

REQUEST FOR PROPOSAL (RFP) DOCUMENT

DESCRIPTION	APPOINTMENT OF THE APPROVED LIST OF SERVICES PROVIDER(S) (PANEL) WITH COAL BENEFICIATION PLANTS FOR BENEFICIATION OF THE NO.2 AND NO.4 SEAM FROM VLAKFONTEIN MINE AT MINIMUM TONNAGES OF 50 000 PER MONTH OVER A PERIOD OF 18 MONTHS FROM DATE OF CONTRACT AWARD.
Bid number:	AE/VLAK016/2021
Bid Issue Date	17 May 2021
Bid Available	This RFP may be downloaded directly from African Exploration Mining and Finance Corporation at www.aemfc.co.za .
Briefing Session	A pre-proposal RFP briefing will be conducted via Microsoft Teams on the 27 May 2021, at 11h00am for a period of ± 2 hours. The briefing session will start punctually, and information will not be repeated for the benefit of Respondents arriving late. All interested bidders must register their interests by completing "Registration of Prospective Bidders Form" that will be attached on the advertisement and return to tender@aemfc.co.za by 25 May 2021 to allow AEMFC to make arrangements for the virtual briefing session. Bidders are expected to fill in and sign the "Certificate Of Briefing Session Attendance" during the briefing session together with the signature of AEMFC representative. Any organization wishing to bid must send at least one representative but not more than two representatives per bidder. A Consortium or Joint Venture must be represented by at least one of the Consortium or Joint Venture members.
Closing Date	08 June 2021
Closing Time	12:00pm. Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.
Clarification on enquiry documents	Bidders will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 04 working days before the deadline for tender submission.
Bid validity period:	120 days. Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.
Delivery Instructions By Hand	Bid documents should be deposited in the Bid Box situated at: African Exploration Mining and Finance Corporation (SOC) Ltd Building 1, 1st Floor 74 Waterfall Drive Waterfall City Gauteng 2090 Access to the Bid Box is limited to the following hours: Monday to Friday: 08:00 to 16:00 Late Tenders will not be accepted

	Bidders must ensure that bids are delivered on time to the correct address. Bids received late shall not be accepted for consideration. All Bids must be submitted on the official forms provided by AEMFC – (not to be modified)
--	--

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
BID NUMBER:	AE/VLAK016/2021	CLOSING DATE:	08 June 2021	CLOSING TIME:	12h00
DESCRIPTION	APPOINTMENT OF THE APPROVED LIST OF SERVICES PROVIDER(S) WITH COAL BENEFICIATION PLANTS FOR BENEFICIATION OF THE NO.2 SEAM FROM VLAKFONTEIN MINE AT TONNAGES OF BETWEEN 50 000 AND 80 000 PER MONTH OVER A PERIOD OF 18 MONTHS FROM DATE OF CONTRACT AWARD.				
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
African Exploration Mining and Finance Corporation (SOC) Ltd					
Building 1, 1 st Floor					
74 Waterfall Drive					
Waterfall City					
Gauteng					
2090					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		☐ Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	
		☐ No			
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		☐	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
		☐	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
		☐	A REGISTERED AUDITOR		
		NAME:			
[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]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY	AEMFC SOC LTD	CONTACT PERSON	Lulama Mangena
CONTACT PERSON	Lulama Mangena	TELEPHONE NUMBER	010 010 6100
TELEPHONE NUMBER	010 010 6100	FACSIMILE NUMBER	N/A
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	lulamaM@aemfc.co.za
E-MAIL ADDRESS	lulamaM@aemfc.co.za		

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 ONLINE 1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION. 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 LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. 2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

TABLE OF CONTENT

Section No	Page
1	Terms of Reference (Confidential Information Disclosure Notice)4
2	Introduction4
3	Local Content.....5
4	Tax Compliance5
5	Scope Of Work (Requirements)5
6	Services, Facilities and Information to be Supplied by Bidder6
7	Services, Facilities and Information to be Supplied by AEMFC6
8	Submission7
9	Functional Response7
10	Commercial Response7-9
11	Required Documents9-10
12	Evaluation Criteria11-12
13	Pricing13-14
14	Additional Information15
15	Disclaimers15

ANNEXURES

ANNEXURE A	SCHEDULE A (MISCELLANEOUS INFORMATION)
ANNEXURE B	SBD 6.1
ANNEXURE C	SBD9
ANNEXURE D	REGISTRATION OF PROSPECTIVE BIDDERS FORM
ANNEXURE E	RESOLUTION TO SIGN OF BEHALF OF A COMPANY
ANNEXURE F	BILL OF QAUNTITY (BOQ)
ANNEXURE G	LIST OF PROJECTS COMPLETED

1 TERMS OF REFERENCE (Confidential Information Disclosure Notice)

- 1.1 This document may contain confidential information that is the property of African Exploration Mining and Finance Corporation (AEMFC) SOC Ltd.
- 1.2 No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this bid, without prior written permission from African Exploration Mining and Finance Corporation SOC Ltd.
- 1.3 All copyright and intellectual property herein vests with African Exploration Mining and Finance Corporation SOC Ltd.

