

REQUEST FOR PROPOSAL (RFP) SERVICES -ADDENDUM 1

DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR REHABILITATION (BACKFILLING/LEVELLING) FOR AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) LTD ("AEMFC") AT VLAKFONTEIN MINE FOR A PERIOD OF THIRTY-SIX (36) MONTHS.
BID NUMBER:	AE/VLAK002/2023
BID ISSUE DATE	07 June 2023
BID AVAILABLE	This RFP may be downloaded directly from National Treasury's e-Tender Publication Portal at www.etenders.gov.za , and African Exploration Mining and Finance Corporation at www.aemfc.co.za . Free of charge.
BRIEFING SESSION DATE AND TIME	A compulsory pre-proposal RFP briefing will be conducted via Microsoft Teams on 15 June 2023 at 11h00 am. 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 the "Registration of Prospective Bidders Form" that will be attached to the advertisement under section 10 Page 50 Of 51 and return it to tender@aemfc.co.za. <i>"Registration of Prospective Bidders Form" for the briefing session attendance to be submitted by 13 June 2023 to allow AEMFC to plan for the virtual briefing session.</i>
CLOSING DATE	28 June 2023
CLOSING TIME	12:00 PM 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 AEMFC of any clarifications required before the closing time for clarification queries, which is ten (10) working days before the deadline for tender submission. tender@aemfc.co.za .
BID VALIDITY PERIOD:	120 Days from closing. 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 17:00 Late Tenders/Bids will not be accepted. Bidders must ensure that bids are delivered on time to the correct address. Bids received late and to incorrect address will not be accepted for consideration. All Tenders/Bids must be submitted on the official forms provided by AEMFC – (not to be modified)
DELIVERY INSTRUCTIONS BY COURIER	If dispatched by courier, the envelope must be addressed as follows: The Compliance Secretariat, and a signature obtained from that Office. African Exploration Mining and Finance Corporation (SOC) Ltd Building 1, 1st Floor 74 Waterfall Drive Waterfall City, Gauteng, 2090

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Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

SECTION 1: SBD 1 FORM

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) LTD							
BID NUMBER:	AE/VLAK002/2023	ISSUE DATE:	07 June 2023	CLOSING DATE:	28 June 2023	CLOSING TIME:	12:00 PM
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER FOR REHABILITATION (BACKFILLING/LEVELLING) FOR AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) LTD ("AEMFC") AT VLAKFONTEIN MINE FOR A PERIOD OF THIRTY-SIX (36) MONTHS.						
BID RESPONSE DOCUMENTS SUBMISSION							
BID RESPONDENTS DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT African Exploration Mining and Finance Corporation (SOC) Ltd Building 1, 1 st Floor 74 Waterfall Drive Waterfall City Gauteng 2090							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Bulelwa Sogwazile			CONTACT PERSON	Bulelwa Sogwazile		
TELEPHONE NUMBER	010 010 6100			TELEPHONE NUMBER	010 010 6100		
FACSIMILE NUMBER	N/A			FACSIMILE NUMBER	N/A		
E-MAIL ADDRESS	bulelwas@aemfc.co.za			E-MAIL ADDRESS	Tender@aemfc.co.za		
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							
SUPPLIER COMPLIANCE STATUS							
TAX COMPLIANCE SYSTEM PIN:							
CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA						
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	☐ Yes ☐ No						
B-BBEE STATUS LEVEL SWORN AFFIDAVIT [TICK APPLICABLE BOX]	☐ Yes ☐ No						
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE ACT]							

Respondent's Signature

Date & Company Stamp

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

1. ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	2. ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER QUESTIONNAIRE BELOW]
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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 1.3 BELOW.

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

Respondent's Signature

Date & Company Stamp

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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

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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SECTION 2: NOTICE TO BIDDERS

1. RFP INSTRUCTIONS

- 1.1. Respondents are to sign documents [sign and date the bottom of each page] before submitting the proposal document. The person or persons signing the submission must be legally authorised by the respondent to do so.
- 1.2. Respondents are to note that AEMFC is utilising a two-envelope system for the purpose of receiving this bid. Bidders are required to submit technical/functionality and Commercial and Financial proposals in two separate envelopes.
- 1.3. Proposals must be submitted in duplicate hard copies [1 original and 1 copy] and the second set must be a copy of the original proposal.
- 1.4. Proposal documents are to be submitted to the address specified in **page 1 above**, and Bidders must ensure that the original and copies (where applicable) are identical in all respects as AEMFC will not accept any liability for having disqualified a bidder for failing to provide a mandatory returnable document in either the original or the copy of the RFP albeit that it was included in the other.
- 1.5. Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 1.6. Any additional conditions must be embodied in an accompanying letter. Subject only to paragraph 9 below (Legal Review) and, alterations additions or deletions must not be made by the Respondent to the actual RFP documents.

2. COMMUNICATION

- 2.1. Respondents are to note that changes to its submission will not be considered after the closing date.
- 2.2. For specific queries relating to this RFP, Clarification Request should be submitted the name of delegated individual stated in the **SBD 1 form** before the closing time for clarification queries, which is 10 working days before the deadline for tender/bid submission. In the interest of fairness and transparency, AEMFC 's response to such a query will be published on the e-tender portal and AEMFC website.
- 2.3. After the closing date of the RFP, a Respondent may only communicate with the name of delegated individual in Compliance, at email lulamam@aemfc.co.za on any matter relating to its RFP Proposal.
- 2.4. It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of AEMFC in respect of this RFP between the closing date and the date of the award of the business.
- 2.5. Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.
- 2.6. 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.
- 2.7. AEMFC will publish the outcome of this RFP in the National Treasury e-tender portal and AEMFC website within 10 days after the award has been finalised. Respondents are required to check the National Treasury e-tender Portal and AEMFC website for the results of the tender/bid process. All unsuccessful bidders have a right to request AEMFC to furnish individual reasons for their bid not being successful. This requested must be directed to the contact person stated in the **SBD 1 form**.
- 2.8. 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.

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3. VALIDITY PERIOD

- 3.1.** Respondents are to note that they may be requested to extend the validity period of their bid, on 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.
- 3.2.** AEMFC requires a validity period of **(120 days)** from the closing date against this RFP, excluding the first day and including the last day.

4. BROAD-BASED ECONOMIC EMPOWERMENT AND SOCIO (B-BBEE) ACT

- 4.1.** AEMFC fully endorses and supports the Government's objective of Broad Based Black Economic Empowerment and is strongly of the opinion that all South African business enterprises have an equal obligation to redress the imbalances of the past.

5. JOINT VENTURES OR CONSORTIUMS

- 5.1.** Respondents who would wish to respond to this RFP as a Joint Venture [JV] or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If at the time of the bid submission such a JV or consortium agreement has not been concluded, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by AEMFC through this RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to AEMFC.
- 5.2.** 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 members entitled.
- 5.3.** Respondents are to note that for the purpose of Evaluation, a JV will be evaluated based on one consolidated B-BBEE score card (a consolidated B-BBEE Status Level verification certificate) as per the B-BBEE Preferential Procurement Regulations, 2022 preference point scoring.

6. CONFIDENTIALITY INFORMATION DISCLOSURE NOTICE

- 6.1.** All information related to this RFP is to be treated with strict confidence. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information related to this RFP or the subsequent contract, written approval must be obtained from AEMFC.
- 6.2.** This document may contain confidential information that is the property of African Exploration Mining and Finance Corporation (AEMFC) SOC Ltd.
- 6.3.** 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 AEMFC.

7. COMPLIANCE

- 7.1.** The successful Respondent [hereinafter referred to as the Service provider shall be in full and complete compliance with any and all applicable laws and regulations.

