

## REQUEST FOR QUOTATION (RFQ)

Registration Number 1944/018018/30

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION                           | REQUEST FOR QUOTATION FOR THE DESILTING OF THE POLLUTION CONTROL DAM AT VLAKFONTEIN MINE AS AND WHEN REQUIRED.                                                                                                                                                                                                                                                                                                                            |
| DOC NUMBER:                           | 6000007629                                                                                                                                                                                                                                                                                                                                                                                                                                |
| ISSUE DATE                            | 04 October 2023                                                                                                                                                                                                                                                                                                                                                                                                                           |
| BRIEFING SESSION                      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| BRIEFING SESSION DATE                 | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| BRIEFING SESSION TIME                 | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| CLARIFICATION ENQUIRY EMAIL           | <a href="mailto:rfg.enquiry@aemfc.co.za">rfg.enquiry@aemfc.co.za</a> .                                                                                                                                                                                                                                                                                                                                                                    |
| CLOSING DATE ON CLARIFICATION ENQUIRY | 10 October 2023                                                                                                                                                                                                                                                                                                                                                                                                                           |
| CLOSING DATE                          | 12 October 2023                                                                                                                                                                                                                                                                                                                                                                                                                           |
| CLOSING TIME                          | 12:00 PM                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| RFQ VALIDITY PERIOD:                  | Sixty [60] "Business Days" from the closing date of this RFQ.                                                                                                                                                                                                                                                                                                                                                                             |
| DELIVERY INSTRUCTIONS BY EMAIL        | <p>Written Quotations (inclusive VAT) are to be submitted to the email address:</p> <p>Email: <a href="mailto:quotations@aemfc.co.za">quotations@aemfc.co.za</a></p> <p><b>Note: Late proposal Bids and those submitted to other email addresses <u>WILL</u> be "DISQUALIFIED".</b></p> <p>Bidders must ensure that bids are submitted to the above email address on time to the correct email address.</p>                               |
| BID ESTIMATED VALUE                   | The value of this bid is estimated to be below R50 000 000 (all applicable taxes included).                                                                                                                                                                                                                                                                                                                                               |
| NOTE TO BIDDERS:                      | <b><i>Bidders are required to ensure that electronic bid submissions are done at least a day before the closing date to prevent issues that they may encounter due to their internet speed, bandwidth, or the size of the number of uploads they are submitting. AEMFC will not be held liable for any challenges experienced by bidders as a result of the technical challenges. Please do not wait for the last hour to submit.</i></b> |
| NOTE IMPORTANT                        | Suppliers of Goods and /or Services to AEMFC cannot be undertaken without receipt of a VALID Purchase Order Number. Verbal, telephonic instructions from an employee of AEMFC is a violation of AEMC's Procurement Policy and Procedures. Commencement of such an act will result in an unlawful transaction with the repercussion of non-payment to the supplier.                                                                        |

**PART A**  
**INVITATION TO BID**

**YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF AFRICAN EXPLORATION MINING AND FINANCE CORPORATION (SOC) LTD**

|             |                   |             |                 |               |                 |               |       |
|-------------|-------------------|-------------|-----------------|---------------|-----------------|---------------|-------|
| BID NUMBER: | <b>6000007629</b> | ISSUE DATE: | 04 October 2023 | CLOSING DATE: | 12 October 2023 | CLOSING TIME: | 12:00 |
|-------------|-------------------|-------------|-----------------|---------------|-----------------|---------------|-------|

DESCRIPTION

**BID RESPONSE DOCUMENTS SUBMISSION MUST BE SUBMITTED ELECTRONICALLY TO THE FOLLOWING**

|       |                                                                    |
|-------|--------------------------------------------------------------------|
| EMAIL | <a href="mailto:quotations@aemfc.co.za">quotations@aemfc.co.za</a> |
|-------|--------------------------------------------------------------------|

| BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO |                                                                      | TECHNICAL ENQUIRIES MAY BE DIRECTED TO: |                                                                      |
|------------------------------------------------|----------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------------------|
| CONTACT PERSON                                 | <b>Bulelwa Sogwazile</b>                                             | CONTACT PERSON                          | <b>Bulelwa Sogwazile</b>                                             |
| TELEPHONE NUMBER                               | <b>010 010 6100</b>                                                  | TELEPHONE NUMBER                        | <b>010 010 6100</b>                                                  |
| FACSIMILE NUMBER                               |                                                                      | FACSIMILE NUMBER                        |                                                                      |
| E-MAIL ADDRESS                                 | <a href="mailto:rfq.enquiry@aemfc.co.za">rfq.enquiry@aemfc.co.za</a> | E-MAIL ADDRESS                          | <a href="mailto:rfq.enquiry@aemfc.co.za">rfq.enquiry@aemfc.co.za</a> |