2 RESERVATION OF RIGHTS

- 2.1 African Exploration Mining and Finance Corporation (SOC) Ltd ("AEMFC") reserves the right to conduct a Three (3) to Six (6) months trial for the beneficiation of the No.2 coal seam prior to concluding a long-term coal beneficiation agreement with the preferred service provider (s).
- 2.2 Prior to Contracting, the coal beneficiation plant must be inspected and approved by AEMFC and Eskom.
- 2.3 The Coal Processing plant must have all Regulatory approvals in place. e.g., Integrated Water Use Licence Amendment (IWULA), Environmental Management Programme (EMPr), Mining Right/Permit, etc
- 2.4 Prior to Contracting, all the coal delivery trucks will be inspected by AEMFC and all the trucks must comply to Eskom's Trucking Rotran requirements
- 2.5 AEMFC reserves the right to request information relating to the coal beneficiation plant performance.
- 2.6 AEMFC's Vlakfontein Mine has a crushing and screening plant at the mine and will not accept any bids offering crush and screen beneficiation.

3 INTRODUCTION

- African Exploration Mining and Finance Corporation (SOC) Ltd ("AEMFC") is a state-owned Mining Company established to secure South Africa's energy supply primarily through the mining and supply of coal for the generation of electricity, as well as securing other resources that will provide energy for the future, including key minerals for beneficiation in the energy and steel value chain. As a growing company, AEMFC is currently operating an opencast coal mine (Vlakfontein Mine – Coordinates: Latitude 26° 0'42.15"S, Longitude 28°57'47.72"E) established in 2011 which is located near Ogies in Mpumalanga Province, with its Head Office at Waterfall City in Johannesburg.
- The mandate of the AEMFC is to acquire and hold all exploration and mineral rights in respect of all energy related and other minerals on behalf of the State and engage in the mining thereof. The company shall whenever deemed expedient and as far as practicable, collaborate with BEE companies and other State Owned Enterprises in executing its business mandate
- AEMFC's Vlakfontein Mine is mining the No.2 coal seam which consist of the No.2 lower seam with higher coal qualities and the No.2 upper seam with lower coal qualities. Below is the coal minimum quality specification of the No.2 upper coal seam which requires to be beneficiated through a coal processing plant to achieve the desired qualities.

	Raw ASH	Raw CV	Raw VM	Raw FC	Raw IM	Raw TS
Ave	43.70	15.55	17.90	36.07	2.38	0.39

- The No.2 lower coal seam is loaded and transported to the crush and screen plant and processed for supply to Kusile Power Station. The No.2 upper coal seam is stockpiled

separately due to the poor coal qualities.

4 BACKGROUND AND OVERVIEW

AEMFC plans to appointment the approved List of Services Provider(s) (Panel) with Coal Beneficiation plants for beneficiation of the No.2 and No.4 Seam from Vlakfontein Mine at minimum tonnages of 50 000 per month over a period of 18 Months from date of contract award.

- 4.1 As Vlakfontein has a crushing and screening plant, AEMFC will not accept any bids offering services of beneficiating the coal through a crush and screen beneficiation plant only