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8. DISCLAIMERS

- 8.1. Respondents are hereby advised that AEMFC is not committed to any course of action as a result of its issuance of this RFP and/or its receipt of Proposals. In particular, please note that AEMFC reserves the right in its absolute discretion at any time to:
- 8.1.1. modify the RFP's Goods/Services and request Respondents to re- bid on any such changes;
 - 8.1.2. reject any Proposal which does not conform to instructions and specifications which are detailed herein;
 - 8.1.3. disqualify Proposals submitted after the stated submission deadline [closing date];
 - 8.1.4. award a contract in connection with this Proposal at any time after the RFP's closing date;
 - 8.1.5. award a contract for only a portion of the proposed Goods/ Services which are reflected in the scope of this RFP;
 - 8.1.6. split the award of the contract between more than one Supplier/Service Provider should it at AEMFC's discretion be more advantageous in terms of amongst others, cost or development considerations;
 - 8.1.7. cancel the bid;
 - 8.1.8. validate any information submitted by Respondents in response to this. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to AEMFC to do so;
 - 8.1.9. not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after award of the business, unless the contract specifically provided for;
 - 8.1.10. to award the business to the next ranked bidder, provided that he/she is prepared to provide the required Goods at the quoted price, should the preferred bidder fail to sign or commence with the contract within reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the outcome of the tender/bid has been published the outcome of the bid process on the National Treasury (NT) e-tender Portal and AEMFC website. Bidders may therefore be requested to advise whether they would still be prepared to provide the required Goods/Services at their quoted price
 - 8.1.11. request audited financial statements or other documentation for the purposes of a due diligence exercise.

Note: that AEMFC will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Proposal, whether or not the Respondent is awarded a contract.

9. LEGAL REVIEW

- 9.1. A Proposal submitted by a Respondent will be subjected to review and acceptance or rejection of its proposed contractual terms and conditions by AEMFC's Legal Counsel, prior to consideration for an award of business. A material deviation from the Standard terms or conditions could result in disqualification.

10. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE (CSD) REGISTRATION

- 10.1. Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Respondents must register on the CSD prior to submitting their bids. Business may not be awarded to a Respondent who has failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD.
- 10.2. Registration can be completed online at www.csd.gov.za.
- 10.3. Bidders must submit proof of registration on the National Treasury's Central Supplier Database

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(CSD).

Note: For this purpose, the attached SBD 1 form must be completed and submitted as a mandatory returnable document by the closing date and time of the bid.

11. TAX COMPLIANCE

- 11.1.** Respondents must be compliant when submitting a proposal to AEMFC and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 199);
- 11.2.** It is a condition of this bid that the tax matters of the successful Respondents be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Respondents tax obligations;
- 11.3.** The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids;
- 11.4.** Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

12. PROTECTION OF PERSONAL INFORMATION ACT (POPIA)

- 12.1.** The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Person information act, No.4 of 2013. ("POPIA"):
consent; data subject; electronic communication; information officer; operator; person; personal information; processing; record; Regulator; responsible party; special information; as well as any terms derived from these terms.
- 12.2.** AEMFC will process all information by the Respondent in terms of the requirements contemplated in Section 4(1) of the POPIA:
Accountability; Processing limitation; Purpose specification; Further processing limitation; Information quality; Openness; Security safeguards and Data subject participation.
- 12.3.** The Parties acknowledge and agree that, in relation to personal information that will be processed pursuant to this RFP, the Responsible party is "AEMFC" and the Data subject is the "Respondent". AEMFC will process personal information only with the knowledge and authorisation of the Respondent and will treat personal information which comes to its knowledge as confidential and will not disclose it, unless so required by law or subject to the exceptions contained in the POPIA.
- 12.4.** AEMFC reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this RFP and the Respondent is required to comply with all prescripts as detailed in the POPIA relating to all information concerning AEMFC.
- 12.5.** In responding to this bid, AEMFC acknowledges that it will obtain and have access to personal information of the Respondent. AEMFC agrees that it shall only process the information disclosed by Respondent in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law.
- 12.6.** AEMFC further agrees that in submitting any information or documentation requested in this RFP, the Respondent is consenting to the further processing of their personal information for the purpose of, but not limited to, risk assessment, assurances, contract award, contract management, auditing, legal opinions/litigations, investigations (if applicable), document storage for the legislatively required period, destruction, de-identification and publishing of personal information by AEMFC and/or its authorised appointed third parties.
- 12.7.** Furthermore, AEMFC will not otherwise modify, amend or alter any personal data submitted by the Respondent or disclose or permit the disclosure of any personal data to any third party without the prior written consent from the Respondent. Similarly, AEMFC requires the Respondent to process any personal information disclosed by AEMFC in the bidding process in the same manner.

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**AEMFC urges its clients, suppliers, and general public to report any fraud or corruption to
Tip Offs Anonymous**

Toll Free Number: 0800 333 118

Email: aemfc@whistleblowing.co.za

- Toll Free Fax: 0800 212 689
Postal: FREEPOST KZN665, MUSGRAVE, 4062
SMS: 33490
Online: www.whistleblowing.co.za
- **National Anti-Corruption Hot Line - 0800 701 701**

SECTION 3: BACKGROUND OVERVIEW AND SCOPE OF WORK (SOW) SPECIFICATION

13. 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. Mine rehabilitation is required in terms of the approved Environment Management Programme (EMPR)

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and Water Use License (WUL). Vlakfontein Mine is committed as per the stated approvals to conduct concurrent rehabilitation and report status to authorities.

14. BACKGROUND SCOPE OF WORK (SOW) SPECIFICATION

14.1. As such, AEMFC intends to Appointment of a Service Provider to conduct Mine Rehabilitation Services for a period of thirty-six (36) months.

14.2. Thus, the Service Provider is requested to provide a proposal based on the below Scope of work (SOW).

14.3. OVERVIEW

AEMFC intends to Appoint a suitably Service Provider to Conduct rehabilitation services for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC"). AEMFC seeks to benefit from this partnership in the following ways:

14.3.1. AEMFC must receive the reduced cost of acquisition and improved service benefits resulting from the Service Provider economies of scale and streamered service process.

14.3.2. AEMFC must achieve appropriate availability that meets user needs while reducing costs for both AEMFC and the chosen Service Provider.

14.3.3. AEMFC must receive proactive improvements from the Service Provider with respect to the supply/provision of Services.

14.3.4. AEMFC end-users must be able to rely on the chosen Service Provider. personnel for service enquiries, recommended, and substitutions.

14.3.5. AEMFC must reduce costs by streamlining its acquisition of Services.

15. SCOPE OF WORK (SOW) SPECIFICATION

15.1. The rehabilitation fleet will work for 20 machine hours a day (Actual), 5 days a week, day and night at a minimum of 85% machine availability and utilisation.

15.2. The volume of work is shown on the table below which illustrates the amount of volume to be moved by the contractor on a monthly basis. The total annual volumes are shown at the end of the table below:

Duration	Min. Quantities (m ³)	Ave. Quantities (m ³)	Max. Quantities (m ³)

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Month 1	120 000	130 000	140 000
Month 2	120 000	130 000	140 000
Month 3	120 000	130 000	140 000
Month 4	120 000	130 000	140 000
Month 5	120 000	130 000	140 000
Month 6	120 000	130 000	140 000
Month 7	120 000	130 000	140 000
Month 8	120 000	130 000	140 000
Month 9	120 000	130 000	140 000
Month 10	120 000	130 000	140 000
Month 11	120 000	130 000	140 000
Month 12	120 000	130 000	140 000
TOTAL	1 440 000	1 560 000	1 680 000

- 15.3.** The Mine will provide Proximity Detection Devices (PDS) and the two-way radio system however the contractor must ensure the following are installed per equipment.
- 15.4.** The fleet that is used for reshaping is the same fleet that will be used for dressing.
- 15.5.** The objective of the end status is summarized as follows:
- a) To maintain a free-draining topography across the rehabilitated area
 - b) Maintain arable and grazing land; and
 - c) Create a habitat for plants and animals.

