabler and supporter of this just transition. It provides a platform for green industrialisation and will inform South Africa’s Green Economy Industrial Strategy going forward.

Atlantis lies about 40km north of Cape Town. Travelling north along the West Coast Road (R27), the Atlantis Industrial area is 43km from the Port of Cape Town and 18km from Melkbosstrand. It lies south of Dassenberg, and 108km south of the Port of Saldanha.

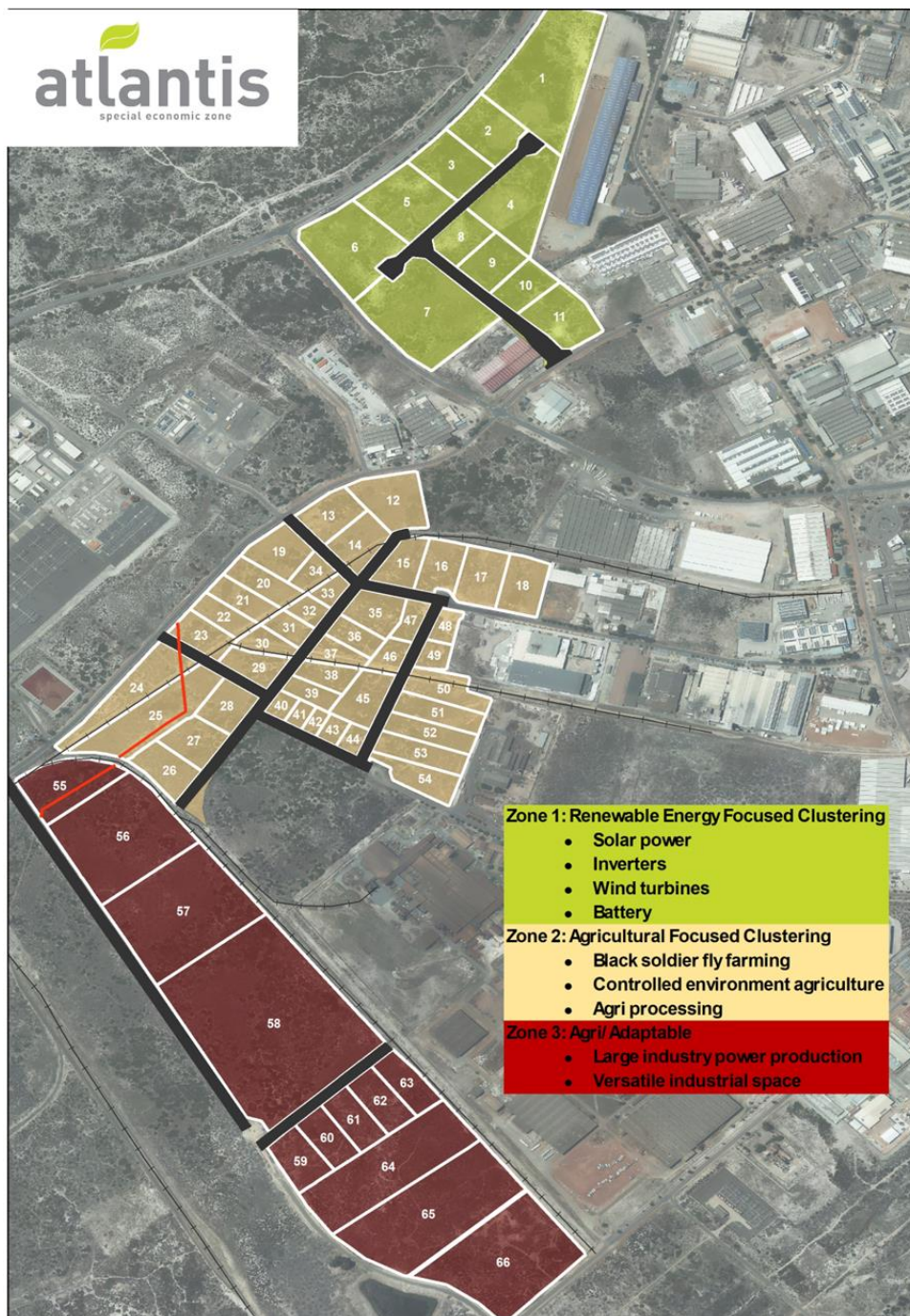
Figure 1



Source: GreenCape (2017)

Atlantis SEZ is well-connected to Cape Town via major routes such as the N7 and R27, minimizing the likelihood of congestion due to its location and low-density development. The regional access points provide a network that can disperse traffic, with potential for road widening or intersection upgrades if needed. The extensive internal road network, including a ring road, allows for efficient traffic dispersion, especially accommodating heavy vehicles. Public transport options, like MyCity bus services, serve both residential and industrial areas, with service frequency adjusting based on demand. The railway line to Cape Town is a strategic link, though overcoming its barrier effect requires further investigation. To assess traffic implications for future development, recommended traffic counts at key intersections should be conducted.