5 SCOPE OF WORK (SOW) (REQUIREMENTS)

- 5.1 The service required is for a Supplier to Beneficiate the No.2 coal seam for AEMFC according to the Specification as presented in Table 1 of this Document below. The Supplier will supply analytical certificates that indicates both physical and chemical characteristics upon beneficiation of the coal.
- 5.2 Transportation of coal from Vlakfontein Mine to the respective coal processing plant and to Kusile and or Kendal Power Station or back to Vlakfontein Mine or any other alternative delivery point.
- 5.3 Onsite offloading and handling of the coal delivered by truck to the proposed coal processing plant.
- 5.4 Feeding, handling, and processing of the coal through a beneficiation plant.
- 5.5 In instances where a partial wash is conducted and some of the coal is by passed through the system, only the crushing and screening costs will apply for that by passed feed coal.
- 5.6 Process coal to achieve the specified coal qualities.
- 5.7 Handling and disposal of discards.
- 5.8 Quality assurance including pre-certification of product stockpiles as per Eskom's Coal Quality Management Procedure (CQMP).
- 5.9 Price per metric ton of coal must indicate the transport price component and coal processing component separately (Annexure B).
- 5.10 AEMFC may elect to award Free on Truck (FOT) coal supply contract excluding logistics (Loading and/or Transportation).
- 5.11 All consignments of coal supplied/coal loaded in terms of this agreement will be mass-measured by using AEMFC's weighbridge. Masses so determined will be recorded on the Supplier's delivery note as well as on AEMFC's receipt, and a copy of the weighbridge certificate must be affixed to each of these documents.
- 5.12 Should AEMFC elect to award contract including logistics component (Delivered), the reliability of the trucking company for the delivery of coal should be assured, failing which penalties in terms of the late deliveries as well as unreliable deliveries will be imposed, which may result in the supplier losing its contract with AEMFC. This is to ensure stable operational conditions.
- 5.13 Truck Tarpaulin services at Vlakfontein Mine For opening and closing of Tarpaulin
- 5.14 Should AEMFC elect to award contract including logistics component (Delivered), the delivery trucks must be registered and approved to deliver at Eskom power stations and rail sidings.
- 5.15 Supplier to sample the coal using auto mechanical samplers. Coal sampling procedures to be agreed upon with a supplier during contracting phase.
- 5.16 The proposed coal beneficiation plant must have weight meters in place to weigh the ROM feed, the coal product and the discard product for reconciliation purposes.
- 5.17 AEMFC reserves the right to perform occasion quality assurance by sampling the ROM feed, the coal product and the discard product at the Winning bidders beneficiation plant
- 5.18 The Scope of Work shall include the performance of all work necessary to achieve the objectives of the bid, whether uniquely specified or not.
- 5.19 The size of each stockpile should be between 3000 and 5000 tons.
- 5.20 The preferred suppliers (s) will be expected to start with the beneficiation of the coal within one month of contract award.

Table 1: Desired product specifications for Vlakfontein Mine Coal Supply Agreement

Kusile PS	UNIT	Target Qualities	Measurement Basis
Coal Qualities			
Total Moisture	%	≤8.0	As Received
Inherent Moisture	%	NA	As Received
Ash	%	≤30.0	Air Dried
Calorific Value	MJ/kg	≥20	Air Dried
Volatiles	%	≥18.5	Air Dried
Sulphur	%	≤0.9	Air Dried
Abrasive Index (AI)	mgFe/kg	≤450	Air Dried
Ash Fusion Temperature (AFT)	°C	≥1230	As Received
SIZE			
+50mm	%	≤5	As Received
-3mm (Cumulative)			As Received
-1mm	%	≤25	
	%	≤15	As Received

6 SERVICES, FACILITIES, AND INFORMATION TO BE SUPPLIED BY AEMFC (to the winning bidder)

7

- 7.1 All Reports relating to the No. 2 and No.4.Coal Seam qualities and quantities.
- 7.2 Weighbridge facilities at Vlakfontein Mine.
- 7.3 Coal Loading at Vlakfontein Mine
- 7.4 Induction and pre-employment medical examination (at supplier's cost).

8 SERVICES, FACILITIES, AND INFORMATION TO BE SUPPLIED BY THE WINNING BIDDER

- 8.1 The Supplier must comply with AEMFC's SHEQ and Security regulations as applicable.

9 SUBMISSION AND OPENING OF BIDS

Bids should be sealed and externally endorsed:

CLIENT NAME: African Exploration Mining and Corporation (AEMFC)

BID DESCRIPTION:

BID NO: AE/VLAK016/2021

BIDDER NAME:

ENVELOPE TITLE: FUNCTIONAL RESPONSE/COMMERCIAL RESPONSE

- 9.1 There shall be no public opening of the Bid received, however the list of Bids received may be published on the AEMFC website or National Treasury e-tender portal unless specifically provided for in the RFP.
- 9.2 Bids submitted by means of email, telegram, telefax, facsimile or similar means shall not be considered.
- 9.3 Bidders will be disqualified in the event of there being scratching out, writing over or painting out rates or information, affecting the evaluation of the bid, without initialling next to the amended rates or information.
- 9.4 Bidders will be disqualified in the event of the use of correction fluid (e.g. tippex), any erasable ink, or any erasable writing instrument (e.g. pencil).