16. OPENCAST REHABILITATION ACTIVITIES

- 16.1.** The following activities should be considered:
- a) Site Establishment;
 - b) Provide own office space and ablution facilities.
 - c) Construct own hard-park and maintenance facility.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- d) Provide earth moving machinery capacity to move a maximum of 1 680 000 BCM per annum; The Contractor will provide the Bill of Quantities for, 0-500m, 501-1000m, 1001-1500m, and 1501-2000m;
- e) Provide your short-term planning to mine planner or mining engineer;
- f) Ensure Compliance with Mine Health and Safety Act and other relevant Legislation;
- g) Ensure that mining is conducted in line with the provisions of the Mineral and Petroleum Resources Development Act (MPRDA);
- h) Have people with the relevant qualification and experience for open cast mine rehabilitation;
- i) Be responsible for effective spontaneous combustion prevention and control;
- j) All vehicles that are used at the mine must be fitted with Proximity Detection Devices (PDS). AEMFC will provide;
- k) AEMFC to provide Diesel and Diesel storage;
- l) The contractor is to ensure responsible usage of the provided diesel and if negligent is to be found on the contractor, AEMFC reserves the right to charge the contractor for the cost of the lost diesel;
- m) The Contractor is expected to conduct the mining services activities in a safe manner while at the same time achieving BCM targets and optimising costs;
- n) All rehabilitation activities and the costs thereof will be managed on a daily basis by the Contractor and accountable to AEMFC representative Manager.

16.2. CONTRACTORS RESPONSIBILITY

- a) Providing lighting at dump sites and other active working areas as per mine procedures,
- b) Establishment and maintenance of haul roads inclusive of grading, dust control and free drainage as per mine procedures.
- c) Traffic management as per mine approved traffic management rules as per mine procedures.
- d) Responsible for erection and maintenance of relevant traffic management signs as per traffic management plan and mine procedures.
- e) General maintenance of safety berms and delineators as per mine procedures.
- f) Dump and spoil levelling on dump site as per mine standards.
- g) Working areas must be maintained to acceptable underfoot conditions to reduce the risk of SME related incidents such as truck overturning. No edge tipping will be allowed.
- h) Maintenance and inspection of spoils (dumps) with the said operation and in accordance with the related COP (Code of Practice) will form part of the contractor's day to day activities.

16.3. HOURS OF WORK

- a) The Contractor will be expected to render the Services 24 hours per day, as per the AEMFC Mine Calendar and schedule;
- b) The operation from Monday to Friday; and weekend on clients request and approval.
- c) AEMFC has obtained a Sunday labour permission and the successful Contractor may be allowed to work on Sundays on request

16.4. AD-HOC WORKS

No day works for activities as stipulated in the contract scope will be allowed. The Contractor will only assist the mine with ad-hoc activities when all the following are in order:

- a) The Change Management Process must be followed;
- b) The work instruction must be signed off prior to the start of the work;
- c) The rates as per day work schedule must be applied;
- d) There must be a purchase order number. Payment will NOT be approved if the above is not complied with; and
- e) Performance of that work shall not relieve the contractor of its other obligations and the contractor shall promptly obtain directions from the mine representative, if any conflict in objectives arises
- f) Survey beacons and set out works. The Contractor will be responsible for the setting out of the works to ensure that rehabilitation will be carried out according to the design. The costs of the survey will be deemed to be included in the rates. No separate payment item is provided for surveying and setting out of the works.
- g) If any such beacons or pegs have been disturbed by the Contractor or his/her employees, the Contractor shall have them replaced by a registered land surveyor at his/her cost. Where survey beacons fall within the works the Contractor will be required to replace these benchmarks with alternative beacons located outside of the affected works area before the clearing of the site.
- h) The Contractor to implement an appropriate Quality Control (QC) system, recorded in a document termed the Quality Control Plan (QCP). The QCP will describe in detail the system that the Contractor will implement, including responsibilities, method statements and inspection checklists for all construction activities. The QCP must be submitted for review and acceptance and will be approved by the Client in writing. An approved QCP must be in place before commencing any rehabilitation activities.

16.5. TOOLS AND EQUIPMENT

- a) The contractor must ensure that they provide all applicable tools and equipment required to perform the job;
- b) The contractor must ensure compliance with all HSE (Health Safety Environment) requirements applicable to tools and equipment;

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- c) These tools and equipment will be inspected accordingly by the responsible appointed engineer or his delegate. The records of the inspections shall be made available monthly as per contractor's pack requirements and upon request by the mine representative;
- d) The Contractor shall provide the necessary equipment, plant and consumables as may be necessary to meet its obligations in terms of the rehabilitation project mining project;
- e) The costs to acquire such equipment, plant and consumables and to maintain and replace the same, shall be at the expense of the Contractor;
- f) Contractor to specify what facilities and equipment it will be bringing on-site and also specify the area measurements required to accommodate such facilities or equipment;
- g) All equipment, including vehicles and machinery used by the Contractor in the execution of its obligation in terms of the rehabilitation activities shall at all times be in good and proper working order and shall comply with the requirements prescribed by any applicable statutory provision or which may be required by any authority or may reasonably be required by AEMFC;
- h) AEMFC shall be entitled to require the Contractor, at its own cost, to remove any equipment or parts thereof and replace same within 3 (three) days or any reasonable period as mutually agreed, of any such demand which does not comply with any requirement of which AEMFC in its reasonable discretion may declare to be faulty or unsafe. This will not be to the detriment of production and the Contractor will ensure by replacement or other acceptable means that production targets are maintained;
- i) In the case that a piece of equipment is standing for longer than 3 working days, a replacement should be made available by the contractor. If the contractor cannot replace an equipment, AEMFC will implement penalties.
- j) The contractor need permission from the mine engineer before any replacement or additional equipment can be deployed on site. It is the contractor's responsibility to update the asset register, and other related documents as and when changes occur to the asset register. The full equipment on boarding procedure need to be followed.
- k) Any equipment removed from site for any reason whatsoever will be for the contractor's account in line with the mine's rules and regulations.
- l) The Contractor shall with its tender documents provide to AEMFC a complete list of all equipment which the Contractor will use to carry out its obligation in terms of the opencast mining activities; such list shall specify.

TABLE A

Item No	Equipment Type	Make	Model	Qty	Rated Cap	New /Use	Hours /KM's	Owned or Rented	Engine Hours / Age	Tonnage Capacity (if applicable)	Mobilisation Time
1											
2											
3											

Respondent's Signature

Date & Company Stamp

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- m) All Yellow machines delivered on site must not have more than 8000 hours;
- n) Table 1 show the minimum equipment requirements. However, the bidder may supply equipment of bigger capacity than the stipulated as long as the minimum capacity requirements, safety and support equipment considerations are met.

TABLE 1: Minimum Equipment Requirements

NO	MACHINE TYPE	QUANTITY	FUNCTIONAL REQUIREMENTS	SAFETY REQUIREMENTS
1	Excavator	1	Bucket capacity of at least 2 to 4m ³	- Tramming Alarm - Provision for isolation and lockout - Automated fire suppression system and 2 x 9kg DCP fire extinguisher - Camera
2	ADT	4	ADT with capacity to do the contracted volume. Three Axle six-wheel drive.	- Reverse Alarm - Reverse Camera - Seat fully adjustable and air suspension - Falling-over Protection Systems (FOPS) - Automated fire suppression system and 2 x 9kg DCP Fire Extinguisher - Provision for isolation and lockout - Fully raised body locking mechanism
3	Dozers	2	Dozer with capacity to do the contracted volume.	- Cab Integrated ROPS - Reverse Alarm - Automated fire suppression system and 2 x 9kg DCP fire extinguisher - Provision for isolation and lockout
4	Water Bowser	1	Tank capacity of 10 000l to 18 000L with high-pressure nozzle for fire truck	- Reverse Alarm - Reverse Camera - Seat fully adjustable and Air suspension - Rolling-Over Protection Systems (ROPS) - Automated fire suppression system and 2 x 9kg DCP Fire extinguisher - Provision for isolation and lockout

TABLE 1: Minimum Equipment Requirements

NO	MACHINE TYPE	QUANTITY	FUNCTIONAL REQUIREMENTS	SAFETY REQUIREMENTS
5	Diesel Bowser	1	Tank Capacity of 6 000L-10 000L	- Reverse Alarm - Reverse Camera

Respondent's Signature

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				• Seat fully adjustable and Air suspension • Rolling-Over Protection Systems (ROPS) • Automated fire suppression system and 2 x 9kg DCP Fire extinguisher • Provision for isolation and lockout
6	Grader	1	Grader	• Reverse Alarm • Reverse Camera • Seat fully adjustable and Air suspension • Automated fire suppression system and 2 x 9kg DCP Fire extinguisher • Provision for isolation and lockout
7	TLB	1	TLB	• Reverse Alarm • Reverse Camera • Seat fully adjustable and Air suspension • Falling-Over Protection Systems (FOPS) cab • Automated fire suppression system and 2 x 9kg DCP Fire extinguisher • Provision for isolation and lockout • Pr+A1:D45ovision for isolation and lockout
8	Lighting Plant	4	Maintenance plan must be provided.	• Lock out • 9kg DCP Fire extinguisher

N.B This is not a dictation; the Supplier may provide equipment suitable for the set volumes.

