AIRPORTS COMPANY
SOUTH AFRICA

Request for Bids for the Appointment of Environmental Assessment Practitioner(EAP)to conduct an Environmental Impact Assessment (EIA) and obtain an Environmental Authorisation (EA) for Cluster 1 filling stations for Airports Company South Africa at OR Tambo International Airport and George Airport.

Bid Number:	:	**COR8272/2026/RFP**
Issue Date	:	**05 November 2026**
Query Closing Date	:	**23 November 2026**
Briefing Session	:	**17 November 2026 @ 11:00 am**
Site Inspection	:	**N/A**

Bid Closing Date and Time : **27 November 2026 @ 15:00 pm**

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P O Box 75480, Gardenview, Gauteng, South Africa, 2047
www.airports.co.za

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393

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SOUTH AFRICA

PART A

SBD 1: INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE AIRPORTS COMPANY SOUTH AFRICA					
BID NUMBER:	**COR8272/2026/RFP**	CLOSING DATE:	**27 November 2026**	CLOSING TIME:	**15:00 pm**
DESCRIPTION	**Appointment of Environmental Assessment Practitioner(EAP)to conduct an Environmental Impact Assessment (EIA) and obtain an Environmental Authorisation (EA) for Cluster 1 filling stations for Airports Company South Africa at OR Tambo International Airport and George Airport.**				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT *(STREET ADDRESS)*					
Email submissions: The bid documents must be sent to the following email address: ACSARfq@airports.co.za					
(NB: Tender Deposit Register must be completed and signed by person depositing the bid documents)					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			**TECHNICAL ENQUIRIES MAY BE DIRECTED TO:**		
CONTACT PERSON	**Joseph Rulash**		CONTACT PERSON		
TELEPHONE NUMBER	**011 409 3943**		TELEPHONE NUMBER		
FACSIMILE NUMBER	**N/A**		FACSIMILE NUMBER		
E-MAIL ADDRESS	**Joseph.rulash@airports.co.za**		E-MAIL ADDRESS		
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					

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TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		**OR**	CENTRAL SUPPLIER DATABASE No: MAAA	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐Yes ☐No [IF YES ENCLOSE PROOF]		*ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?*		☐Yes ☐No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

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PART B

TERMS AND CONDITIONS FOR BIDDING

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

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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1. SECTION 1: INSTRUCTIONS TO BIDDERS

1.1 Submission of bid documents

The documents must be signed and completed by a person who has been given authority to act on behalf of the bidder. The bottom of each page of the bid documents must be signed or stamped with the bidder's stamp as proof that the bidder has read the tender documents. Bid documents must be submitted on or before 15:00 PM on 27 of **November** 2026 by means of email submission to the following address:

1.1.1. Email submissions:

The bid documents must be sent to the following email address: ACSARfq@airports.co.za

- Bidders must not email their submission as one big attachment. Kindly break your submission in at least (04) four or more attachments of 4mb each. Kindly ensure to submit all attachments before closing time and date.
- Bidders are requested to submit all bids in the format instructed, no other format will be acceptable.
- Kindly reference the RFQ Reference Number in the subject of your email.
- Please do not submit any link submissions

1.2. Late Bids

Bids which are submitted after the closing date and time will not be accepted.

1.3. Clarification and Communication

Name:	Joseph Rulash
Designation:	Buyer
Tel:	011 409 3943
Email:	Joseph.rulash@airports.co.za

1.3.1. Request for clarity or information on the bid may only be requested until 23 of **November** 2026. Any responses to queries or for clarity sought by a bidder will also be sent to all the other entities which have responded to the Request for Proposal/Bid /Information invitation.

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1.3.2. Bidders may not contact any ACSA employee on this bid other than those listed above. Contact will only be allowed between the successful bidder and ACSA Business Unit representatives after the acceptance of the letter of award bid. Contact will also only be permissible in the case of pre-existing commercial relations which do not pertain to the subject of this bid.

1.4. **Non Compulsory Briefing/Site Inspection Session**

A Non compulsory briefing/site inspection session will be held on 17 of November 2026 at 11:00 AM. The session will be held at the following location:

Microsoft Teams meeting

Join: https://teams.microsoft.com/meet/3416184695381557?p=6XqYlnUriNDb7G0ZsD

Meeting ID: 341 618 469 538 155 7

Passcode: 3sS6vX9u

Need help? | System reference

Dial in by phone

+27 21 834 0841,,780429072# South Africa, Cape Town

Find a local number

Phone conference ID: 780 429 072#

Requirements for the site inspection will be provided as part of the specifications

1.5. **Bid Responses**

Bid responses must be strictly prepared and returned in accordance with this bid document. Bidders may be disqualified where they have not materially complied with any of ACSA's requirements in terms of this bid document. Changes to the bidder's submission will NOT be allowed after the closing date of the bid. All bid responses will be regarded as offers unless the bidder indicates otherwise. No bidder or any of its consortium/joint venture members may have an interest in any of the other bidder/joint venture/consortium participating in this bid.

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1.6. **Disclaimers**

It must be noted that ACSA reserves its right to:

1.6.1. Award the whole or a part of this bid;

1.6.2. Split the award of this bid;

1.6.3. Negotiate with all or some of the shortlisted bidders;
1.6.4. Award the bid to a bidder other than the highest scoring bidder where objective criteria allows;

1.6.5. To reject the lowest acceptable bid received; and/or

1.6.6. Cancel this bid**.**

1.6.7. This bid document may not be changed or altered in any manner, any change to the content of the bid document will lead to disqualification as it will be changing the terms and conditions of the tender.

1.7. **Validity Period**

1.7.1. ACSA requires a validity period of hundred and twenty (120) business/working days for this bid. During the validity period the prices which have been quoted by the bidder must remain firm and valid.

1.8. **Confidentiality of Information**

1.8.1. ACSA will not disclose any information disclosed to ACSA through this bid process to a third party or any other bidder without any written approval form the bidder whose information is sought.

1.8.2. Furthermore,

1.8.2.1 ACSA will not disclose the names of bidders until the bid process has been finalised.

1.8.2.2 Bidders may not disclose any information given to the bidders as part of this bid process to any third party without the written approval from ACSA. In the event that the bidder requires to consult with third parties on the bid, such third parties must complete confidentiality agreements, which should also be returned to ACSA with the bid.