- 9.5 Bidders will be disqualified if the entity or any of its directors is listed on the register of Bid Defaulters in terms of the Prevention and Combating of Corruption Activities Act of 2004 as a person prohibited from doing business with the public sector.

10 FUNCTIONAL RESPONSE

The following information must be included in the functional response envelope:

FUNCTIONAL RESPONSE ENVELOPE	
Proposal documents comprising of a response to the functional evaluation criteria inclusive of the following (Refer to Section 7).	Comply [Yes/No]
Completed Functional Response	
Coal Processing plant capacity to beneficiate the No. 2 Coal Seam. Reference Letters	
Company Experience- Provide the company experience and/or list of projects in the beneficiation of coal. . Annexure A	
Plant Manager Experience - Coal Processing experience of the Lead Individual (Plant manager) who will be working on the Project. Attach CV of Plant Manager	
Provide Coal Quality Management Procedure (Bidders own procedure and/or Eskom procedure).	

Functional response envelope shall consist of the following

- Two (2) hard copies of which one (1) shall be an **original** and the remaining one (1) copies of the original.
- The original copy must be marked clearly as an original version.

11 COMMERCIAL RESPONSE

11.1 PRE-QUALIFICATION CRITERIA

Only bidders who meet the below Pre-qualification criteria qualify to apply for this bid:

- Bidders shall subcontract at least 30% of the contracted value to **Exempted Micro Enterprises (EME's) or Qualifying Small Enterprises (QSE's)** that are at least 100% owned by black people. A percentage less than what is stated above will not be accepted, and shall render the bid non –responsive. i.e. failure to comply with what is required in a respective B-BBEE status and level will lead to disqualification of a submission. *Tenderers are notified that subcontracting opportunities shall be availed to EME's that are 100% owned by black owned; no subcontractor from outside underdeveloped areas or areas will be accepted.*
- Proof of a signed Sub-contracting agreement or Letter of intent or Memorandum of understanding/Agreement between the main bidder and subcontracting partner. Signed commitment to be attached. Failure to attach such signed agreement will lead to disqualification.

11.2 OBJECTIVE CRITERIA

- Objective criteria in terms of sections 2(1) (d), (e) and (f) of the PPPFA will be used in awarding the tender not to the highest scorer; and the objective criteria for this tender are as follows:
 - N/A

12 ADMINISTRATIVE DOCUMENTS

- Company Registration Documents Certified copies of identity documents of all directors/ main shareholders of the company, which copies must not be older than three months.

12.1 JOINT VENTURE /CONSORTIUM AGREEMENT

- a) If the bidder is a Joint Venture or Consortium, a Joint Venture / Consortium agreement signed by all member entities of the Joint Venture or Consortium must be attached together with the registration document of all member entities.

12.2 BROAD BASE BLACK ECONOMIC EMPOWERMENT (B-BBEE) Act

- a) Valid Original or Certified Copy of B-BBEE Certificate/ Sworn Affidavit for EMEs and QSEs
- b) If the bidder is a Joint Venture or Consortium, a consolidated B-BBEE certificate (of the Joint Venture or Consortium (inclusive of all member entities) must be submitted.
- c) *AEMFC reserves the right to verify the B-BBEE certification against the actual turnover as per Annual Financial Statements submitted by the bidder. Any discrepancy between the certification and the actual turnover as verified by AEMFC arising out of any misrepresentation in this regard shall lead to a disqualification.*
- d) Further, the original or certified copy of an individual or consolidated B-BBEE certificate or sworn affidavit will also be used for awarding preference points. The B-BBEE certificate must be submitted on the day of bid closure.
- e) B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80 points for price and will score 0 points for B-BBEE level /status (out of 20).

12.3 NATIONAL TREASURY'S SUPPLIER DATABASE (CSD) REGISTRATION

- a) Bidders must submit proof of registration on the National Treasury's Central Supplier Database (CSD).
- b) Bidders are requested to register on the National Treasury CSD and include the copy of supplier number in order to enable the institution to verify the supplier's tax status on CSD.
- c) Registration can be completed online at www.csd.gov.za.