16.6. CONTRACTORS MACHINERY

- The contractor will comply with the mine standard operating procedures where they have the same type of equipment deployed on site. This will include applicable mine pre-use checklists.
- Where they have got different equipment, they will adopt the OEM production strategy with any additional requirements as required by the mine. New SOPs and pre-use checklists also need to be developed for activities / applications.
- These SOP needs to be approved by the responsible mine official.

Respondent's Signature

Date & Company Stamp

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- d) The contractor subordinate manager will daily report to the mine mining section manager/ mine overseer (2.6.1) to discuss, planned work and give proof that the required risk assessments (RA), job safety analysis is in place and that the work / tasks are assigned with adequate supervision.
- e) The contractor rehabilitation plan will be aligned with the mine production planning cycles and the contractor site manager (2.6.1) will slot in with the planning meetings on site.
- f) The rehabilitation plan compliance will be included in the monthly Service Level Agreement (SLA) meeting to monitor compliance with the mine production plan.

16.7. MATERIAL AND SPARES

The contractor must ensure that they provide all the materials and spares required to perform the job. The Contractor must ensure compliance with all HSEC compliance requirements applicable for the materials and spares. The mine will inspect all materials and spares accordingly. Where chemicals are used, MSDS data sheets should be provided and listed as per the HSEC contractor pack requirements. Any chemicals used by the contractor that is not included in the Material Safety Data Sheet (MSDS) data sheet should be approved by the HSEC Manager.

16.8. PERSONNEL REQUIRED

- a) Site Manager
- b) Safety Officer
- c) Supervisor per shift
- d) Machine operators
- e) Maintenance Supervisor
- f) Maintenance team for maintaining the machinery
- g) Any person required by the contractor for effective discharge of the contract objectives (e.g. Surveyor, Contractor administrator etc.)

17. RISK ASSESSMENT, STANDARD AND OPERATING PROCEDURES

- 17.1.** The contractor will submit a pre-emptive Baseline Risk Assessment covering activities that will be performed on site and once the contractor is on site the Pre-emptive Baseline Risk Assessment will be updated and changed to the Operational Baseline Risk Assessment and the risk level of the contractor will be determined based on the risk associated with operational and maintenance activities that will be conducted on-site.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- 17.2. An Issue baseline risk assessment will be submitted by the contractor covering the type of activities performed on-site.
- 17.3. The contractor will utilise the AEMFC Standard Operating Procedures (SOP's) and should supply their own SOP's for activities not covered. A list of AEMFC SOP's will be supplied to the appointed contractor.
- 17.4. It is the responsibility of the contractor to ensure that all activity procedures are complied with. The contractor must ensure that all employees are continuously trained and fully understand all relevant procedures and standards of AEMFC.

18. RISK ASSESSMENT, STANDARD, AND OPERATING PROCEDURES

- 18.1. Safety files and documentation
- 18.2. Weekly / Monthly safety meetings
- 18.3. HSE requirements (medicals, induction, training, and machine operator licencing)
- 18.4. Vehicles to company & mining specifications
 - a) Contractor Light Delivery Vehicles (LDV) must be according to the mine standard.
 - b) Contractor machines should be Fatal Risk Control (FRC) compliant. (See Annexure A "Pre-Start Checklists")
- 18.5. Execute and document an Issue Base Risk Assessment and SOP's on the contractor machine fleet planned activities on site from a production and maintenance perspective taking fatal risks into account
- 18.6. Pre-delivery inspection of the TMM equipment prior to delivery to ensure the progress quality, legal compliance of the TMM equipment and the mine's machine safety standards (Also referred to as RFCS) are adhered to as well as to the tendered specifications.

19. CONTRACTOR MAINTENANCE REQUIREMENTS

- 19.1. The successful contractor should provide its own maintenance team and equipment to maintain the machines.
- 19.2. Contractor equipment on boarding to be approval by the Mine Engineer.
- 19.3. On boarding required
 - a) OEM recommended maintenance strategy
 - b) Maintenance Manual.
 - c) Parts Manual.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- d) Operators Manual.
- e) OEM machine brakes specifications and OEM brake test certificates or SIMRET brake test certificates conducted.
- f) A copy of the OEM brake testing procedure for all the different brakes fitted to the machine, Park brake, emergency brake, service brake and retarder brake where applicable.
- g) Maximum inclines and declines that the machine is designed to operate on including limitations for example haul trucks being loaded when going up and down inclines and declines. (All machinery brake related information needs to be updated in the mine TMM COP and machinery brake testing SOP's)
- h) OEM machine risk assessment.
- i) Weekly maintenance schedule.
- j) Weekly tyre surveys and report.
- k) Pre-checklist capturing and daily defect report.
- l) Illumination tests
- m) Automated fire suppression testing and reports (OEM recommendation)
- n) Fatal risk standard compliance file.
- o) Any other relevant documentation as required by the mine onboarding standard operating procedure and readily available for inspection.

20. CONTRACTOR MAINTENANCE AND MAJOR REPAIRS

- 20.1.** The contractor will adopt with the mine maintenance strategy in terms of maintenance where they have the same equipment deployed on site
- 20.2.** The contractor maintenance supervision will daily report to the mine engineer to discuss planned work and make adequate supervision for the tasks.
- 20.3.** Contractor tyre management:
 - a) Contractor tyre management will comply with the mine tyre management SOP.
 - b) Tyres to be repaired off site.
 - c) Tyre handler model and type required.
 - d) Tyre stands, and tools required,
 - e) Tyre supervisor training qualifications and tyre specific training required – same as mine tyre supervisor.
 - f) Tyre fitters' minimum qualifications and tyre specific training required.
- 20.4.** A list with Critical Tasks List (CTL) that can be performed on site will be reviewed and approved by the Mine Engineer for approval. The approval will be based on risk exposure and maintenance facilities available on site.
- 20.5.** No major repairs (for example machine overhauls) will be permitted on-site. Work permitted on site will be stipulated in the approved CTL and approved by the Mine Engineer.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

20.6. Should the contractor require clarification regarding the definition of minor and major repairs, the responsible engineer should be consulted:

- a) For any work / tasks not detailed in the CTL the responsible engineer needs to be consulted and he can consider giving exemption and approval to conduct the work / task on site after consultation with the maintenance manager and provided that the necessary controls and supervision is put in place to conduct the work safely.
- b) The contractor must ensure machines are well maintained.
- c) Proof of competency to be kept with training records and in the contractor's pack.

21. CONTRACTOR MEDICAL

21.1. All contractor employees deployed on site will be required to undergo a medical examination and need to be declared fit for work for the type of work that the contractor employee will execute on site.

21.2. The medical examination shall be conducted at Clinic Plus in Witbank.

21.3. Medical certificates issued from the recognise mine clinic will be valid on the mine for a period of one year.

21.4. All employees with comorbidity need to be screened by the mine clinic monthly.

21.5. Only certificates issued by the recognise mine clinic will be accepted.

21.6. A valid medical certificate, issued by the recognise mine clinic, is a prerequisite for attending the induction training.

21.7. The contractor will also ensure that all personnel undergo exit medicals when they leave the contractor employment or at the completion of the contract period.