1.9. ACSA is a National Key Points therefore has to comply with the laws prescribed by the security cluster of the Country. Bidders may be subjected to security vetting depending on the goods and/or services being provided. Where deemed necessary, ACSA will not contract with a bidder that does not comply with the security vetting requirement.

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1.10. **Hot – Line**

ACSA subscribes to fair and just administrative processes. ACSA therefore urges its clients, suppliers and the general public to report any fraud or corruption to:

Airports Company South Africa TIP-OFFS ANONYMOUS

Free Call: 0800 00 80 80 or 086 726 1681

Email: **office@thehotline.co.za**

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SECTION 2: EVALUATION CRITERIA

2.1 Evaluation Criteria

2.1.1 ACSA will use a pre-determined evaluation criteria when considering received bids. The evaluation criteria will consider ***mandatory administrative, functionality, Price and Preference***, During the evaluation of received bids ACSA will make an assessment whether all the bids comply with set minimum requirements and whether all returnable documents/information have been submitted. Bidders which fail to meet minimum requirements, thresholds or have not submitted required mandatory documents will be disqualified from the bid process.

2.1.2 The requirements of any given stage must be complied with prior to progression to the next stage. ACSA reserves the right to give bidders reasonable time to submit information that will be required in Stage 1 below.

2.2 A staged approach will be used to evaluate bids and the approach will be as follows:

Stage 1	**Stage 2**	**Stage 3**	**Stage 4**
Mandatory Requirements	Evaluate on functionality or the technical aspect of the bid	Evaluate price and Preference	Post tender negotiations (where applicable)

2.2.1. Stage 1: Mandatory Requirements

Mandatory criteria are pass/fail requirements. A bidder that fails to submit acceptable evidence for any mandatory requirement may be disqualified from further evaluation. Only bidders that pass the mandatory stage will proceed to functionality evaluation.

Ref.	Mandatory Requirement	Requirement	Evidence to be Submitted
M1	Professional EAPASA Registration	The proposed Lead Environmental Assessment Practitioner (EAP) must be professionally registered with the Environmental Assessment Practitioners Association of South Africa (EAPASA).	Valid proof of professional registration with EAPASA, identifying the proposed Lead EAP.

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M2	SACNASP Registration	Where specialist studies require the services of a Professional Natural Scientist, the nominated specialist(s) must be registered with the South African Council for Natural Scientific Professions (SACNASP) in the applicable professional field.	Valid proof of SACNASP professional registration for the nominated specialist(s), where applicable.
M3	Fuel Retail Licence and Site Licence Application Experience	The bidder must demonstrate experience in undertaking at least one fuel Retail Licence and Site Licence application assignment in accordance with the Petroleum Products Act, 1977 (Act 120 of 1977), and the applicable regulations.	Evidence of at least one relevant application assignment, such as an appointment letter, client reference, submission acknowledgement, application documentation or licence approval confirming the bidder's involvement in the application process.

2.2.2 Stage 2 Functionality

In determining the bidders capacity and capability to execute the contract/project, bidders will be evaluated on functionality**.** Functionality is the terminology used to define the technical ability of the Tenderer, based on experience to deliver the required product in accordance with the specialised quality, reliability and functionality.

Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below. An overall minimum threshold of 41 points out of 100 must be achieved for the tender to be eligible for further evaluation on Price and Preference (80/20 split).

No.	Criteria	Description and scoring	Maximum points
1	**Previous Company Experience**	Demonstrated company experience conducting Environmental Impact Assessments (EIAs), Basic Assessments and environmental authorisation applications. • Less than 2 years = 0 points • 2 to less than 4 years = 10 points • 4 to less than 6 years = 15 points • 6 to less than 8 years = 25 points • 8 to less than 10 years = 30 points • 10 or more years = 40 points Evidence: Company project schedule, appointment letters, completion certificates or contactable client references showing the nature and duration of assignments.	**40**

2	**Key Personnel Qualifications and Experience**	Qualifications and relevant EIA experience of the proposed Lead Environmental Assessment Practitioner (EAP). • No relevant qualification or no evidence of experience = 0 points • Relevant Diploma and at least 3 years of relevant EIA experience = 10 points • Relevant Bachelor's Degree and at least 3 years of relevant EIA experience = 15 points • Relevant Bachelor's Degree or higher and at least 5 years of relevant EIA experience = 20 points Relevant fields include Environmental Science, Environmental Management or a related discipline. Evidence: Certified qualification, detailed CV and verifiable project references or employment records.	**20**
3	**Method Statement / Technical Approach**	Detailed method statement addressing the three airports and the environmental assessment, petroleum licensing and road-access processes. Scored under subcriteria 3.1–3.4 below.	**40**
3.1	**Environmental Assessment Methodology**	• No methodology or requirement not addressed = 0 points • Environmental context, key risks and mitigation measures = 10 points • Above plus applicable environmental legislation = 15 points • Comprehensive methodology including environmental context, risks, mitigation, legislation, assessments, specialist studies and stakeholder engagement under NEMA and EIA Regulations = 20 points	**20**
3.2	**Fuel Retail Licence and Site Licence Applications**	• No relevant methodology = 0 points • Main application processes and competent authority identified = 5 points • Comprehensive process including supporting documents, traffic counts, feasibility assessments, business plans, public participation and regulatory submissions = 10 points	**10**
3.3	**Road-Access Approval Process**	• No methodology = 0 points • Road-access requirements and relevant authorities identified = 3 points • Comprehensive approach including road-access applications, traffic assessments, stakeholder/authority engagement and obtaining approvals = 5 points	**5**

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3.4	**Integrated Project Implementation and Programme**	• No integrated method or project programme = 0 points • Main activities and general timelines identified = 3 points • Comprehensive sequencing of environmental, petroleum licensing and road-access processes, milestones, dependencies, regulatory engagements and risks within the 12-month contract = 5 points	**5**

Minimum Content of the Technical Methodology

To enable a consistent functionality assessment, the bidder's method statement should, at a minimum, describe:

- Understanding of all three filling-station development opportunities, including the differences in historical EA status, George property descriptions, BFIA two-site configuration and fuel-storage thresholds; identification of potentially applicable listed activities must be based on verified designs and the legislation currently in force;
- Proposed site-specific approach to EA validity verification, Basic Assessment or other applicable environmental assessment/amendment processes, specialist studies, BAR/EMPr documentation where applicable, and competent-authority consultation;
- Public participation strategy, including statutory advertising, stakeholder management and comments-and-response management;
- Approach to the fuel Retail Licence and Site Licence applications and the supporting traffic, NPV, feasibility and business-plan work;
- Approach to the road-access approval process;
- Proposed project team, specialist interfaces and responsibility matrix;
- Separate airport programmes and an integrated sequence of consultant deliverables within 12 months, identifying BFIA decision gates, authority-dependent decisions, alternative approval pathways and programme risks; and
- Quality assurance and regulatory compliance controls for all submissions.
- A BFIA-specific EA due-diligence method and approach for pricing separately the potential amendment and new-application options.