Figure 2



### 3. PROJECT OVERVIEW

#### 3.1 PROJECT BACKGROUND

In order to be a platform for green industrialisation, the Atlantis SEZ needs to be underpinned by world class green infrastructure. Atlantis SEZ presents opportunities for implementing innovative approaches in establishing a sustainable industrial zone premised on the principles of being low carbon (net-zero carbon), resource efficient (net-zero water, net-zero waste to landfill and working with nature) and socially inclusive. The infrastructure must thus provide the enabling platform for the manufacturing to take place in accordance with the same principles.

The targeted approach towards green technology to underpin green manufacturing inherently aligns with sustainability goals. Targeted investors and tenants are those in the Greentech industry which will contribute to sustainable industrial development.

The ASEZ is currently at Phase 1.2 in terms of project development. Part of the EOI exercise is to determine if the project would be viable for a project finance model.

Figure 3

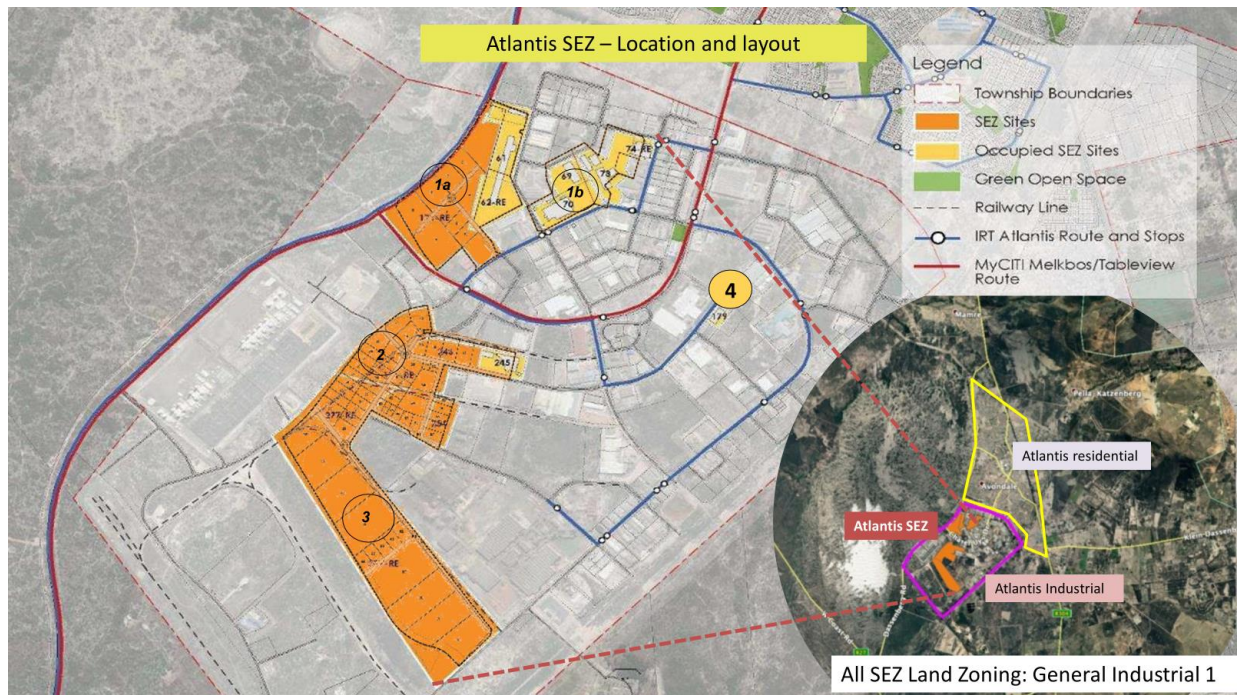
		Project Development						
		Phase 1: Project Selection	Phase 2: Project Structuring		Phase 3: Bid and Proposal		Phase 4: Award and Contract	Phase 5: Construction and Operations
EIB/EPEC (2016)		Project Selection	Assessment of Model	Getting organised	Pre-tender work	Bidding Process	Contract and Financial Close	Contract Management
Farquharson et al. (2011)		Needs Analysis	Project Selection	Project Preparation	Bidder Prequalification	Request for Proposals	Financial close	Contract Management
World Bank (2018)		Priority Projects Identification	Project Appraising and Structuring		Procurement		Award	Contract Management

#### 3.2 CONTEXT AND PURPOSE OF THE DEVELOPMENT

The key principles of the development framework of the ASEZ are the emphasis on integration, considering people, place, and economic development; cultivating persistent economic sustainability, fostering businesses and sectors that can be sustained without prolonged incentivization; prioritization of the development of the local economy and community; cultivating a diverse range of sectors while maintaining flexibility to adapt to evolving demand profiles; leveraging infrastructure for differentiation, with a focus on utility systems and facilities that offer distinctive and comparative locational advantages.

The ASEZ covers an area of 118 hectares within the broader industrial zone of Atlantis, Cape Town. The 118 ha of land in the ASEZ is owned by the ASEZ Company (ASEZCo) and private industry.