21.8. Contractor labour training requirements

- a) All contractor employees deployed on site will undergo safety induction training, as well as any on-the-job required inductions, aligned with the tasks to be performed on site. Mine SOP training will form part of the employee induction training.
- b) Relevant personnel, production and maintenance to provide proof of OEM training.
- c) Personnel trained and licensed to operate equipment safely.
- d) Personnel trained to maintain equipment safely.
- e) Proof of competency to be kept with training records.
- f) Maintenance and repairs will be scheduled, conducted by qualified Artisans or Technicians.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- g) All contract labour qualifications need to be verified through an accredited service provider before it will be accepted. This action will be by the contractor for his account. Machine specific training will be required as a minimum.

22. CONTRACTOR MEDICAL

- 22.1.** The contractor will be required to comply with requirement of the mine security management procedures.
- 22.2.** The contractor will be responsible for security installations and maintenance to safeguard his mobile offices, storage containers, contractor equipment and contractor vehicles at the contractor site and pit area. This will include alarms (If required), security cameras (If required), safety doors, burglar bars and locking devices. The mine will not be responsible for malicious damage to or theft of contractor equipment.
- 22.3.** Should the contractor require any additional security measures at his site; it would need to be in accordance with the mine's security procedures and standards. The contractor will obtain approval from the site security manager and arrange, at no additional cost to the mine, any additional security measures that he may require.
- 22.4.** All small tools and construction equipment belonging to the contractor must be clearly identified as such. Tools, including personal tools, are subject to inspection at the security gate on arrival and must be accompanied by a waybill on departure.
- 22.5.** All equipment, materials, supplies and tools leaving the mine shall be accompanied by a waybill.
- 22.6.** The contractor will be responsible for security infrastructure at the contractor site as per the mine standard.
- 22.7.** All equipment, materials, supplies and tools leaving the mine shall be accompanied by a waybill.

23. CONTRACTOR SECURITY REQUIREMENTS

- 23.1.** The contractor will be required to comply with requirement of the mine security management procedures.
- 23.2.** The contractor will be responsible for security installations and maintenance to safeguard his mobile offices, storage containers, contractor equipment and contractor vehicles at the contractor site and pit area. This will include alarms (If required), security cameras (If required), safety doors, burglar bars and locking devices. The mine will not be responsible for malicious damage to or theft of contractor equipment.

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- 23.3. Should the contractor require any additional security measures at his site; it would need to be in accordance with the mine's security procedures and standards. The contractor will obtain approval from the site security manager and arrange, at no additional cost to the mine, any additional security measures that he may require.
- 23.4. All small tools and construction equipment belonging to the contractor must be clearly identified as such. Tools, including personal tools, are subject to inspection at the security gate on arrival and must be accompanied by a waybill on departure.
- 23.5. All equipment, materials, supplies and tools leaving the mine shall be accompanied by a waybill.
- 23.6. The contractor will be responsible for security infrastructure at the contractor site as per the mine standard.
- 23.7. All equipment, materials, supplies and tools leaving the mine shall be accompanied by a waybill.
- 23.8. Lockable Battery and Diesel theft prevention systems must be installed on all equipment.

24. R SERVICES AND INFRASTRUCTURE TO BE PROVIDED BY THE CONTRACTOR

24.1. Contractor Portable Water

- a) The contractor shall make arrangements concerning the supply of potable water and all other services. No direct payment will be made for the provision of electricity, water and other services. The cost thereof shall be deemed to be included in the rates and amounts tendered for the various items of work for which these services are required, or in the Contractor's preliminary and general items.

24.2. Electrical Power to Contractor Site

- a) The contractor shall make arrangements concerning the supply of electrical power, water, and all other services. No direct payment will be made for the provision of electricity, water ,and other services. The cost thereof shall be deemed to be included in the rates and amounts tendered for the various items of work for which these services are required, or in the Contractor's preliminary and general items.
- b) The contractor shall be responsible for the distribution of this electrical power supply point. The contractor shall also be responsible for the maintenance of all electrical reticulation from this supply point as per relevant mine COPs and SOPs.
- c) All electrical installations will be required to be constructed in accordance with the applicable SANS standards and a certificate of compliance will be required before the power supply will be switched on. All electrical installations will require a Certificate Of Compliance (COC)

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- d) Maintenance strategy aligned with the mine maintenance strategy for electrical installations will be adopted and maintenance and repair work can only be conducted by electricians suitably qualified and authorised by the maintenance manager.
- e) Maintenance and repairs will be scheduled, conducted by qualified artisans and included in the maintenance task list.

24.3. Contractor Site Waste Disposal

- a) The removal of waste as per the waste management plan or as per standard. The contractor must provide wheelie bins for general and hazardous waste.
- b) All waste will be removed from the mine area and the contractor site by the Contractor.

24.4. Contractor Maintenance Work Areas

- a) Where the mine does not have workshop facilities available on site they need to consider other options to enable maintenance. Equipment to be transported off-site for major work – to be detailed in the critical task list:
 - i. Consider a dedicated area, compacted/concreted slab with the necessary oil trays and oil spill kits where the contractor can conduct basic repairs and maintenance, to be detailed in the critical task list.
 - ii. For the last option drainage, maintenance, and environmental contamination need to be considered and costed.

24.5. Change House Facilities

- a) Supplier to provide suitable and adequate change house and ablution facilities. The cost thereof shall be deemed to be included in the rates and amounts tendered for the various items of work for which these services are required, or in the Contractor's preliminary and general items.

24.6. Contractor's Mobile Offices

- a) For the duration of this contract, the contractor shall provide and maintain adequate mobile offices on site.
- b) The location, sizes, quantity and types of structures shall be subject to review and approval by the Mine Engineer prior to any construction activities taking place.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- c) Maintenance and repairs will be scheduled, conducted by qualified artisans and included in the maintenance Critical Task List (CTL).

24.7. Contractor Site Transport

- a) The contractor shall be responsible for the transport of all contractor's labour, equipment, and contractor's materials to and from the contractor site and around the opencast mining area as necessary.
- b) Only vehicles approved and compliant with the mine safety standard will be allowed on site. These vehicles need to be included in the contractor maintenance plan and need to be maintained, inspected on a regular basis as detailed in the mine COPs and SOPs.

24.8. Contractor On Site Compressed Air

- a) The mine will not supply compressed air for use by the contractor. Where compressed air is required, the contractor need to provide the necessary compressors that need to be operated and maintained according to the mine standards and producers.
- b) Maintenance and repairs will be scheduled, and conducted by qualified artisans, pressure test done by an accredited vendor and included in the maintenance CTL.

24.9. Key Performance

- a) This contract will be subject to monthly measurement against Key Performance Indicators (KPI's) that will be formulated, discussed and agreed by all parties.
- b) Performance against the contractually agreed KPI's as per a Service Level Agreement (SLA) will be a crucial. The Supplier's performance will be measured against the HSEC, Production KPI's and Maintenance KPI's on a monthly basis. These will be agreed with the Supplier.

KPI	Target
Planned Task Observations	<i>To be calculated as per the number Full Time Employees (FTE's)</i>
Production volumes	<i>BCMs per quarter for the whole project life</i>
Adherence to maintenance	<i>>85%</i>

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

Planned and schedule work	>90%
Machine Availability	85%
Machine Utilization	85%

24.10. Contractor To Use Local Labour

- a) The contractor needs to make provisions for the use of local labour. Local labour to include a mix of unskilled, semi-skilled and skilled personnel, where applicable or appropriate, and in line with the client's Enterprise and Supplier Development (ESD) philosophy.
- b) The tendering companies are encouraged to identify areas of the contract where local suppliers can provide ancillary back up services, equipment or machinery that is suitable and in good standing.
- c) Any activities and operations identified will be carried out to the required mine standards and procedures.