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2.2.3 Price and Preference

SBD 3.3

PRICING SCHEDULE

Please see ACSA Filling Stations EIA Quotation Bidder document

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SECTION 3: SPECIFICATIONS / SCOPE OF WORKS / TERMS OF REFERENCES

ACSA invites suitably qualified and experienced Environmental Assessment Practitioners (EAPs) to submit quotations for environmental assessment, regulatory authorisation and petroleum licensing services for the proposed filling station developments at O.R. Tambo International Airport (Jones Road), George Airport and Bram Fischer International Airport (BFIA). The appointment period is 12 months.

The successful bidder will manage a site-specific regulatory review, screening and pre-application consultations; undertake the applicable environmental assessment or amendment process; coordinate authority engagement and decision support; and prepare the fuel Retail Licence, Site Licence and road-access application packages described below. For BFIA, the existing 2014 Environmental Authorisation must first be assessed before the appropriate regulatory process is confirmed.

2. Project Context

2.1 O.R. Tambo International Airport - Jones Road Filling Station

The proposed Jones Road filling station site is located on a portion of Portion 187 of Farm Witkoppie No. 64-IR within the O.R. Tambo International Airport precinct, along Jones Road. The property fact sheet reports a gross site area of 4,127 m², while the demand requisition describes an approximate 4,000 m² development footprint. The proposed facilities comprise a forecourt, canopy, convenience shop (approximately 250 m²), fast-food outlet (approximately 130 m²), fuel pumps, underground storage tanks (USTs), reticulation, oil-water separation, controls and associated access infrastructure. The demand requisition indicates a maximum design UST capacity of approximately 456 m³ (not exceeding 500 m³), subject to the final approved design. The cadastral extent and layout must be confirmed during inception.

The demand requisition records that an earlier Environmental Authorisation was granted in 2014 and lapsed in 2019. The EAP must verify this status with the competent authority and undertake the appropriate fresh environmental application, together with the associated site, retail and access licensing processes. The Jones Road site is connected to the R21, R24 and N12 regional road network, and the traffic assessment and access requirements must be confirmed with the relevant road authority.

2.2 George Airport Filling Station

The proposed George Airport filling station is situated near the airport entrance and main access road (R404), with regional connections to the N2 and R102. The demand requisition identifies the commercial-zone site as Portion 25 of Farm Gwayang 208, with an approximate footprint of 4,210 m²; the earlier ACSA Service Station Developments Fact Sheet identifies Portions 82 and 84 of the same farm, with a gross area of 4,292 m² and developable area of 3,219 m². These cadastral and area descriptions differ and must be reconciled with ACSA's current survey diagrams and approved precinct layout before submission. The concept includes a forecourt and canopy, an approximately 200 m² convenience store, an approximately 120 m² fast-food outlet, USTs and reticulation, a separator pit, automatic tank gauging and forecourt control systems. The fact sheet records Business Zone V zoning, available external bulk services, a historical 2013 traffic assessment (with recount underway at the time), and an approved historical environmental authorisation; the EAP must confirm the current authorisation status and the need for a fresh assessment or amendment.

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2.3 Bram Fischer International Airport Filling Station

BFIA is situated in Bloemfontein, Free State Province, within the Mangaung Metropolitan Municipality. ACSA's Service Station Developments Fact Sheet identifies the proposed service-station property as Portion 3 of Farm Sunnyside 2620. The airport is identified as a development node along the N8 corridor in the Mangaung spatial development context. The service-station opportunity is intended to support airport users, regional road users and non-aeronautical commercial activity.

The ACSA fact sheet describes two service-station sites and cites an extent of 4,399 m², without clearly stating whether this is an individual-site or combined extent. The existing 2014 Environmental Authorisation identifies approximately 8,798 m² for two service stations and convenience shops within Sub-Precinct 1 of a broader airport-land-use development. The two area descriptions must be reconciled against the authorised plans, cadastral data and proposed development layout at inception; neither figure should be treated as a finally verified site boundary.

The fact sheet records Special Use CXXI zoning with a service station as a designated use, FAR 1.0, 80% coverage, a three-storey height limit, stated parking requirements, and the availability of electricity, water, sewer and stormwater services. These are historical planning particulars and must be checked against current municipal approvals and service-capacity information. A traffic impact assessment was reportedly completed in 2015 and must be reviewed for currency and adequacy.

The 2014 Environmental Authorisation, issued on 4 November 2014 under register number 14/12/16/3/2/482 (NEAS reference DEA/EIA/0001731/2013), authorised a broader basket of land uses including two petrol filling stations. It describes a combined storage capacity of 600 m³, with 300 m³ at each station, and includes a five-year commencement condition. The available documents do not establish whether the authorised activities commenced timeously, whether extensions or amendments were issued, or whether the EA remains valid for the current proposal. These matters require documentary confirmation and engagement with the competent authority.

The EAP must review the existing EA, approved Environmental Management Programme, any related amendments and commencement/compliance records, determine whether the proposed site and concept are covered by a valid authorisation, and obtain written clarification from the competent authority where necessary. If a new EA, amendment or other statutory process is required, the EAP shall undertake the authorised work package agreed with ACSA. The concept may include a fuel forecourt, USTs, canopy, convenience retail, associated services, vehicle circulation and environmental management infrastructure, with the final configuration and tank capacities to be confirmed.

3. Scope of Works

The scope comprises two integrated workstreams across three airport projects. Bidders must separately price and programme each airport and each workstream for the 12-month appointment, including coordination between environmental authorisation, petroleum licensing and road-access processes. The EAP must distinguish between verified existing approvals, renewal/amendment needs and new applications; no unverified authorisation status is to be assumed. For BFIA, the initial EA status and applicability review is a firm deliverable, with any subsequent new EA or amendment undertaken only through the instructed and priced route.