Figure 4



Four separate erven totalling 94.8ha (designated Zone 1, Zone 2, Zone 3 and a portion of Zone 4) are owned by the Atlantis SEZ Company. Construction of civils infrastructure on Zone 1 (roads, stormwater, water, electrical and other ancillary services including pavements, walkways and a guardhouse) has commenced and it is envisaged to be completed in August 2024. Concurrently, the building of a factory for the first ASEZ tenant on Zone 1 will start in the next few months.

Table 1: Atlantis SEZ Co Owned erven

Designation Zone	Original Erf Number	Old (revised) Erf Number	Size Per Designation (ha)	New Erf Number
1	Portion Remainder CA1183	Ptn Rem of 171-RE	22.10	Erf 334
	CA4-93-RE	RE Ptn of 62	0.7	Erf 334
2	CA1183-4	Ptn of Rem of 277	9.6	Erf 338
	CA1183-45	246	4.0	
	CA1183-122	254	3.0	
	CA1183-0	Ptn Rem of 171	16.0	Erf 338
3	Portion CA1183-4-RE	Ptn of Rem of 277	38.7	Erf 335
4	Erf 179	Erf 179	0.7	Erf 179
<b>Total Land Area</b>			<b>94.8</b>	



The Atlantis SEZ Co has divided the three large greenfield erven of approximately 65 plots which are available to lease to tenants (Figure 2).

This EOI relates specifically to Zones 2 and Zone 3. Thus far the ASEZCo has secured a tenant pipeline of 24 investors who are all at various stages of project development. Most of the prospective investors are in the process of securing finance for their plant, equipment and machinery. The ASEZCo has issued 5 site reservation agreements to prospective tenants and at present the ASEZ is seemingly over-subscribed by way of interest.

Investment interests range from energy generation (large and small scale) to agriculture related value addition. All investment interest has a focus on green infrastructure deployment and utilisation, with the ultimate goal of achieving greater 'green' credentials and pursuing resource efficiency.

The ASEZCo has strategically adopted a clustering approach to attract investors, focusing on large anchors to enhance the SEZ's appeal (Figure 2).

The zones are indicated on the overall site plan below, of which further details can be found in the Infrastructure Masterplan and Infrastructure Implementation Plan, included as Annexures herein.

Zones 1, Zone 2 and Zone 3 are each a single erf. As such, only a single connection to the existing electricity, sewer, stormwater and water supply is allowed for each with the CoCT services. It is the responsibility of the ASEZCo as landowner to install, manage and charge for internal supply reticulation as the investors land and sites are allocated.

Figure 5



The timeous roll-out of the civil infrastructure in Zone 2 & Zone 3 is considered imperative for the ASEZCo to be investor ready. Notwithstanding the current investors ready to commit, it is imperative to consider the capital program needed to have Zone 2 & Zone 3 available and development ready for investors requiring substantial land to house their facilities.

### 3.3 THE SCOPE OF THE PROJECT

This EOI is for development, financing and construction of infrastructure (general infrastructure, including roads, stormwater, water, electrical and other ancillary services including pavements and walkways), to get Zone 2 and Zone 3 in the Atlantis SEZ developed-ready to house accredited investors.

The desired scope for the development of this part of the zone for the ASEZ is to:

1. Service zone 2 and 3 according to the detailed design undertaken by the ASEZ Co and partner - this can be done all-at-once or in phases as market demands and in accordance with the developer's strategy
2. Help secure tenants (working with ASEZ Co). All potential tenants must be approved by the ASEZ Co Investment Adjudication Committee after undergoing due diligence (we must include the investment committee charter as an annexure).
3. Based on the above indicate the cost per m<sup>2</sup> they would be prepared to rent the land (Zone 2 and/or 3), when they would expect to start paying the rental and under what conditions rental will be paid.
4. Based on the option of the SEZ securing top structure funding from the DTIC SEZ Fund - indicate their rental charge vs the rental charge if they were to raise funds and pay for top structure and/or the basis upon which such rental charge would be calculated and what share would accrue to the ASEZ.
5. Minimum duration of lease and/or milestones that would need to be reached to enable exit.
6. We would also expect the developer to oversee civil works and also procure and oversee top-structure construction regardless of source of funds
7. Developer will be required to prioritise local SMMEs in all work and work with the Atlantis SEZ SMME programmes to provide capacity building and support with a view to growing local construction firms and activities.
8. The overall zone operations e.g. zone security and common space/area maintenance will be handled by the ASEZ.