25. FINANCIALS

- 25.1. The contractor will supply the Client with 3 years Audited financial statements;
- 25.2. Site Establishment – The site establishment and costs thereof must include all costs, e.g. site office, medical examinations, Personal Protective Equipment (PPE) clothing, security clearance etc
- 25.3. The Contractor will give a complete cost breakdown and will clearly indicate fixed costs and variable;
- 25.4. The Contractor will be responsible for any omissions from the final cost and no increase in pricing will be accepted after adjudication for negligence by the Contractor;
- 25.5. The Contractor will provide the full service as per the tender document;
- 25.6. The contract will be reviewed annually on the anniversary date for escalation. The proposed escalation will be submitted to AEMFC 60 days prior to the anniversary date for consideration by AEMFC. The request must be fully justified and will use recognised rates such as PPI (Producer Price Index, Seifsa, CPI (Consumer Price Index) and will be attached to the request when submitted;
- 25.7. The cost of moving equipment or machinery as the mining activities progress shall be included in the fixed rates. Escalation – The cost breakdown will be completed to state the basis of the escalation calculations;
- 25.8. Contract Price – The contract price will be rate based on the schedule of rates; and
- 25.9. Price Breakdown must be provided by the contractor on volume moved.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

26. SERVICES, FACILITIES, AND INFORMATION TO BE SUPPLIED BY THE BIDDER

- 26.1. Own (Service Provider's) resources relating to the project activities;
- 26.2. Communication, travelling & accommodation;
- 26.3. Contractor's pack (Safety File);
- 26.4. Personal Protective Equipment (PPE)
- 26.5. Bidder must comply with the Mine Safety Rules and Regulations
- 26.6. Any other materially related services.

27. SERVICES, FACILITIES, AND INFORMATION TO BE SUPPLIED BY AEMFC

- 27.1. Access to all relevant project/s historical information;
- 27.2. All available documentation pertaining to the concept and/or feasibility studies conducted;
- 27.3. Life Of Mine Plans;
- 27.4. General Manager;
- 27.5. Mine Manager;
- 27.6. Mine Engineer
- 27.7. Project Manager;
- 27.8. SHEQ Manager;
- 27.9. Environmental Officer;
- 27.10. Mine will provide Security for access points, (N.B) this will be the Contractor's responsibility to secure their own assets.

28. SPECIFIC GOALS

- 28.1. AEMFC has identified in its Supply Chain Management Policy (SCM), Specific Goals will be used to promote transformation and empowerment. In this Request For Proposal (RFP) AEMFC will utilise Black-Owned businesses and Black Designated Groups that are youth owned.

SECTION 4: PRICING SCHEDULE AND DELIVERY SCHEDULE

29. PRICING SCHEDULE SERVICE

- 29.1. Respondents are to note that AEMFC will round final score pricing scores to the nearest 2 decimal places. Respondents are required to complete the table below:

Note: For fair comparison, all bidders must quote prices and indicate VAT portion. If the bidder is not registered for VAT, proof of application to register for VAT must be submitted.

BIDDING COMPANY NAME	

Respondent's Signature

Date & Company Stamp

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

ITEM NO.	SECTION	ELEMENTS	QUANTITY PER UNIT	RATE PER UNIT	SUBTOTAL	PRICE (EXCL VAT)	PRICE (INC.VAT)
1	Annexure C1	Preliminary and General					
2	Annexure C2	Rehab					
3	Annexure C 3	Diesel Cost					
DISBURSEMENT							
	TOTAL PRICE (exclusive of VAT)						
	VAT 15% (If Applicable)						
	TOTAL Inclusive of VAT (where applicable)						
Total Price in words							

30. NOTES ON PRICING SCHEDULE

30.1. Respondents are to note that if the price offered by the highest scoring bidder is not market related, AEMFC will not award the contract to that Respondent. AEMFC may:

- (i) negotiate a market-related price with the Respondent scoring the highest points or cancel the RFP;
- (ii) if that Respondent does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the second highest points or cancel the RFP;

Respondent's Signature

Date & Company Stamp

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- (iii) if the Respondent scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the third highest points or cancel the RFP.

Note: If a market-related price is not agreed with the Respondent scoring the third highest points, AEMFC must cancel the RFP.

- 30.2.** To facilitate like-for-like comparison bidders must submit pricing strictly in accordance with this pricing schedule and not utilise a different format. Deviation from this pricing schedule could result in a bid being declared non-responsive.
- 30.3.** Prices must be quoted in South African Rand inclusive VAT.
- 30.4.** Any disbursement not specifically priced for will not be considered/accepted by AEMFC.
- 30.5.** Respondents, if awarded the contract, are required to indicate that their prices quoted would be kept firm and fixed for a period of 12 months, subject thereafter to adjustment (i.e. after the initial period of 12 months), utilising the following Producer Price Index (PPI), Seifsa, Consumer Price Index (CPI). [Not to be confused with bid validity period Section 2, clause 3].

YES	
-----	--

SECTION 5: GENERAL SERVICE PROVIDER OBLIGATIONS

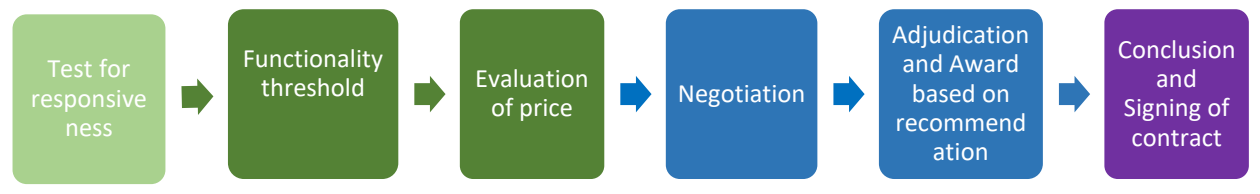
31. SERVICE PROVIDER

- 31.1.** The Service Provider shall be responsible to AEMFC for the acts omissions of persons directly or indirectly employed by
- 31.2.** The Service Provider must comply with the requirements stated in this RFP.

32. EVALUATION METHODOLOGY, CRITERIA AND RETURNABLE DOCUMENTS

AEMFC will utilize the following methodology and criteria in selecting a preferred Service Provider.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.



32.1.1. After the closing date of the Bid Quotation, an appointed evaluation committee of AEMFC officials and / or external parties/ consultants where necessary will evaluate the Bid/ Tender proposals received.

32.1.2. The Committee will evaluate each of the bid Quote proposals received against the approved criteria as stated below:

32.1.3. Step One: Test for Administrative Responsiveness (compliance check on required documents), must be passed for a Respondent's proposal to progress to **Step Two** for further pre-qualification.

- Whether the Bid has been lodged on time;
- Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time;
- Verify the validity of all returnable documents;
- Verify if the Bid document has been duly signed by the authorised respondent.

32.1.4. Step Two: Test for Responsiveness to RFP for technical/functionality criteria must be met or exceeded for a Respondent's proposal to progress to **Step Three** for further evaluation. The test for technical and functional threshold will include the following (**Refer functionality (technical) evaluation criteria table below**): Minimum threshold of **60** points.

- Whether any general and legislation qualification criteria set by AEMFC, have been met;
- Whether the Bid contains a priced offer as prescribed in the pricing and delivery schedule;
- Whether the Bid materially complies with the scope and/or specification given.

32.1.5. Step Three: Evaluation of Price to determine a preferred bidders' price will be ranked from the lowest to the highest acceptable price offered and AEMFC will award business to the lowest acceptable Bid (Highest ranked bid).

32.1.6. Step Four: Post tender negotiations (If Applicable).

32.1.7. Step Five: Award of business and contract conclusion.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlaktefontein Mine for a period of thirty-six (36) months.