3.1 Part A - Environmental Impact Assessment and Environmental Authorisation

- Undertake a site-specific inception review, screening and pre-application consultation for each of the three airports, confirming the competent authority, relevant listed activities, existing authorisation status, applicable regulatory process (including whether Basic Assessment, amendment or a different process is required), and required consultations. Do not assume Basic Assessment applies identically to every site.

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- Prepare the required screening and application documentation for each airport, as applicable, and manage the selected environmental process in accordance with the National Environmental Management Act, 1998 (NEMA) and the applicable EIA Regulations, as amended.

- Undertake, manage or procure the required specialist studies, including, where applicable:
  - Traffic Impact Assessment;
  - Hydrogeological Assessment;
  - Air Quality and Noise Impact Assessment;
  - Biodiversity Assessment; and
  - Heritage Assessment.

- Compile the necessary Basic Assessment Report (BAR), other assessment or amendment documentation (as applicable), and Environmental Management Programme (EMPr) or EMPr amendments, for consultation, authority review and decision-making.

- Plan and facilitate the full Public Participation Process (PPP), including statutory advertising, stakeholder engagement, management of comments and responses, and incorporation of stakeholder issues into the final documentation.

- Finalise and submit the relevant site-specific final assessment/amendment application and associated EMPr documentation to the competent authority, where required by the confirmed regulatory route.
- Respond to requests for information, comments or queries raised by the competent authority during the assessment and decision-making process.
- Support ACSA in responding to any appeals, where required, in accordance with the applicable NEMA appeal regulations.
- Provide environmental compliance advice and, where specifically triggered and instructed during the appointment, Environmental Control Officer (ECO) services and statutory compliance audits in accordance with the applicable EA and EMPr. Distinguish pre-construction authorisation services from construction-period monitoring; do not assume construction will commence within the contract term.
- Prepare a Sustainability Integration Memo / short report summarising how environmental considerations for the developments align with ACSA Environmental, Social and Governance (ESG) targets and Net Zero plans.

3.2 Part B - Fuel Retail Licence and Site Licence Applications

Undertake the fuel Retail Licence and Site Licence application processes for each proposed filling station, to the extent required and legally available, under the Petroleum Products Act, 1977 (Act 120 of 1977) and applicable licensing regulations, including preparation and coordination of all required supporting documents. The bidder must identify the correct applicant, licensee, development configuration and sequencing for any two-station BFIA concept.

- Traffic counts and a Traffic Count Report;
- Net Present Value (NPV) Report;
- Feasibility Study;
- Business Plan;
- Statutory public notice, consultation and advertising required for the relevant petroleum licence application(s), including the RFQ's indicative provision for four newspaper advertisements where applicable;

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the exact number, language and publication requirements must be confirmed with the licensing authority and justified in the pricing schedule;
- Structural drawings for the canopy, underground storage tanks, pump islands, convenience shop and site layout plan; and
- Road-access application / approval process.

3.3 Required Project Management and Programme

- Submit an integrated 12-month programme with separate airport-specific schedules, critical paths and decision gates. Distinguish consultant-controlled submission dates from decisions dependent on external authorities; no guarantee of authority approval within 12 months is implied.
- Clearly identify separate milestones for each airport, including BFIA EA verification, screening, specialist studies, environmental submissions, public participation, EMPr, authority responses, petroleum licence applications, access approvals and decision points.
- Provide monthly airport-specific progress reports and a consolidated issues, approvals and dependencies tracker, identifying outstanding information, competent-authority response periods, approval risk, budget exposure and critical-path effects.
- Coordinate all specialist inputs and ensure submissions are internally consistent, complete and suitable for regulatory submission.
- No additional work outside the agreed scope may be undertaken without prior written approval from ACSA.

3.4 Site-Specific Confirmation and BFIA Regulatory Gate

At inception, prepare a site data and approvals register for each airport, clearly distinguishing source records, current verification, design assumptions and unresolved discrepancies. Specifically reconcile the George cadastral/area descriptions and the BFIA two-site areas and permitted fuel-storage capacities.

For BFIA, first submit an EA Status and Regulatory Pathway Memorandum addressing the 2014 authorisation, approved land-use envelope, commencement condition, amendments/extensions, current validity, the appropriate competent authority, and recommended approval route. Obtain ACSA's written instruction before commencing a conditional amendment or new environmental application. Price alternative routes separately to avoid double counting and preserve comparability.

Any specialist studies, development drawings or road-access processes dependent on final layouts shall clearly identify the baseline design assumptions and required ACSA decisions before expenditure is committed.

4. Key Deliverables

No.	Deliverable	Minimum Requirement
1	Inception / execution plan	Confirmed methodology, information requirements, stakeholder map and 12-month programme.
2	Screening and pre-application package	Screening Report and record of initial engagement with DFFE / relevant authorities.
3	Specialist studies	Required specialist reports, including traffic, hydrogeological, air quality/noise, biodiversity and heritage studies as applicable.
4	Draft BAR and EMPr	Complete draft documentation suitable for public participation and authority review.
5	Public Participation Process	Advertisements, stakeholder notifications, registers, comments-and-response report and supporting records.

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6	Final environmental submission	Final BAR / environmental assessment documentation and EMPr submitted to the competent authority.
7	Authority query / decision support	Responses to competent authority queries and support through the environmental decision process.
8	Sustainability Integration Memo	Short report linking environmental considerations to ACSA ESG targets and Net Zero plans.
9	Retail and Site Licence application package	Traffic count report, NPV report, feasibility study, business plan, public participation evidence and licence application documentation.
10	Design / access supporting information	Required structural drawings, layout plan and road-access application inputs.
11	Progress reporting	Monthly progress reports, programme updates, risk / issue register and approvals tracker.
12	BFIA EA status and regulatory pathway	Review of the 2014 EA, commencement/amendment records, applicability and written authority engagement; recommended route and ACSA decision gate before contingent work.
13	Three-airport site and approvals register	Airport-specific reconciled property descriptions, site extents, authorised development parameters, fuel storage assumptions and pending verification items.
14	Site-specific pricing and programme schedule	Separate pricing for ORTIA, George and BFIA; BFIA base review and conditional environmental application pathways identified without duplication.