12.4 FINANCIAL STATEMENTS

Bidders to proof of financial Soundness - Annual Financial Statements:

- a) If a bidder is a registered company required by law to have its annual financial statements audited or independently reviewed in compliance with the requirements of the Companies Act, Act No. 71 of 2008 , or any other law, audited or independently reviewed annual financial statements, as the case may be, prepared within six(6) months of the end of the bidders most recent financial year together with the audited or independently reviewed annual financial statements for two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which case all of its annual financial statements must be submitted.
- b) If a bidder is a registered close corporation, annual financial statements in compliance with the provisions of the Close Corporation, annual financial statements in compliance with the provisions of the Close Corporations Act, Act No. 69 of 1984, prepared within nine (9) months of the end of the bidders most recent financial year together with the annual financial statements for the two immediately preceding financial years, unless the bidder was only established within the past three (3) years in which all of its annual financial statements must be submitted.
- c) Annual financial statements submitted must comply with the requirements of the Companies Act or the Close Corporations Act.
- d) If the bidder only commenced business within the past three years, the bidder is required to submit annual financial statements in compliance with the provisions of (5.1) and (5.2) above for each of its financial years since commencing business.
- e) If a bidder is not required by law to have its annual financial statements audited or independently reviewed, or is not a Close Corporation, then non-audited annual financial statements for the periods referred to above must be submitted.

- f) If a bidder is a new company, an affidavit must be provided where no annual financial statements have been prepared.

13 MULTIPLE BIDDING

11.1 AEMFC does not allow Bidders to do multiple bidding.

*Note : Bids submitted multiple bidding **will** be deemed to be non-responsive).*

14 REQUIRED DOCUMENTS

The following Standard Bidding Documents duly completed and signed:

COMMERCIAL RESPONSE	
MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Resolution of Authority to Sign on behalf of the Bidding Entity / JV / Consortium <i>Note (Bids submitted without the required Resolution of Authority to Sign on behalf of the Bidding Entity / JV / Consortium will be deemed to be non-responsive).</i>	
Sub-contracting agreement/ Letter of Intent/ Memorandum of Agreement/ Understanding <i>Note (Bids submitted without the sub-contracting agreement will be deemed to be non-responsive).</i>	

COMMERCIAL RESPONSE	
ESSENTIAL RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
National Treasury Registration on Central Data Base (CSD) (certificate).	
Valid and Original, or certified copy of Letter of Good Standing (COID) The above document will be required to be submitted at contracting stage.	
Schedule A: Miscellaneous Information	
SBD 9: Certificate of Independent Bid Documentation	

Commercial response envelope shall consist of only **one** original hard copy

15 EVALUATION CRITERIA

The following evaluation method will be used:

- 15.1 After the closing date of the bid invitation, an appointed evaluation committee of AEMFC officials and / or external parties/ consultants (where necessary) will evaluate the proposal of the service providers.
- 15.2 The committee will evaluate each of the bid proposals received against the approved criteria as stated below:
- Compliance Check of required documents
 - Functionality (Technical)
 - Price and B-BBEE status level of contribution in accordance with PPPFA and its Regulations.

15.3 PHASE 1: Compliance Check of Required documents

All proposals submitted will be evaluated to establish compliance to the commercial requirements such as for completion and signing of Standard Bidding Documents (SBD) forms, and submission of Central Supplier Database (CSD) registration number.

15.4 PHASE 2: Functionality

Minimum threshold value of 60 should be obtained by the service providers to qualify for the fourth phase.

NO	EVALUATION CRITERIA	SCORING PRINCIPLE	RETURNABLE SCHEDULEE	RATING	WEIGHTING SCORE
1	Coal Processing plant capacity to beneficiate the No. 2 Coal Seam	More than 70 000 tons per month coal processing Plant capacity	Bidders are to provide letter confirming coal processing capacity to beneficiate the coal on company's letterhead.	20	20
		More than 50 000 to 70 000 tons per month Coal processing plant capacity		15	
		More than 30 000 to 50 000 tons per month Coal processing plant capacity		10	
		Less than 30 000 tons per month Coal processing plant capacity		5	
		N.B Failure to provide the letter confirming coal processing capacity to beneficiate the coal on company's letterhead will lead to the bidder scoring Zero			
2	Company Experience- Provide the company experience and/or list of projects in the beneficiation of coal.	More than 5 years' experience and/or list of projects in coal beneficiation.	Complete Annexure G. The onus is on a bidder to ensure that the contact details and email addresses of the clients/company provided are valid.	20	20
		3 to 5 years' experience and/or list of projects in coal beneficiation.		10	
		Less than 3 years' experience and/or list of projects in coal beneficiation.		5	
		If Bidder is beneficiating coal on behalf of client, bidder is to provide detailed reference letters on client's company letterhead.			
		If Bidder is beneficiating coal for own sales ,Bidders are to provide letter confirming company's experience in the beneficiation of coal.			
- N.B Bidders are to FULLY complete Annexure A. Failure to provide such reference letter for client listed in Annexure A will lead to disregard of listed experience for such client. - N.B Failure to provide the letter confirming company's experience in the beneficiation of coal on company's letterhead will lead to the bidder scoring Zero.					
3	Plant Manager Experience - Coal Processing experience of the Lead Individual (Plant manager) who will be working on the Project.	More than 5 years' experience of the Lead Individual (Plant manager) who will be working on the project.	Lead Individual (Plant manager) to provide detailed Curriculum Vitae ("CV") clearly stating coal processing experience with contactable references	20	20
		More than 3 to 5 years' experience of the Lead Individual (Plant manager) who will be working on the project.		15	
		1 to 3 years' experience of the Lead Individual (Plant manager) who will be working on the project.		10	
		Less than 1-year experience of the Lead Individual (Plant manager) who will be working on the project.		5	
		N.B Failure to provide CV will lead to Bidder scoring zero			
4	Location of Coal Processing Plant	0 to 30km from Vlakfontein Mine	Bidders are to provide letter confirming coal processing plant location and distance (including co – ordinates) from Vlakfontein mine on company's letterhead.	20	20
		More than 30 km to 50km from Vlakfontein Min		10	
		More than 50km from Vlakfontein Mine		5	
		Failure to provide the letter will lead to the bidder scoring Zero			
5.	Provide Coal Quality Management Procedure	Coal quality management procedure provided	The attached Coal management procedure must include coal sampling, coal accounting (weight meter), stockpile	20	20