32.1.8. EVALUATION CRITERIA APPLICABLE: STAGE 1

FUNCTIONAL (TECHNICAL) EVALUATION CRITERIA					
NO	EVALUATION CRITERIA	SCORING PRINCIPLE	RETURNABLE SCHEDULE	RATING	WEIGHTING SCORE
1.	Experience of the company in conducting load and haul activities.	More than 5 years of experience in load and haul activities.	Bidder to submit Reference Letter on the referring company letter head.	15	15
		More than 3 to 5 years of experience in load and haul activities.	Reference letters are to be attached for all clients listed and final points will be awarded upon confirmation of the information provided	10	
		2 to 3 years of experience in load and haul activities.		5	
		Less than 2 years' experience in load and haul activities.		0	
NB. Failure to provide the required information and reference letters will lead to a bidder scoring zero on points. Experience from projects running concurrently will not be added up but will be treated as one.					
2.	Proof of contract completed with a minimum of 120 000 equivalent cubic meters (eBCM) moved per month.	140 000 eBCM moved per month	Bidder to submit Proof of volumes moved and signed off by the client and contact details for verification of volumes moved	10	10
		Average 130 000 eBCM moved per month		7	
		Minimum 120 000 eBCM per month		5	
		Less than 120 000 eBCM		0	
N.B. Failure to attach proof will result in zero points awarded.					
3.	Experience of senior core team members to be assigned to the site. Site Manager Supervisor	More than 5 years of experience in Load and haul activities	Bidder to submit CVs with contactable references, (to be attached).	10	10
		More than 3 to 5 years of experience in Load and haul activities		5	
		1 to 3 years of experience in Load and haul activities		3	
		Less than 1 year in Load and haul activities		0	
CVs with contactable references to be attached. Failure to provide CVs with contactable references will lead to a bidder scoring zero on points					
4.	Experience of support core team members to be assigned to the site - Safety Officer - Machine operators - Maintenance Supervisor	More than 5 years of experience in Opencast Mining	Bidder to submit CVs with contactable references, (to be attached).	10	10
		More than 3 to 5 years of experience in Opencast Mining		5	
		1 to 3 years of experience in Opencast Mining		3	
		Less than 1 year of experience in Opencast Mining		0	
N.B: CVs with contactable references to be attached. Failure to provide CVs with contactable references will lead to a bidder scoring zero on points.					

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlaktefontein Mine for a period of thirty-six (36) months.

32.1.9. EVALUATION CRITERIA APPLICABLE STAGE 1 (cont.)

FUNCTIONALITY (TECHNICAL) EVALUATION CRITERIA					
NO	EVALUATION CRITERIA	SCORING PRINCIPLE	RETURNABLE SCHEDULE	RATING	WEIGHTING SCORE
5.	Qualifications of senior core team members. Site Manager with experience in Opencast Mine Rehabilitation or load and haul	Mine Overseer's Certificate and blasting certificate	Bidder to submit a valid Mine Overseer Certificate and Blasting Certificate, (to be attached)	5	5
		Blasting Certificate		3	
		No blasting certificates		0	
	N.B: Failure to provide all relevant certificates will lead to a bidder scoring zero on points. AMEFC reserves the right to verify the validity of the certificates submitted. Attach all relevant certificates as declared above.				
6.	Qualifications of senior core team members. Supervisor with experience in Opencast Mine Rehabilitation or load and haul	Blasting certificate	Bidder to submit a valid Blasting Certificate, (to be attached)	10	10
		No Blasting certificate		0	
7.	Qualifications of support core team members. Safety Officer with Opencast Mine and load and haul	Diploma or Degree in Safety Management and COMSOC 1 and 2 Certificates	Bidder to submit Copy Proof of qualifications. The qualification will be verified to check authenticity.	10	10
		COMSOC 1 and 2 Certificates		5	
		No Qualifications.		0	
	N.B: Failure to provide all relevant certificates will lead to a bidder scoring zero on points. AMEFC reserves the right to verify the validity of the certificates submitted. Attach all relevant certificates as declared above.				
8.	Yellow machine ownership	Proof of access to the required equipment for this project or Evidence of ownership of load and haul equipment with similar size projects	Bidders must submit proof of ownership and/or memorandum of understanding, lease of agreement or letter of intent with the Original Equipment Manufacturer (OEM)	15	15
		No proof of access to the required equipment for this project or Evidence of ownership of load and haul equipment with similar size projects		0	
Total Weighting:					85
Minimum Threshold					60
The minimum threshold for Stage One (1) is 60 for bidders to proceed to Stage Two (2)					

32.1.10. EVALUATION CRITERIA: STAGE 2 EQUIPMENT SITE INSPECTION

FUNCTIONALITY (TECHNICAL) EVALUATION CRITERIA				
NO	EVALUATION CRITERIA	SCORING PRINCIPLE	RATING	WEIGHTING SCORE
1.		Confirmed hours on all equipment to be supplied not more than 8000 hrs per machine	15	15
		80% of confirmed equipment not more than 8000 hrs per machine	10	
		Less than 80% of confirmed equipment not more than 8000 hrs per machine	0	
	N.B: Equipment to be inspected to be available for inspection at a mutually agreed place and time. Site inspection is to be restricted to the top companies that achieved a minimum of 75 points from Stage 1.			
Total Weighting:				15
Minimum Threshold for Stage 2				10
In order to proceed to the next stage the bidder must reach a minimum threshold of 75 in Stage One (1) and 10 in Stage Two (2)				

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

33. RETURNABLE DOCUMENTS REQUIRED

- 33.1.** Returnable Documents means all the documents, Sections and Annexures, as listed in the tables below. There are three types of returnable documents as indicated below and Respondents are urged to ensure that these documents are returned with their bids based on the consequences of non-submission as indicated below:

Mandatory Returnable Documents	<i>Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this RFP <u>will</u> result in a Respondent's disqualification.</i>
Returnable Documents Used for Scoring	<i>Failure to provide all Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent's disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion.</i>
Essential Returnable Documents	<i>Failure to provide essential Returnable Documents <u>will</u> result in AEMFC affording Respondents a further opportunity to submit by a set deadline. Should a Respondent thereafter fail to submit the requested documents, this may result in a Respondent's disqualification.</i>

Note: All Returnable Sections, as indicated in the footer of the relevant pages, must be signed, stamped and dated by the Respondent.

33.1.1. MANDATORY RETURNABLE DOCUMENTS

Respondents are required to submit with their bid submissions the following **Mandatory Returnable Documents**, and also to confirm submission of these documents by so indicating [Yes or No] in the tables below:

MANDATORY RETURNABLE DOCUMENTS	
	SUBMITTED [Yes/No]
Section 1: SBD1 Form	
Section 10: Completed Pricing Schedule Note (Bids submitted without the completed Pricing Schedule will be deemed to be non-responsive).	

33.1.2. RETURNABLE DOCUMENTS USED FOR SCORING

In addition to the requirements of section (33.1.1) above, Respondents are further required to submit with their Proposals the following **Returnable Documents Used for Scoring** and also to confirm submission of these documents by so indicating [Yes or No] in the table below:

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakkfontein Mine for a period of thirty-six (36) months.

RETURNABLE DOCUMENTS USED FOR SCORING	
	SUBMITTED [Yes/No]
Experience of the company	
Bidder to submit Reference Letter.	
Bidder to submit Proof of volumes moved and signed off by the client and contact details for verification of volumes moved	
Bidder to submit CVs with contactable references, (to be attached).	
Bidder to submit Copy Proof of qualifications. The qualification will be verified to check authenticity.	
Valid proof of Respondent's compliance to B-BBEE requirements stipulated in Section 7 of this RFP (Valid B-BBEE certificate or Sworn Affidavit)	

33.1.3. ESSENTIAL RETURNABLE DOCUMENTS

Over and above the requirements of sections (33.1.1) and (33.1.2) mentioned above, Respondents are further required to submit with their Proposals the following **Essential Returnable Documents** and also to confirm submission of these documents by so indicating [Yes or No] in the table below:

ESSENTIAL RETURNABLE DOCUMENTS	
	SUBMITTED [Yes/No]
National Treasury Registration on Central Data Base (CSD) (certificate). (a detailed report not older than one month).	
Tax Clearance Certificate or electronic access PIN obtained from SARS's new Tax Compliance Status (TCS) system [Consortia / Joint Ventures must submit a separate Tax Clearance Certificate for each party]	
SECTION 6: SBD 4 Declaration of Interest	
SECTION 7: SBD 6.1 Preferential Procurement Regulations	
SECTION 8: SBD 9 Certificate of Independent Bid Determination	
SECTION 9: Resolution to Sign on Behalf of Company	
SECTION 10: Registration of Prospective Bidders Form	
Annual Financial Statements (AFS) – (3 years Audited Financial Statements)	

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

SECTION 6: SBD 4

34. ADMINISTRATIVE RETURNABLE DOCUMENTS

DECLARATION OF INTEREST

(SBD4)

34.1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/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.