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SECTION 4: MANDATORY AND ADMINISTRATION DOCUMENTS

4.1 Mandatory Returnable documents

ACSA will disqualify from the bid process any bidder that has failed to submit mandatory returnable documents and information. Bidders should therefore ensure that all the mandatory returnable documents and information have been submitted. In order to assist bidders, ACSA has also included a column next to the required mandatory document and information to enable bidders to keep track of whether they have submitted or not.

4.2 Other Returnable Documents and information

These types of documents and information are required but are not mandatory or are only mandatory at specific stages of the process. ACSA may request bidders to submit these documents or information after the closing date and time or might already have them on the system. Where a document or information is only mandatory at a specific stage in the process, ACSA may only disqualify a bidder for non-submission at that stage and after reasonable efforts were made to request the document from the bidder.

The mandatory and other returnable documents listed in the table follows:

RETURNABLE DOCUMENTS AND INFORMATION	MANDATORY	ADMINISTRATIVE	SUBMITTED [Yes
SBD 3.3: Priced offer		x	
Declaration of Interest Form and Politically Exposed Persons		x	
SBD 4 Bidder's Disclosure Form		x	
SBD 6.1 Preference Points Claim Form		x	
Confidentiality and Non-Disclosure Agreement		x	
BEE Certificate and Scorecard or BBBEE QSE/EME Affidavit		x	
Verifiable medical certificate of report as proof of disability(For preference claims)		x	
Tax Pin number (ACSA may not award to a bidder whose tax affairs have not been declared to be in orders by SARS)		x	
Certificate of Incorporation of the bidding entity showing ownership split		x	
Central Supplier Database Report (CSD)		x	
VAT Questionnaire		x	
ACSA Terms and Conditions		x	

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4.3 Validity of submitted information

Bidders must ensure that all conditions, documents and information which has been submitted in pursuance to this bid remains valid for the duration of the contract period. In the event where a validity document expires an updated document must be submitted. The duty is on the bidder to provide updated information to ACSA immediately after such information has changed.

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SECTION 5: RETURNABLE DOCUMENTS

5.1 DECLARATION OF INTEREST AND POLITICALLY EXPOSED PERSONS FORM

Making a Declaration

Any legal person or persons having a relationship with persons employed by ACSA, including a blood relationship, may submit a bid in terms of this tender document. In view of possible allegations of unfairness, should the resulting bid, or part thereof, be awarded to persons connected with or related to ACSA employees, it is required that the bidder or his/her authorised representative declare his/her position in relation to ACSA employees or any member of the evaluation or adjudication committee which will consider bids.

ACSA requires all bidders to declare that they have not acted in any manner inconsistent with the law, policy, or fairness. Furthermore, ACSA requires bidders to declare if they have Politically Exposed Persons (PEP) also known as Domestic Prominent Influential Persons (DPIP) in their organisation. See below definition of PEP/DPIP.

Politically Exposed Persons or DPIP are individuals who are or have been entrusted with prominent public functions in the country or a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state-owned corporations, important political party officials. Business relationships with family members or close associates of PEPs involve reputational risks similar to those with PEPs themselves. PEP status in the following areas shall be declared:

- Current or former senior official in the executive, legislative, administrative, military, or judicial branch of government or foreign government (elected or not)'
- A senior official of a major political party or major foreign political party;
- A senior executive of government owned commercial enterprise
- or a foreign government owned commercial enterprise, being a corporation, business or other entity formed by or for the benefit of any such individual;
- A related and or inter-related immediate member of such individual; meaning spouse, parents, siblings, children, and spouse's parents or siblings etc

5.1.1 All bidders must complete a declaration of interest form below:

Full name of the bidder or representative of the bidding entity _____

Identity Number _____

Position held in the bidding entity _____

Registration number of the bidding entity _____

Tax Reference number of the bidding entity _____

VAT Registration number of the bidding entity _____

I/We certify that there is / no PEP/DPIP conflict of interest/ no relationship between the bidding entity or any of its shareholders / directors / owner / member / partner/ senior management with any ACSA employee or official.

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Where a relationship or PEP/DPIP conflict of interest exists, please provide details of the ACSA employee or official and the extent of the relationship below:

PEP/DPIP Declaration

DPIP/PEP Declaration for self/family member or close associate:

Nature of Political Exposure	Term of the office	Description of activities relating to political exposure

Full Names of Directors / Trustees / Members / Shareholders/ Senior Management of the bidding entity

Full Name	Identity Number	Personal Income Tax Reference Number

5.1.2.I/We declare that we have not acted in any manner which promotes unfairness, contravenes any law or is against public morals. We further certify that we will in full compliance of this tender terms and conditions as well as ACSA policies in the event that we are successful in this tender.

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Declaration:

I/We the undersigned _____ (Name) herby certify that the information furnished in this tender document is true and correct. We further certify that we understand that where it is found that we have made a false declaration or statement in this tender, ACSA may disqualify our bid or terminate a contract we may have with ACSA where we are successful in this tender.

_____ _____

Signature Date

_____ _____

Position Name of bidder

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5. 2 BIDDER'S DISCLOSURE FORM SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration in respect of employees of the State

2.1 Is the bidder, or any of the directors / trustees / shareholders / members / partners of the bidder employed by the state? **YES/NO**

If so, furnish particulars of the names, individual identity numbers, in table below.

Full Name	Identity Number	Name of State institution

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3. Bidders' disclosure in respect of independent bidding

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

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

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

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor.

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

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

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

3.7 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 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 state for a period not exceeding 10 years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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I CERTIFY THAT THE INFORMATION FURNISHED ABOVE IS CORRECT AND ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS INFORMATION PROVE TO BE FALSE.

…… ……

Signature Date

…… ……

Position/ Designation Name of bidder

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5.3 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 SBD 6.1

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

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

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

b) Either the 80/20 preference point system will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

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 / Preference .

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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 / PREFERENCE	20*
Total points for Price and SPECIFIC GOALS	**100**

Documented proof is listed on the returnable table above

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

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

2. DEFINITIONS

(a) **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

(b) **"price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(c) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(d) **"tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

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3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

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4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

(b) any other invitation for tender, that either the 80/20 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for 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.)***

Specific Goals	***Number of points (80/20 system)***
B-BBEE Status Level 1	***5***
B-BBEE Status Level 2	***4.5***
B-BBEE Status Level 3	***4***
B-BBEE Status Level 4	***3***
B-BBEE Status Level 5	***2***
B-BBEE Status Level 6	***0.5***
B-BBEE Status Level 7	***0.3***
B-BBEE Status Level 8	***0.1***
Black youth majority-owned entities	***5***
Black women majority-owned entities	***5***
Company majority owned by people with disabilities	***5***
Non- compliant contributor	***0***

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DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm…….