**Any other proposals outside of the desired scope in line with the ASEZ mandate can be submitted.**

## 4. EXPRESSION OF INTEREST

### 4.1 OBJECTIVES OF THE EOI

- 4.1.1 The objective of this EOI is to establish market interest in partnering with the ASEZCo for the development, financing and construction of the necessary civil infrastructure to bring the ASEZ Zone 2 and/or Zone 3 to a zone development and operations phase.
- 4.1.2 To establish potential partnerships with ASEZCo in identifying, attracting and entering into leases with Greentech manufacturers. The ASEZCo already has an active pipeline of investors and potential tenants. When these or other tenants sign leases, application will be made to the DTIC for top-structure funding (where appropriate). In such instances a rental sharing model will be adopted. If the developer secures or provides funding for the top-structure, then rental will predominantly accrue to them.
- 4.1.3 Only leases can be entered into, no land sale is allowed.
- 4.1.4 This EOI is intended to:
  - 4.1.4.1 better understand and gauge the market appetite for investing in development of the green manufacturing economic zone;
  - 4.1.4.2 formulate the scope and extent of the project;
  - 4.1.4.3 establish possible and best funding and financing models for the zone development;
  - 4.1.4.4 refine the commercial assumptions for the initiative and structure an appropriate Request for Proposal (RFP) to ensure that it responds to the market demand;
  - 4.1.4.5 determine the appropriate risk allocation between the ASEZ and the Respondent in undertaking the project;
  - 4.1.4.6 As such, the ASEZ encourages and requests all Respondents that may wish to submit a possible Request for Proposal (RFP) response in future with respect to this project, respond to this EOI as specified herein. The submission of the EOI will however not be a compulsory requirement for responding to the possible RFP.

## 5. INFORMATION TO BE PROVIDED BY RESPONDENTS

### DESCRIPTION OF THE PROJECT

The project is the funding and development of Zone 2 and Zone 3 of the ASEZ for the accommodation of accredited (potential) investors upon development.

Respondents are required to provide as much detail as possible about their proposed solution including necessary commercial arrangements that would form part of their proposed project solution.

### PROJECT STRUCTURE

Respondents are to submit information of how best the project could be packaged in the event that the ASEZ moves to the Request for Proposal stage (stage 4 in Figure 3);

Respondents are to provide overview of the Project scope, background and expected cost;

Respondents may submit any other information in respect of the project that is deemed necessary;

Indicate the projects' contribution to economic development including job creation during construction and operations, skills development, and use and development of SMMEs;

The Respondent will be required to provide the following information:

- Name of the Respondent;
- The main business of the Respondent, related to the project;
- Related project references that the Respondent has implemented and the clients;
- Capability statements demonstrating the Respondent's previous experience and /or detailed CV's; and
- The name and contact details of the person appointed by the Respondent representative.

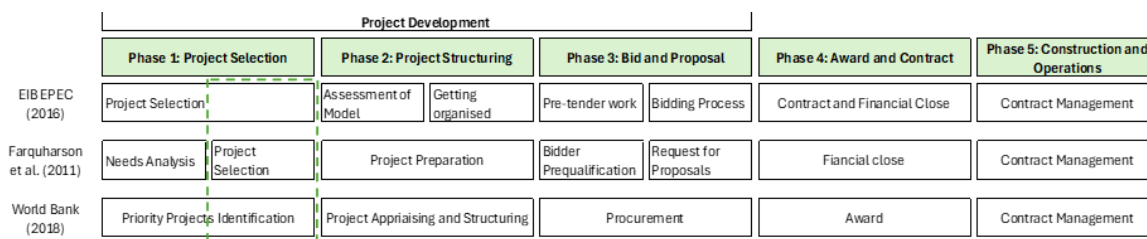
### PROPOSED PROJECT TIMELINES

Respondents are to include an Activity Programme for Phase 4 and Phase 5 (from financial close to construction and operations, and from operations to handback – refer to figure 6 below), with monthly/yearly timeframes.

In terms of Project related timelines from release of the RFP, the Respondent is required to:

- Specify the expected timeframe (in months) necessary for the Respondent to submit a Bid Response;
- Outline the projected timeframe (in months) to achieve the Commercial Operation Date for the Project including the Financial Close of the Project;
- Define the anticipated critical path from Financial Close to the commercial operation date for the Project;
- Assess the project complexity (low/medium/high) and identify any key risks pertinent to the implementation of the project;
- Disclose any significant issues related to the timing of the submission of a Bid Response for this Project that the respondent wishes to bring to the attention of ASEZ.

Figure 6



## PROJECT FINANCING/COMMERCIAL STRUCTURE

Respondents are required to furnish a comprehensive overview of how they plan to finance the entire project, offering detailed information on:

- The proposed commercial structure;
- The proposed financing approach for the project;
- The suggested debt/equity combination for the project,
- indicating expected project tenure to obtain the expected returns on investment in relation to the capital expenditure

## 6. SUBMISSION GUIDELINES

The respondent is required to fulfill the EOI Response:

- supplying all necessary information as specified in this EOI
- Numbering should be consecutive across all pages,
- the EOI Response should include a comprehensive index,
- The language of the EOI Response is English,
- the respondent is required to submit a signed letter along with their EOI Response.

***Please refer to a checklist of Returnables.***

## 7. KNOWLEDGE AND EXPERTISE OF THE RESPONDENT

The submission of the Respondents must demonstrate the following characteristics as an indication of its capacity and readiness to implement the assignment:

- Must have had executed at least 3 development projects of similar size and scope (infrastructure and/or property development with emphasis on industrial financing and development), or has the financial capability and is willing to partner with the ASEZCo in execution of the project;
- Capability statements demonstrating the Respondent's previous experience with a list of related projects the Respondent has implemented;
- As part of the response to the Terms of Reference, the company profile or a curriculum vitae (CV) of the key personnel.