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

34.2.1. Full Name of bidder or his or her representative:

34.2.2. Identity Number.....

34.2.3. Position occupied in the Company (director, trustee, shareholder²):

34.2.4. Company Registration Number.....

34.2.5. Tax Reference Number:

34.2.6. VAT Registration Number:

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

34.2.6.2. "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.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

34.3. Are you or any person connected with the bidder presently employed by the state? YES/NO

34.3.1. If so, furnish the following particulars:

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

.....

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

.....

(c) Position occupied in the state institution:

.....

(d) Any other particulars:

.....

34.3.2. 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

34.3.3. 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.

34.3.4. If no, furnish the reasons for non-submission of such proof

.....

.....

.....

34.4. 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

34.4.1. If so, furnish particulars:

.....

.....

.....

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

34.5.1. If so, furnish particulars.

.....

.....

.....

34.6. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? YES/NO

If so, furnish particulars.

.....

.....

.....

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

34.7. 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

34.7.1. If so, furnish particulars:

.....

34.8. Full details of directors / trustees / members / shareholders.

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

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

34.9. DECLARATION

THE UNDERSIGNED (NAME).....

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

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

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

SECTION 7

SBD 6.1

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

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Specific Goals.

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

36. GENERAL CONDITIONS

36.1. 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).

36.2.

- a) The value of this bid is estimated to **exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable.

36.3. Points for this bid shall be awarded for:

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

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

	POINTS
PRICE	90
SPECIFIC GOALS	10
Total points for Price and SPECIFIC GOALS	100

36.5. Failure on the part of a bidder/tenderer to submit proof of documentation required in terms of this bid/tender to claim points for Specific Goals with the bid/tender, will be interpreted to mean that preference points for Specific Goals are not claimed.

36.6. The organ of state reserves the right to require of a bidder/tenderer, either before a bid/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.

37. DEFINITIONS

- (a) **"tender/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 or works, through price quotations, advertised competitive bidding processes or proposals or any other method envisaged in legislation;
- (b) **"prices"** means an amount of money tendered for goods/services/works, 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;

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- (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);

38. FORMULAE FOR PROCUREMENT GOODS AND SERVICES

38.1. POINTS AWARDED FOR PRICE

38.1.1. THE 80/20 OR 90/10 PREFERENCE POINTS SYSTEM:

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

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

Where

- P_s = Points scored for price of bid under consideration
 P_t = Price of bid under consideration
 $P_{\min}$ = Price of lowest acceptable bid

39. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSET AND INCOME GENERATION PROCUREMENT

39.1. POINTS AWARDED FOR PRICE

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

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

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

40. POINTS AWARDED FOR SPECIFIC GOALS

- 40.1. In terms of Regulation 4 (2); 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded for Specific Goals stated in the tender/bid. For the purposes of this tender the tenderer/bidder will be allocated points based on the goals stated in table 1 below as may be

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

supported by proof/documentation stated in the conditions of this tender:

40.2. 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 or 90/10 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 or 90/10 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 or 90/10 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 both the 90/10 and 80/20 preference point system

40.3. Table 1: Specific goals for the tender/bid and points claimed are indicated per the table below. (Note to organs of the state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such. Note to tenderers/bidders: The tenderer must indicate how they claim points for each preference point system.)

AEMFC has identified in its Supply Chain Management Policy, specific goals, which will be used to promote transformation and empowerment. **The specific goal applicable to the tender is stated in the table below.**

No.	Specific Goals in terms of this tender/bid	Number of points (90/10 system)
1.	Minimum Black Owned Business	6
	100% Black Owned Business	5
	50% to 99% Black Owned Business	1
	Less than 50% Black Owned Business	0
2.	Black Designated Groups	4
	Ownership by the at least one of the following: - owned by black youth 100%	4
	Ownership by people who are from non-Black Designated groups	0

40.4. Note: Failure to submit valid and original (or a certified copy of) proof of the Respondent's compliance with the B-BBEE requirements stipulated in Section 7 of this RFP (the B-BBEE Preference Points Claim Form) at the Closing Date of this RFP, will result in a score of zero being allocated for B-BBEE.

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- 40.5.** Respondents are required to complete Section 7 [the B-BBEE Preference Point Claim Form] and submit it together with valid proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status. Respondents are required at all times to comply with the latest B-BBEE legislation and/or instruction notes as issued from time to time by the DTI.
- 40.6.** Bidders are to note that the rules pertaining to B-BBEE verification and other B-BBEE requirements may be changed from time to time by the regulatory bodies such as National Treasury or DTI. It is the Bidder's responsibility to ensure that his/her bid complies fully with all B-BBEE requirements at the time of the submission of the bid.

41. DECLARATION WITH REGARD TO COMPANY/FIRM

41.1. Name of company/firm:.....

41.2. VAT registration number:.....

41.3. Company registration number:.....

41.4. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

41.5. DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

.....

41.6. COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional Supplier / Service Provider
- ☐ Other Suppliers/Service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

41.7. Total number of years the company/firm has been in business:.....

41.8. I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing 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

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

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

.....

.....

SECTION 8: SBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

CERTIFICATE OF INDEPENDENT BID DETERMINATION

1 This Standard Bidding Document (SBD) must form part of all bids/quotes¹ invited.

Respondent's Signature

Date & Company Stamp

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

- 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 *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any 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:

DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR REHABILITATION (BACKFILLING/ LEVELLING) FOR AFRICAN EXPLORATION AND FINANCE CORPORATION (SOC) LTD ("AEMFC") AT VLAKFONTEIN MINE FOR A PERIOD OF THIRTY-SIX (36) MONTHS. AE/VLAK002/2023.

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

(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.

Respondent's Signature

Date & Company Stamp

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.**

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

.....
Date

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

SECTION 9: RESOLUTION TO SIGN ON BEHALF OF COMPANY

33. 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:

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

Tender Reference Number: **AE/VLAK002/2023:**

APPOINTMENT OF A SERVICE PROVIDER FOR REHABILITATION (BACKFILLING/ LEVELLING) FOR AFRICAN EXPLORATION AND FINANCE CORPORATION (SOC) LTD ("AEMFC") AT VLAKFONTEIN MINE FOR A PERIOD OF THIRTY-SIX (36) MONTHS.

- *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, additional names and signatures must be supplied on a separate page.			ENTERPRISE STAMP

Respondent's Signature

Date & Company Stamp

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.

SECTION 10: REGISTRATION OF PROSPECTIVE BIDDERS FORM
CERTIFICATE OF ATTENDANCE OF [COMPULSORY] RFP BRIEFING

34. REGISTRATION OF PROSPECTIVE BIDDERS FORM

DESCRIPTION: APPOINTMENT OF A SERVICE PROVIDER FOR REHABILITATION (BACKFILLING/ LEVELLING) FOR AFRICAN EXPLORATION AND FINANCE CORPORATION (SOC) LTD ("AEMFC") AT VLAKFONTEIN MINE FOR A PERIOD OF THIRTY-SIX (36) MONTHS

BID NUMBER: AE/VLAK002/2023

DATE OF BRIEFING SESSION: 15 June 2023

TIME: 11:00 ± 2 hours

VENUE: 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 **13 June 2023**.

Tel/ mobile no: Email address:

.....
BIDDER'S NAME

.....
DATE

Bidders to submit "REGISTRATION OF PROSPECTIVE BIDDERS FORM" for the briefing session attendance to be submitted by 13 June 2023 to be able to attend RFP briefing.

Respondent's Signature

Date & Company Stamp

Description: Appointment of a Service Provider for Rehabilitation (Backfilling/Levelling) for African Exploration Mining and Finance Corporation (SOC) LTD ("AEMFC") at Vlakfontein Mine for a period of thirty-six (36) months.