4.4. Company registration number: ……...

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this 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*

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(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: .....

.....

.....

.....

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Form 5.5: CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

between

AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED

(Registration No. 1993/004149/30)

("Airports Company")

of

Western Precinct, Aviation Park

O.R. Tambo International Airport

1 Jones Road

Kempton Park

1632

AND

[NAME OF SERVICE PROVIDER]

(Registration No: _____)

("_____")

of

[Service Providers Address]

1. **INTERPRETATION**

In this agreement -

1.1 "confidential Information" – is information which is confidential to the disclosing party, and includes whether in written, graphic, oral, proprietary, tangible, intangible, electronic or other form, and, -

1.1.1 any information in respect of know-how, formulae, statistics, processes, systems, business methods, marketing, trading and merchandising methods and information, promotional and advertising plans and strategies, pricing, financial plans and models, inventions, long-term plans, research and development data, user or consumer/ customer data and profiles, ideas, computer programmes, drawings and any other information of confidential nature of the disclosing party, in whatever form it may be;

1.1.2 the contractual business and financial arrangements of the disclosing party and others with whom it has business arrangements of whatever nature;

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1.1.3 all information peculiar to the business of the disclosing party which is not readily available to a competitor of the disclosing party in the ordinary course of business;

1.1.4 the fact of and content of any discussions between the disclosing party and the receiving party as well as the existence and content of any agreement, which may be concluded between the disclosing party and the receiving party;

1.1.5 all other matters of a confidential nature which relate to the disclosing party's business;

1.1.6 generally, information which is disclosed in circumstances of confidence or would be understood by the parties, exercising reasonable business judgement, to be confidential;

1.1.7 all information of whatsoever nature relating to the disclosing party as contemplated in 2.1 below;

but does not include information which -

1.1.8 is or hereafter becomes part of the public domain, otherwise than as a result of a breach or default of the receiving party or of a representative or affiliate of the receiving party;

1.1.9 can be shown to have been lawfully in the possession of the receiving party or its affiliates or consultants prior to its disclosure and is not subject to an existing agreement between the disclosing party and the receiving party;

1.1.10 is acquired by the receiving party independently from a third party who lawfully acquired such information without restriction and who had not previously obtained the confidential information directly or indirectly under a confidentiality obligation from the disclosing party;

1.1.11 is acquired or developed by the receiving party independently of the disclosing party and in circumstances which do not amount to a breach of the provisions of this agreement;
is disclosed or released by the receiving party to satisfy an order of a court of competent jurisdiction or to otherwise comply with the provisions of any law or regulation in force at the time or the requirements of any recognised stock exchange; provided that, in these circumstances, the receiving party shall inform the disclosing party of the requirement to disclose prior to making the disclosure and provided further that the receiving party will disclose only that portion of the confidential information which it is legally required to so disclose; and the receiving party will use its reasonable endeavours to protect the confidentiality of such information to the widest extent lawfully possible in the circumstances (and shall co-operate with the disclosing party if it elects to contest any such disclosure);

For the purposes of this agreement the party, which discloses confidential information, shall be referred to as "the disclosing party" and the party, which receives the confidential information, shall be referred to as "the receiving party".

1.2 ""affiliate" –of a Party means any person, now or hereafter existing, who directly or indirectly controls, *(holding company)* or is controlled or is under common control of such Party (subsidiary company); a Person "controls" another person if it holds or is beneficially entitled to hold , directly or indirectly, other than by way of security interest only, more than 50% of its voting , income or capital;

1.3 "disclosing party" – the party disclosing confidential information in terms of this agreement and being Airports Company;

1.4 "receiving party" – the party receiving confidential information in terms of this agreement;

1.5 "the parties" – the Airports Company and _____.

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2. **INTRODUCTION**

2.1 The parties intend to provide each other with certain information pertaining to their operations and the parties are in the process of discussing certain matters with a view to concluding an agreement ("the potential agreement"), which discussions have required and will require the disclosure to one another of information of a proprietary, secret and confidential nature. Whether or not the parties conclude the potential agreement will not affect the validity of this agreement.

2.2 If the confidential information so disclosed is used by the receiving party for any purpose other than that for which its use is authorised in terms of this agreement or is disclosed or disseminated by the receiving party to another person or entity which is not a party to this agreement, this may cause the disclosing party to suffer damages and material financial loss.

2.3 This agreement shall also bind the parties, notwithstanding the date of signature hereof, in the event that either party shall have disclosed any confidential information to the other party prior to date of signature hereof.

2.4 The parties wish to record the terms and conditions upon which each shall disclose confidential information to the other, which terms and conditions shall constitute a binding and enforceable agreement between the parties and their agents.

3 USE OF CONFIDENTIAL INFORMATION

Any confidential information disclosed by the disclosing party shall be received and used by the receiving party only for the limited purpose described in 2.1 above and for no other purpose.

4 NON-DISCLOSURE

4.1 THE RECEIVING PARTY undertakes that –

4.1.1 it will treat the disclosing party's confidential information as private and confidential and safeguard it accordingly;

4.1.2 it will not use (except as permitted in 3 above) or disclose or release or copy or reproduce or publish or circulate or reverse or engineer and/or decompile or otherwise transfer, whether directly or indirectly, the confidential information of the disclosing party to any other person or entity; and the receiving party shall take all such steps as may be reasonably necessary to prevent the disclosing party's confidential information failing into the hands of unauthorised persons or entities;

4.1.3 it shall not disclose the confidential information of the disclosing party to any employee, consultant, professional adviser, contractor or sub-contractor or agent of the receiving party (collectively referred to herein as "representative") or an affiliate of the receiving party, nor shall they be given access thereto by the receiving party -

4.1.4 unless it is strictly necessary for the purposes referred to in 2.1 above; and

4.1.5 the receiving party shall have procured that the representative, affiliate or consultant to whom or to which such information is disclosed or made available shall have agreed to be bound by all the terms of this agreement, and, in such event, the receiving party hereby indemnifies the disclosing party

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against any loss, harm or damage which it may suffer as a result of the unauthorised disclosure of confidential information by a representative, affiliate or consultant.