## 8. METHODOLOGY

The Respondents must supply a detailed methodology with this proposal. This must include:

- A statement on how the Respondents understands the requirements of this assignment;
- An indicative plan of the Respondents' approach, referring to the assignment milestones and timeframe,
- A clear statement of available expertise and capacity to match the requirements of this assignment as highlighted in scope of work above;
- The financing model;
- List of previous work, including client details, nature of work, value of works and year of completion, where not bound by confidentiality;
- An indication of any innovative approaches and 'value-add' that the Respondents may think appropriate.

## 9. EVALUATION CRITERIA

The bid will be evaluated in terms of the evaluation criteria stipulated:

- a) Evaluation for methodology;
- b) Evaluation in terms of functional/capability;
- c) Evaluation for experience, with references.

### 9.1 EVALUATION PROCESS

The bid will be evaluated in accordance with the following Compliance and Functionality criteria:

#### A. COMPLIANCE REQUIREMENTS

A. Compliance Requirements – all documents to be submitted	Compliance Status
CSD Registration	
<ol style="list-style-type: none"><li>a) Supplier active status</li><li>b) Supplier not restricted</li><li>c) Active tax status (NB: award cannot be made to the Respondent whose tax matters are not in order)</li><li>d) SARS on-line tax status verification</li></ol>	Info provided will be validated during evaluation stage & failure to meet CSD requirements & Tax Status will lead to disqualification

<b>Certified Documentations Required</b>	
Certified copy of a BBEE certificate issued by a verification agency accredited by SANAS or a sworn affidavit signed by the EME representative & certified by a Commissioner of Oaths as per DTIC requirement for exempted EME's or QSE's	Invalid certificates will not be recognised
Confirmation of Banking details.	Stamped Letter
<b>Returnable documents</b>	
Approach & Methodology / Method Statement Capability statement or profile	Mandatory

## 9.2 FUNCTIONALITY AND CAPABILITY REQUIREMENTS

Table 1: Quality of submission in addressing criteria and sub-criteria

FUNCTIONALITY & CAPABILITIES	Maximum
<p>NB: The Respondent should achieve a minimum score of 70 points under functionality. The Respondent MUST provide proof to support the relevant criteria stipulated below to qualify for the points. Should the Respondent FAIL to supply proof, they will score ZERO points.</p>	100
<p><b>1 EVALUATION FOR METHODOLOGY</b></p>	70
<p>The Respondents must supply a detailed methodology with this proposal, in line with in scope of project highlighted in Section 8 above . This must include:</p> <ul style="list-style-type: none"> <li>• A statement on how the Respondents understands the requirements of this assignment (15 points);</li> <li>• An indicative plan of the Respondents' approach, referring to the assignment milestones and timeframe (15 points);</li> <li>• The financing model (20 points);</li> <li>• An indication of any innovative approaches and 'value-add' that the Respondents may think appropriate (20 points).</li> </ul>	
<p><b>2 EVALUATION IN TERMS OF FUNCTIONALITY/CAPABILITY</b></p>	30
<p>As part of the response to the Terms of Reference, provide capability statements or profile with a list of related projects backed by contactable references (letters confirming involvement). Maximum of 3 projects:</p> <ul style="list-style-type: none"> <li>• 3 projects = 30</li> <li>• 2 projects = 20</li> <li>• 1 project = 10</li> </ul>	30