	(Bidders own procedure and/or Eskom procedure).	No coal quality management procedure provided	management, coal quality flow diagrams and discard management	0	
	Failure to attach the Coal Quality Management Procedure as requested will lead to the bidder scoring zero points.				
Total Points					100
Minimum Threshold					60

NB: Bidders who score zero (0) points in any of the above Functional Criterion will not be considered for the third phase of evaluation (Price and B-BBEE)

AEMFC reserves the right to:

- a) Withdraw, amend or cancel the tender and not make an award;
- b) Consider other bidder/s that did not meet the minimum threshold for functionality. In the event none of the tenderers meet the minimum threshold for functionality, AEMFC may consider the highest scoring bidder and subsequent bidder/s that are within 10% of the highest scoring bidder.
- c) Negotiate prior to awarding business;
- d) Split the award of business amongst two or more tenderers;
- e) Make an award against the whole or part of the scope;
- f) Conduct a due-diligence exercise or verify any aspect of a bid offer;
- g) Request bidders to present or be interviewed regarding any aspects of their bids;
- h) Allow bidders to make amendments or submit additional information after the closing date and time, where such amendments will not result in a procedurally unfair outcome

15.5 PHASE 3: Price and B-BBEE

Price Quotations will be evaluated in accordance with the Preferential Procurement Policy Framework Act (PPPFA), using the 90/10 preference point system, where 90 points will be for price and the remaining 10 will be for B-BBEE Status of Level of contribution. Preference points shall be awarded as follows:

B-BBEE Status Level of Contributor	Number of points (90/10 system)
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

If particulars required in respect of the bid have not been completed, except if only the Broad Based Black Economic Empowerment Certificate as provided for in Regulation 10 of The Preferential Procurement Regulations 2017, is not submitted, the bid will not be disqualified but no preference points will be awarded, and thereby impact the total scoring negatively

16 PRICING

Arithmetic Errors, omissions, and discrepancies

- 16.1 Where there is a discrepancy between the amounts in figures and the amount in words, the amount in words shall govern.
- 16.2 If there is an error in the line-item total on the bill of quantities resulting from the product of the unit rate and the quantity, the rate shall govern, and the line-item total shall be corrected.
- 16.3 Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the addition of prices, the rates shall govern, and the total tendered price shall be revised to achieve an arithmetically correct total tendered price.
- 16.4 All prices and quotation rates shall comply with the following conditions.
 - a) Quotations to be in South African Rands
 - b) Price quoted must include VAT
 - c) Zero rated services or goods to be indicated as such
 - d) Bids shall be valid for a period of 120 day from date of closing
 - e) Quotations to be submitted on the Company's letterhead.

AEMFC reserves the right to enter into negotiations with any/more selected tenderers in accordance with AEMFC's approved procurement policies and procedures.

17 ADDITIONAL INFORMATION

- 17.1 During evaluation of the bids, additional information may be requested in writing from bidders only for the purpose of clarifying aspects mentioned in the bid. Replies to such request must be submitted, within 2 (two) working days or as otherwise indicated.