4.2 Any documentation or written record or other material containing confidential information (in whatsoever form) which comes into the possession of the receiving party shall itself be deemed to form part of the confidential information of the disclosing party. The receiving party shall, on request, and in any event if the discussions referred to in 2.1 above should not result in an agreement, return to the disclosing party all of its confidential information which is in physical form (including all copies) and shall destroy any other records (including, without limitation, those in machine readable form) as far as they contain the disclosing party's confidential information. The receiving party will, upon written or oral request from the disclosing party and within five (5) business days of the disclosing party's request, provide the disclosing party with written confirmation that all such records have been destroyed.

5. COPIES

5.1 The receiving party may only make such copies of the disclosing party's confidential information as are strictly necessary for the purpose and the disclosures which are not in breach of this agreement and authorised in terms of this agreement. The receiving party shall clearly mark all such copies as "Confidential".

5.2 At the written request of the disclosing party, the receiving party shall supply to the disclosing party a list showing, to the extent practical –

5.2.1 where copies of the confidential Information are held;

5.2.2 copies that have been made by the receiving party (except where they contain insignificant extracts from or references to confidential information) and where they are held; and

5.2.3 the names and addresses of the persons to whom confidential information has been disclosed and, if applicable, a copy of the confidentiality undertaking signed by such persons complying with the provisions of this agreement.

6. THE USE OF THE COMPANY'S INTELLECTUAL PROPERTY

6.1 The receiving party shall not use any intellectual property of the Company (including trademarks, service marks, logos, slogans, trade names, brand names and other indicia of origin) (collectively, the "**Company IP**") for any reason whatsoever without first obtaining the Company's prior written consent which consent the Company shall be entitled to grant solely at its own discretion.

6.2 If the receiving party requires the use of such Company IP, a request must be sent to the ***joseph.rulash@airports.co.za***. Each single request by the same receiving party shall be treated as a new request.

6.3 Should the Company provide its consent in terms of clause 6.1 above, the receiving party shall comply with the Company's policies and standards with regard to the use of the Company IP. Such policies and standards shall be communicated to the receiving party at the time the Company grants the consent to the receiving party.

6.4 Failure to adhere to the provisions of this clause 6 or the policies, brand requirements and protocols that will be communicated by the Brand Custodians Office to the receiving party, shall result in the penalty equal to the value of 2% (two per cent) of the receiving party's annual turnover in the financial year in which the aforesaid failure occurred.

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7. **DURATION**

7.1 Subject to Clause 2.3 this agreement shall commence or shall be deemed to have commenced on the date of signature of this agreement by the last party to sign the agreement.

7.2 This agreement shall remain in force for a period of **5** years ("the term"), or for a period of one (1) year from the date of the last disclosure of confidential information to the receiving party, whichever is the longer period, whether or not the parties continue to have any relationship for that period of time.

8. **TITLE**

8.1 All confidential information disclosed by the disclosing party to the receiving party is acknowledged by the receiving party:

8.1.1 to be proprietary to the disclosing party; and

8.1.2 not to confer any rights to the receiving party of whatever nature in the confidential information.

9. **RELATIONSHIP BETWEEN THE PARTIES**

9.1 The disclosing party is not obliged, by reason of this agreement, to disclose any of its confidential information to the receiving party or to enter into any further agreement or business relationship with the receiving party. Nothing herein shall imply or create any exclusive relationship between the Parties or otherwise restrict either Party from pursuing any business opportunities provided it complies at all times with the non-disclosure obligations set forth herein

9.2 The disclosing party retains the sole and exclusive ownership of intellectual property rights to its confidential information and no license or any other interest in such confidential information is granted in terms hereof or by reason of its disclosure.

9.3 The termination of the discussions referred to in 2.1 above shall not release the parties from the obligations set out in this agreement.

10. **ENFORCEMENT, GOVERNING LAWS AND JURISDICTION**

10.1 This agreement shall be governed by and interpreted according to the laws of the Republic of South Africa, without reference to the choice of laws' provisions of the Republic of South Africa. In the event of a conflict between or inconsistency in the laws applicable in the various provinces of the Republic of South Africa, the law as applied and interpreted in the Gauteng Province shall prevail.

10.2 The parties irrevocably submit to the exclusive jurisdiction of the High Court of South Africa, Witwatersrand Local Division, in respect of any action or proceeding arising from this agreement.

10.3 The parties agree that, in the event of a breach of this agreement, monetary damages would not be an adequate remedy. In the event of a breach or threatened breach of any provisions of this agreement by the receiving party, the disclosing party (and/or its relevant affiliate) shall be entitled to injunctive relief in any court of competent jurisdiction and the receiving party shall reimburse the disclosing party for any costs, claims, demands or liabilities arising directly or indirectly out of a breach. Nothing contained in this agreement shall be construed as prohibiting a party or its affiliate from pursuing any other remedies available to it for a breach or threatened breach.

10.4 The failure by the disclosing party to enforce or to require the performance at any time of any of the provisions of this agreement shall not be construed to be a waiver of such provision, and shall not affect either the validity of this agreement or any part hereof or the right of the disclosing party to enforce the provisions of this agreement.

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11. **DOMICILIUM**

11.1 The parties choose as their *domicilium* the addresses indicated in the heading to this agreement for the purposes of giving any notice, the payment of any sum, the serving of any process and for any other purpose arising from this agreement.

11.2 Each of the parties shall be entitled from time to time, by written notice to the other, to vary its domicilium to any other address which is not a post office box or poste restante.

11.3 Any notice required or permitted to be given in terms of this agreement shall be valid and effective only if in writing.

11.4 Any notice given and any payment made by one party to the other ("the addressee") which:

11.4.1 is delivered by hand during the normal business hours of the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee at the time of delivery;

11.4.2 is posted by prepaid registered post from an address within the Republic of South Africa to the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee on the fourth day after the date of posting;

11.4.3 is transmitted by facsimile to the addressee's receiving machine shall be presumed, until the contrary is proved, to have been received within one (1) hour of transmission where it is transmitted during normal business hours or, if transmitted outside normal business hours, within one (1) hour of the resumption of normal business hours on the next normal business day.

12. **GENERAL**

12.1 No party shall be bound by any representation, warranty, undertaking, promise or the like not recorded in this agreement.

12.2 No addition to, variation or agreed cancellation of this agreement shall be of any force or effect unless in writing and signed by or on behalf of the parties.