**A Respondent scoring a minimum threshold of 70 points may be considered for further engagement.**



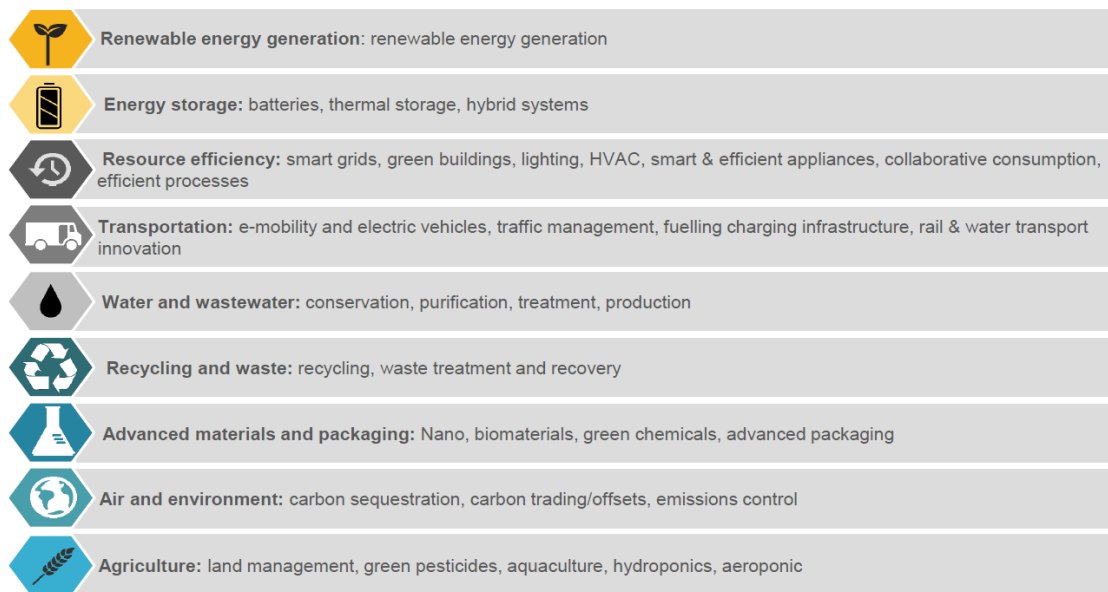
## 10. ADDITIONAL INFORMATION

### a. GREENTECH

The concept of Greentech is built from the principles of a green economy that is low carbon (zero carbon), resource efficient and socially inclusive. Greentech can also be defined as technology whose use is intended to mitigate or reverse the effects of human activity on the environment. The Greentech definition includes, but is not limited to, technologies relating to renewable energy, energy storage, energy efficiency, water efficiency and management, greener packaging, recycling / re-use (i.e., circular economy), and green chemicals.

The definition of a resource-efficient producer is one that employs processes, products, and services to increase the resource-efficiency of production and to reduce pollution and minimise negative impacts on humans and the environment.

The categories of Greentech utilised by the Atlantis SEZ are illustrated below:



Source: Own analysis based on Kachan & Co (2012) and Cleantech Scandinavia (2018).

While the Atlantis SEZ will focus on attracting producers of Greentech products and services, resource-efficient manufacturers of products will also be eligible to apply to establish operations in the ASEZ.

## **b. THE LIVING LAB**

As the DEFF, DTIC and DSI (2020) Green Policy Review states,

“The integration of sustainability into industrial policy should ultimately lead to greening the programmes which form industrial policy. Support to key industrial value chains should be strategic, time-bound and conditional to green performance improvements. Measures incompatible with the transition, such as fossil fuel subsidies, should be progressively phased out. Complementarily, policy and regulatory bottlenecks for industries to move towards a sustainable development pathway should be identified and unlocked. Moreover, measures necessary to stimulate and unlock market demand, particularly from the private sector and households, should be prioritised.”

The review, perhaps for the first time, puts Greentech and the green economy at the centre of South African industrial policy going forward. However, it also acknowledges that this transition has many parts and that we have much to learn. It stresses the importance of learning and sharing of lessons.

Locally, the City of Cape Town has also made numerous commitments to sustainability, including a commitment to be Carbon Neutral by 2050. What is significant about this commitment is that the City of Cape is actively seeking to support, procure and enable Greentech businesses which are carbon neutral or negative.

“CARBON NEUTRALITY means introducing new technologies to completely clean up the fuels and activities that currently cause GHG emissions, while enhancing our social, economic and environmental goals.” City of Cape Town Carbon Neutral Statement (2020/1)

The Atlantis Greentech SEZ is a publicly funded industrial zone. It is also an opportunity to experiment with how a sustainable green industrial zone that supports the circular economy can operate and function. The goal of the Living Lab is to push the boundaries of what is possible in terms of running and operating a sustainable, green, industrial zone, and to share those lessons.

The Living Lab builds on the three principles underpinning the SEZ Greentech approach:

- Lower (zero) carbon,
- Resource efficient, and
- Socially inclusive.

These principles guide which investors are considered Greentech and able to invest. With the Living Lab concept, these principles are extended into how the SEZ is run and managed. The term, “Living Lab” is purposefully used in the strategy for the following reasons:

- The SEZ to be used as an opportunity to show-case Greentech industrial processes and services; and
- The zone can provide living examples of what can be done, along with the associated challenges and opportunities of operating such a green zone.

There are benefits for investors aiming for:

- Reduced service costs (including via industrial symbiosis);
- Energy and water security, and
- Green production certification.

Benefits for community are based on:

- Focus on inclusion; and
- Focus on spill overs and skills and enterprise development.

### **The Living Lab in the ASEZ**

The goals of the Living Lab are defined as:

- To continually reduce our carbon emissions, improve our resource efficiency and to build social inclusivity in everything we do. This means focusing on things like renewable energy, electricity storage and electric vehicles (electricity supply and petrol/diesel motor vehicles account for up to 80% of carbon emissions).
- To test a policy and practical framework for sustainable industrialisation.
- To share insights and lessons from implementing a green industrial zone (including green utility services, green operating models and financial models for installing and running green utilities):
- In future all industrial development will need to be done this way if we are to achieve sustainability, grow the circular economy, and tackle the drivers exacerbating the environmental crises.
- To actively pursue collaboration and partnerships as a basis for innovation and ‘learning-by-doing’.
- To actively seek and work with institutions and agencies who share our vision and to use the zone as an opportunity to explore and test innovative ideas for sustainable industrialisation and advancing the circular economy.
- The specific focus areas and desired impacts of the Living Lab are currently sketched (as a point of departure) as follows:
  - Inclusivity:
    - Maximise opportunities for local employment and SMME contractors in operations and maintenance.
    - Pursue opportunities for local employment and SMME contractors in the investor value chain (inside and outside the zone – spill overs).
    - Support investor training and employment of locals and ongoing skills development; and
    - Actively curate, with partners, enterprise development programmes in the local community for broader benefit and impact.
  - Zero carbon / carbon negative:
    - Powered by renewable energy and energy storage systems,
    - Supported by electric vehicles (or non-carbon-based fuel powered vehicles),
    - Promotion of non-motorised transport solutions and public transport, and
    - Green building of industrial shells, amongst others.