18 Rule on the Approved List

- 18.1 The contracting of service providers for specific work assignments will be facilitated by the the Supply Chain department
- 18.2 Assignments will be structured as work packages that clearly define the scope and objective of

- work, proposed timeframes, qualifying criteria, qualification requirements, expected duration (hours), and expected deliverables amongst others.
- 18.3 that have qualified and have been appointed to the List will be approached and be requested to provide a quotation at the time the service is required. Work packages will then be allocated to the successful bidder/s.
- 18.4 The RFQ to be issued to the Approved List will determine the pricing for a particular work package.
- 18.5 In instance where the bidder/s on the approved list are unable to meet the contract obligation and requirement, AEMFC reserves the right to issue a request to the market for a similar services.

19 DISCLAIMERS

Notwithstanding anything else in this Request For Proposal (RFP) and without limiting its rights at law or otherwise, AEMFC reserves the right, in its absolute discretion at any time to:

- 19.1 Cancel and call for new tenders
- 19.2 Appoint more than one bidder or contractor
- 19.3 Reject any tender received after the closing time
- 19.4 Alter the structure and/ or the timing of this RFP or the tendering process
- 19.5 Consider and accept or reject any alternative tender
- 19.6 Reject any tender that does not comply with the requirements of this RFP
- 19.7 Terminate the participation of any Bidder or any other person in the Tendering process
- 19.8 Cease to proceed with or suspend the Tendering process prior to the execution of an official written contract.
- 19.9 Request additional information or clarification from any Service Provider or any other person or provide additional information or clarification.

AEMFC is not obliged to accept the lowest or any bid thereof and reserves the right to withdraw this bid.

ANNEXURE A: SCHEDULE A (MISCELLANEOUS INFORMATION)

Schedule A – DECLARATION OF INTEREST AND CONFIRMATION OF PREVIOUS PROCUREMENT ACTIVITIES

1. Any legal person, including persons employed by the state, 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, 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 bidder/adjudicating authority where-

- the bidder 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 bidder or his/ her representative:

2.2 Identity Number:

2.3 Position occupied in the company (director/trustee/shareholder):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

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 bidder presently employed by the state? YES / NO

2.7.1 If so, furnish the following particulars:

(a) Name of person/director/trustee/shareholder/member:

.....

(b) Name of state institution at which you or this person connected to the bidder is employed:

.....

(c) Position occupied in the state institution:

.....

(d) Any other particulars:

.....

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

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 to this bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudicator of this bid? YES/NO

2.9.1 If so, furnish particulars.

.....

.....

2.10 Are you, or any person connected to the bidder, aware of any relationship (family friend other) between any other bidder 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/shareholders:

Full Name	Identity No	Personal Tax Reference No	State Employee No/Persal No

4 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.

I give consent to AEMFC to use all the submitted information for the evaluation and adjudication. I further
provide AEMFC with permission to confirm the validity and authenticity of the submitted information with
a third party (where applicable)

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

ANNEXURE B

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser

2. DEFINITIONS

- (a) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **"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;
- (c) **"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;

- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“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;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“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;
- (j) **“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	
$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	

Where

- P_s = Points scored for price of bid under consideration
- P_t = Price of bid under consideration
- $P_{\min}$ = 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 bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

- 5.1 Bidders 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	☐	NO	☐
-----	--------------------------	----	--------------------------

- 7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	☐	NO	☐
-----	--------------------------	----	--------------------------

- v) 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 least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

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 service provider
- ☐ Other service providers, 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-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- 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 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) 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 –
 - (a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

- 1.
- 2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

ANNEXURE C: SBD 9

SBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids/quotes¹ 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).² Collusive bidding is a *per 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 bidder if that bidder, 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:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² 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

CERTIFICATE OF INDEPENDENT QUOTATION/PROPOSAL DETERMINATION

I, the undersigned, in submitting the accompanying quote:

AE/VLAK016/2021: APPOINTMENT OF A THE APPROVED LIST SERVICES PROVIDER(S) WITH COAL BENEFICIATION PLANTS FOR BENEFICIATION OF THE NO.2 AND NO.4 SEAM FROM VLAKFONTEIN MINE AT MINIMUM TONNAGES OF 50 000 PER MONTH OVER A PERIOD OF 18 MONTHS FROM DATE OF CONTRACT AWARD.

(Quote Number and Description)

in response to the invitation for the quote made by:

African Exploration Mining and Finance Corporation (SOC) Ltd

(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 Bidder)

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 bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
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 bidder, whether or not affiliated with the bidder, 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 bidder and/or is in the same line of business as the bidder.

SBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ 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 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 **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.**

SBD 9

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.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

ANNEXURE D: REGISTRATION OF PROSPECTIVE BIDDERS FORM

APPOINTMENT OF A THE APPROVED LIST OF SERVICES PROVIDER(S) WITH COAL BENEFICIATION PLANTS FOR BENEFICIATION OF THE NO.2 AND NO.4 SEAM FROM VLAKFONTEIN MINE AT MINIMUM TONNAGES OF 50 000 PER MONTH OVER A PERIOD OF 18 MONTHS FROM DATE OF CONTRACT AWARD.

BID NUMBER: AE/VLAK016/2021

DATE OF BRIEFING SESSION: 27 May 2021 at 11h00am

VENUE: Virtual (Microsoft Teams)

REGISTRATION OF PROSPECTIVE BIDDERS FORM

All interested bidders must register their interests to attend a compulsory briefing session by completing this form and return to tender@aemfc.co.za by **25 May 2021**.

Tel/ mobile no: Email address:

.....
BIDDER'S NAME

.....
DATE

- ☐ Will select time slot of attending, if late AEMFC reserves the right not to attend to them
- ☐ Will agree to screen testing
- ☐ Will wear the required COVID-19 PPE
- ☐ Will not be allowed into the premises if they screen test results indicates the symptoms of COVID- 19 illness

ANNEXURE E: RESOLUTION TO SIGN ON BEHALF OF COMPANY

Resolution to sign on behalf of Company

RESOLUTION of a meeting of the Board of "Directors / Members / Partners of:

.....
(legally correct full name and registration number, if applicable, of the Enterprise)

held at (place).....

on (date).....

RESOLVED that:

- 1 The Enterprise submits a Tender to in respect of the following:

AE/VLAK016/2021 Tender Reference Number:

APPOINTMENT OF A THE APPROVED LIST OF SERVICES PROVIDER(S) WITH COAL BENEFICIATION PLANTS FOR BENEFICIATION OF THE NO.2 AND NO.4 SEAM FROM VLAKFONTEIN MINE AT TONNAGES OF BETWEEN 50 000 AND 80 000 PER MONTH OVER A PERIOD OF 18 MONTHS FROM DATE OF CONTRACT AWARD.

(project description as per Tender Document)

- 2 *Mr/Mrs/Ms in *his/her capacity as:

.....(position)

And who will sign as follows: _____ (Signature)

and is hereby, authorised to sign the Tender and all other documents and/or correspondence in connection with and relating to the EOI, as well as to sign any Contract, and any and all documentation, resulting from the award of any project to the Enterprise mentioned above.

	NAME	CAPACITY	SIGNATURE
1.			
2.			
3.			
4.			
Note: *Delete which is not applicable NB: This resolution must be signed by <u>all</u> the Directors / Members / Partners of the Tendering Enterprise or majority of directors of the Tendering Enterprise. - Should the number of Directors / Members / Partners exceed the space available above,			ENTERPRISE STAMP

additional names and signatures must be
supplied on a separate page.

Annexure F: Bill of Quantities (BOQ)

ELEMENT/S	RATE (PER HOUR)	HOURS	TOTAL VALUE
Professional fees			
Kick Off Meeting (1)			
Monthly Meetings (18)			
	Rand/ton (R/t)		Rand/Ton
Offloading			
Feed to plant handling			
De-stoning			
Discard handling/Disposal			
Product handling/stockpiling			
Sampling/analysis			
Management Fee			
Coal Beneficiation total			
Transport from Vlakfontein Mine to Plant	R1.2/ton		
Transport from Plant to Kusile Power Station	R1.2/ton		
Transport from Plant to Kendal Power Station	R1.2/ton		
TOTAL			
Company Representative Name			
Company Representative signature			

Annexure G: Experience of the company

Bidders Name	
--------------	--

Item	Company/Project Name	Description on the project	Start Date (MM/YYYY)	End Date (MM/YYYY)	Value of Project in Rands	Contact Details of reference company		
						Contact Person	Telephone (land line)	email address

Company representative name (who confirms that they are duly authorized)

Company representative signature (who confirms that they are duly authorized to sign)

APPOINTMENT OF THE APPROVED LIST OF SERVICES PROVIDER(S) WITH COAL BENEFICIATION PLANTS FOR BENEFICIATION OF THE NO.2 AND NO.4 SEAM FROM VLAKFONTEIN MINE AT MINIMUM TONNAGES OF 50 000 PER MONTH OVER A PERIOD OF 18 MONTHS FROM DATE OF CONTRACT AWARD.