12.3 Any indulgence which either party may show to the other in terms of or pursuant to the provisions contained in this agreement shall not constitute a waiver of any of the rights of the party which granted such indulgence.

12.4 The parties acknowledge that this agreement and the undertakings given by it in terms hereof are fair and reasonable in regard to their nature, extent and period and go no further than is reasonably necessary to protect the interests of the parties.

12.5 The parties hereby confirm that they have entered into this agreement with full and clear understanding of the nature, significance and effect thereof and freely and voluntarily and without duress.

12.6 Neither party shall have the right to assign or otherwise transfer any of its rights or obligations under this agreement.

12.7 This agreement may be executed in several counterparts that together shall constitute one and the same instrument.

12.8 In this agreement, clause headings are for convenience and shall not be used in its interpretation.

12.9 Each clause of this agreement is severable, the one from the other and if any one or more clauses are found to be invalid or unenforceable, that clause shall not affect the balance of the clauses which shall remain in full force and effect.

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SIGNED at _____ on _____day of _____202___

_____

AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED

the signatory warranting that he is duly authorised thereto.

Name: _____

Designation: _____

AS WITNESSES

1. _____

2. _____

SIGNED at _____ on _____day of _____202___

_____

[NAME OF SERVICE PROVIDER]

the signatory warranting that s/he is duly authorised thereto.

Name: _____

Designation: _____

AS WITNESSES

1. _____

2. _____

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FORM 5.6: ACCEPTANCE OF TERMS AND CONDITIONS OF RFP AND BIDDER'S PARTICULARS

When responding to this bidder, the bidder is assumed to have accepted the terms and conditions listed below:

TO: Airports Company South Africa SOC Limited (ACSA)

Airports Company South Africa Limited.

Proposal No: _____

1. Bidder's Name and Contract Details

Bidder:	
Physical Address:	
Correspondence to be addressed to:	
Phone numbers:	
Email Address:	
Contact Person:	

2. Proposal Certification

We hereby submit a Proposal in respect of the *above* in accordance with Airports Company South Africa's requirements.

- We acknowledge that Airports Company South Africa's terms and conditions (as amended and mutually agreed between the parties if necessary) shall apply to the agreement with the successful Bidder,
- We have read, understand and agree to be bound by the content of all the conditions of this bid and documentation provided by Airports Company South Africa in this Request for Proposal.
- We accept that Airports Company South Africa's Bid Adjudication Committee decision is final and binding.

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- We acknowledge that the bidder/s, directors, shareholders and employees may be subjected to security vetting by Airport Company South Africa or its agent.
- We certify that all forms of Proposal as required in the Proposal document are included in our submission.
- We certify that all information provided in our Proposal is true, accurate, complete and correct.
- This Proposal is specific to this bid only.
- The undersigned is/are authorized to submit and sign the Proposal that shall be binding on closure of the Proposal submission.
- The Proposal is binding on this Bidder for a period which lapses after *one hundred and twenty (120) days* calculated from the closing date for Proposal submission.
-

Thus done and signed at		on this the		day of		202

Signature:	
Name:	

For and behalf of:

Bidding entity name:	
Capacity:	

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FORM 5.7: VAT QUESTIONNAIRE

VAT Questionnaire for entities bidding as a partnership, joint venture or consortium (i.e. Body of Persons). The following form is required to be completed by the winning bidder at contracting stage.

1. Are you bidding as a partnership/ joint venture or consortium? **Yes/No (Mark with X below)**

Yes	**No**

2. If you have answered yes to the above question, please provide the following:

2.1 A VAT registration certificate in the name of the joint venture, partnership or consortium which includes the VAT registration number of the partnership/joint venture.

Name of the Body of Persons	**VAT Number of Body of Persons**	**Valid VAT registration certificate attached? Yes/No**
1.		

ACSA management will use the following link to check your registration. VendorExactSearch\ 1.0.4 (sarsefiling.co.za)

3. We recommend that the supplier warrants and represents that, where applicable, it is duly registered for VAT under the VAT Act.

4. Failure to comply with the VAT Act in supplying a valid VAT invoice relating to the Body of Persons will result in Airports Company South Africa SOC Limited being entitled to recover any losses, penalties and interest suffered. Failure includes but is not limited to the invoice having a VAT number that is not registered to the Joint Venture/partnership/consortium i.e. if the VAT number supplied relates to one party of the Body of Persons.

The below definitions are in relation to the above requirement.

1. Definitions

1.1 **Person**, as defined in section1(1) of the Value Added Tax Act No 89 of 1991("the VAT Act") – includes a public authority, any municipality, any company, any body of persons (corporate or unincorporated), the estate of any deceased estate or any insolvent person and any trust fund.

The below terms are not defined in the VAT Act and as such, the ordinary meaning has been taken into account:

1.2 **Consortium or Joint Venture** - an arrangement between two or more persons based on an agreement to generally operate a single, limited or defined project. The parties to such an agreement will generally share control of the arrangement and share the product or output of the venture

1.3 **Partnership** - an arrangement between two or more persons based on an agreement. The parties to that arrangement should have the intention to be partners and the essential elements for a

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partnership being the partners' contributions, a profit objective and joint benefit for the partners must be evident from the agreement.

2. The Law

Section 51 of the VAT Act states that:

(1) Subject to the provisions of section 46, where any body of persons, whether corporate or unincorporate (other than a company), carries on or is to carry on any enterprise-

a. such body shall be deemed to carry on such enterprise as a person separate from the members of such body;

b. registration of that body as a vendor shall be effected separately from any registration of any of its members in respect of any other enterprise;

c. liability for tax in respect of supplies by that body shall be determined and calculated in respect of the enterprise carried on by it as an enterprise carried on independently of any enterprise carried on by any of its members, and any refund relating to that body's enterprise which is payable in terms of section 44 shall be made to that body; and

d. the duties and obligations imposed by this Act on any vendor or other person shall, as respects the enterprise carried on by that body, be performed by it separately from the duties and obligations imposed on any of its members.

3. Application of the Law

When a body of persons forms a joint venture, partnership or consortium, such a body is treated as a separate legal person for VAT purposes and, is in terms of section 51(1) of the VAT Act ,required to register for VAT with the South African Revenue Services ("SARS")where the body's taxable supplies exceed the registration threshold.

Should the joint venture or partnership or consortium not be registered for VAT, **VAT cannot be levied on any invoice** that will be issued out to Airports Company South Africa for services rendered.

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