- Net zero water:
- Water efficient behaviour, processes, systems & technologies
- Grey and waste-water re-use,
- Maximisation of on-site infiltration (sustainable urban drainage),
- On-site water retention (rainwater tanks, plus ponds, green infrastructure – grass swales, bunds and landscaping choices), and
- Water recycling.
- Net zero waste / zero waste to landfill:
- Waste minimisation (including through process design, product design and behaviour changes)
- Industrial symbiosis,
- On-site reuse and recycling, and
- Material reclamation.
- Harmony with ecological environment - working with nature:
- Maintain and enhance the natural systems – flora and fauna,
- Water-wise landscaping, with use of indigenous species, and
- Green infrastructure usage rather than grey options.

**c. List of relevant report to be utilised, amongst others**

The following reports will be available to the successful Respondent

Document
• Atlantis SEZ Infrastructure Implementation Master Plan
• SEZ Feasibility Report
• 2018 SEZ Strategy Update
• Atlantis SEZ Brochure
• Atlantis SEZ Investment Prospectus

**d. DISCLAIMER**

This Expression of Interest (EOI) has been prepared for the purpose of providing information to interested parties and allowing them to respond to this EOI.

The ASEZ Co accepts no liability for any loss incurred by any person(s) due to events or actions taken as a consequence of the preparation and dissemination of this EOI document.

The ASEZ Co accepts no responsibility and/or liability for the fairness, accuracy or completeness of any information or opinions, for any errors, omissions or misstatements, negligent or otherwise, made by any person in this EOI document or any written or oral communication transmitted or made available at any time to an interested party or its advisers, and/or it's Agents.

#### **e. DEFINITIONS**

In this EOI document, unless the context indicates otherwise, reference to the singular shall the plural and *vice versa*, words denoting one gender include others, expressions denoting natural persons include juristic persons and associations of the persons, and the words in the first column shall have meanings stated opposite them in the second column, as follows:

“Applicant”	Any person or natural, who receives and/or responds to this EOI.
“ASEZCo”	Atlantis Special Economic Zone SOC Ltd
“WCG”	Western Cape Government
“DEDAT”	Department of Economic Development & Tourism
“CoCT”	City of Cape Town
“Employer”	Atlantis Special Economic Zone SOC Ltd
“Services”	Means the services reflected in clause 4 hereof.
“Contract”	Means a contract to be concluded between the Employer and the successful Applicant on terms and conditions acceptable to the Accounting Officer of the Atlantis SEZ Co.

## 11.RETURNABLE DOCUMENTS

### SBD 4 - DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the Respondent or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the Respondent is employed by the state; and/or

- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

2.1 Full Name of Respondent or his or her representative: .....

2.2 Identity Number: .....

2.3 Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

2.4 Company Registration Number: .....

2.5 Tax Reference Number: .....

2.6 VAT Registration Number: .....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

1“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

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

2.7 Are you or any person connected with the Respondent **YES / NO**  
presently employed by the state?

2.7.1 If so, furnish the following particulars:

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

Name of state institution at which you or the person  
connected to the Respondent is employed: .....

Position occupied in the state institution: .....

Any other particulars:  
.....  
.....  
.....

2.7.2 If you are presently employed by the state, did you obtain **YES / NO**  
the appropriate authority to undertake remunerative  
work outside employment in the public sector?

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

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

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

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

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

2.9 Do you, or any person connected with the Respondent, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

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



2.10 Are you, or any person connected with the Respondent, aware of any relationship (family, friend, other) between any other Respondent and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

**YES/NO**

2.10.1 If so, furnish particulars.

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

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

**YES/NO**

2.11.1 If so, furnish particulars:

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

**3 Full details of directors / trustees / members / shareholders.**

Full Name	Identity Number	Personal Reference Number	Tax	State Employee Number / Persal Number


DECLARATION

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

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature      Date

.....

Position      Name of Respondent

**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, RESPONDENTS 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**

1.1. The following preference point systems are applicable to all bids:

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

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

1.2.

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

1.2.2.Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).

1.2.3.Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).

1.3. Points for this bid shall be awarded for:

1.3.1.Price; and

1.3.2.B-BBEE Status Level of Contributor.

1.4. The maximum points for this bid are allocated as follows:

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

- 1.5. Failure on the part of a Respondent 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.
- 1.6. The purchaser reserves the right to require of a Respondent, 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.

## 2. DEFINITIONS

- 2.1. **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act.
- 2.2. **“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.
- 2.3. **“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.
- 2.4. **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.5. **“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;
- 2.6. **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- 2.7. **“prices”** includes all applicable taxes less all unconditional discounts.
- 2.8. **“proof of B-BBEE status level of contributor”** means:
  - 2.8.1. B-BBEE Status level certificate issued by an authorized body or person.
  - 2.8.2. A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice.
  - 2.8.3. Any other requirement prescribed in terms of the B-BBEE Act.
- 2.9. **“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;
- 2.10. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

## 3. POINTS AWARDED FOR PRICE

### 3.1. 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

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

Pmin = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1. In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a Respondent 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

5. BID DECLARATION

5.1. Respondents who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1. 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.

7. SUB-CONTRACTING

7.1. Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1. If yes, indicate:

7.1.1.1. What percentage of the contract will be subcontracted.....%

7.1.1.2. The name of the sub-contractor.....

7.1.1.3. The B-BBEE status level of the sub-contractor.....

7.1.1.4. Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES		NO	
-----	--	----	--

7.1.1.5. 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
	v	v
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		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1. Name of company/firm: .....

8.2. VAT registration number: .....

8.3. Company registration number :.....

8.4. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

8.6. COMPANY CLASSIFICATION

- Manufacturer

- Supplier
- Professional Respondents
- Other Respondents, e.g. transporter, etc.

[TICK APPLICABLE BOX]

- 8.7. Total number of years the company/firm has been in business: .....
- 8.8. 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-BBEE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificates, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:
- 8.8.1. The information furnished is true and correct;
  - 8.8.2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
  - 8.8.3. 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;
  - 8.8.4. 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 –
    - 8.8.4.1. disqualify the person from the bidding process;
    - 8.8.4.2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
    - 8.8.4.3. 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;
    - 8.8.4.4. recommend that the Respondent 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
    - 8.8.4.5. forward the matter for criminal prosecution.

WITNESSES

1. ....

2. ....

.....

SIGNATURE(S) OF RESPONDENTS(S)

DATE:

SBD 7.2 CONTRACT FORM - RENDERING OF SERVICES

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

PART 1 (TO BE FILLED IN BY THE RESPONDENTS)

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 remain 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:
  - (i) Bidding documents, viz
    - Invitation to bid;
    - Tax clearance certificate;
    - Pricing schedule(s);
    - Filled in task directive/proposal;
    - Preference claims for Broad Based Black Economic Empowerment Status Level of Contribution in terms of the Preferential Procurement Regulations 2011;
    - Declaration of interest;
    - Declaration of Respondent's past SCM practices;
    - Certificate of Independent Bid Determination;
    - Special Conditions of Contract;
  - (ii) General Conditions of Contract; and
  - (iii) 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 Respondent or any other person regarding this or any other bid.
- 6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) .....

CAPACITY .....

SIGNATURE .....

NAME OF FIRM .....

DATE .....

WITNESSES	
1	.....

SBD 7.2

CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY (ASEZ)

1. I.....in my capacity as.....Accept your bid under reference number .....date.....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)	B-BBEE STATUS LEVEL OF CONTRIBUTION	MINIMUM THRESHOLD FOR LOCAL PRODUCTION AND CONTENT (if applicable)

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

WITNESSES	
1	.....

**SBD-8 DECLARATION OF RESPONDENT'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

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

Item	Question	Yes	No
4.1	<p>Is the Respondent or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) and can be accessed by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input type="checkbox"/></p>

4.1.1	If so, furnish particulars:		
4.2	<p>Is the Respondent or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>) by clicking on its link at the bottom of the home page.</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the Respondent or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
4.4	<p>Was any contract between the Respondent and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

**CERTIFICATION**

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

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

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

.....

Signature

.....

Date

.....

Position

.....

Name of Respondent

## SBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

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

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

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

SBD 9

I, the undersigned, in submitting the accompanying bid:

---

(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Respondent)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the Respondent to sign this Certificate, and to submit the accompanying bid, on behalf of the Respondent;
4. Each person whose signature appears on the accompanying bid has been authorized by the Respondent to determine the terms of, and to sign the bid, on behalf of the Respondent;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the Respondent, whether or not affiliated with the Respondent, who:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) provides the same goods and services as the Respondent and/or is in the same line of business as the Respondent
6. The Respondent 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<sup>3</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)

- (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
  9. The terms of the accompanying bid have not been, and will not be, disclosed by the Respondent, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
  10. 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.

<sup>3</sup> 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.

.....	.....
Signature	Date
.....	.....
Position	Name of Respondent

NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT (NT GCC)

NATIONAL TREASURY GENERAL CONDITIONS OF CONTRACT (NT GCC)

\*Please refer to the of website of the National Treasury' for the general conditions of contract

<http://www.treasury.gov.za/divisions/ocpo/sc/GeneralConditions/General%20Conditions%20of%20Contract-%20Inclusion%20of%20par%2034%20CIBD.pdf>

I confirm that I have read and understand the conditions set out in the above link in terms of the General Conditions of Contract am duly authorized to sign this contract.



SIGNED AT .....ON.....

NAME (PRINT) .....

SIGNATURE .....

WITNESSES	
3	.....

## 12. ANNEXURES

Document
<ul style="list-style-type: none"><li>• Atlantis SEZ Infrastructure Implementation Master Plan</li></ul>
<ul style="list-style-type: none"><li>• Atlantis SEZ Brochure</li></ul>