**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:                                                           |  | OR                                  | CENTRAL SUPPLIER DATABASE | UNIQUE REGISTRATION REFERENCE NUMBER:<br>MAAA                                         |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE | TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No |  | B-BBEE STATUS LEVEL SWORN AFFIDAVIT |                           | [TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No |

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]**

|                                                                                                 |                                                                                        |                                                                            |                                                                                                       |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>[IF YES ENCLOSE PROOF] | 2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>[IF YES, ANSWER QUESTIONNAIRE BELOW ] |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

Respondent's Signature

Date & Company Stamp

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

**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. TAX COMPLIANCE REQUIREMENTS

- 1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE [WWW.SARS.GOV.ZA](http://WWW.SARS.GOV.ZA).
- 1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 1.6 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:.....

## SECTION2: NOTICE TO BIDDERS

### 1 RESPONSE TO RFQ

- 1.1 Responses to this RFQ [**Quotations**] must not include documents or reference relating to any other quotation or proposal. Any additional conditions must be embodied in an accompanying letter.
- 1.2 Bid proposal must be delivered by the stipulated date and time to the correct **email address**.
- 1.3 All Bids must be submitted on the official forms provided or in the manner prescribed in the Bid document.
- 1.4 The **80/20** Preferential Point System will be applied wherein **80** Points is for Price and **20** points is for Specific Goals.
- 1.5 Points scored for Specific Goals will be added to the points scored for Price and the total will be rounded off to the nearest two (2) decimal places.
- 1.6 Bidders are required to submit responsive Bids by completing all pricing and item information in line with the entire scope of work /goods/services.
- 1.7 AEMFC reserves the right to negotiate with the bidders prior or post-award.
- 1.8 AEMFC may allocate zero/nil points for specific goals where proof is not submitted with the RFQ.
- 1.9 The Bid must be valid for a period of 60 business days from the closing date and time.

### 2 COMMUNICATION

- 2.1 Specific queries relating to this RFQ before the closing date of the RFQ should be submitted to the email address [rfg.enquiry@aemfc.co.za](mailto:rfg.enquiry@aemfc.co.za). In the interest of fairness and transparency, AEMFC's response to such a query will then be made available to other bidders.
- 2.2 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of AEMFC in respect of this RFQ between the closing date and the date of the award of the business.
- 2.3 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.
- 2.4 All unsuccessful bidders have a right to request AEMFC to furnish individual reasons for their bid not being successful. This request must be directed to the contact person stated in the **SBD 1 form**.

### 3 CHANGES TO QUOTATIONS

- 3.1 Changes by the tendered/bidder will not be considered after the closing date and time.

### 4 BINDING OFFER

- 4.1 Any Quotation furnished pursuant to this Request shall be deemed to be an offer. Any exceptions to this statement must be clearly and specifically indicated.

## 5 DISCLAIMERS

5.1 AEMFC reserves the right to:

- a) modify the RFQ's goods / service(s) and request Respondents to re-bid on any changes;
- b) reject any Quotation which does not conform to instructions and specifications which are detailed herein;
- c) disqualify Quotations submitted after the stated submission deadline;
- d) not necessarily accept the lowest priced Quotation or an alternative bid;
- e) place an order in connection with this Quotation at any time after the RFQ's closing date;
- f) award only a portion of the proposed goods / services which are reflected in the scope of this RFQ;
- g) split the award of the order/s between more than one Supplier/Service Provider should it at AEMFC's discretion be more advantageous in terms of, amongst others, cost or developmental considerations;
- h) cancel the quotation process;
- i) validate any information submitted by Respondents in response to this bid. 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;
- j) request audited financial statements or other documentation for the purposes of a due diligence exercise;
- k) not accept any changes or purported changes by the Tenderer/Bidder to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provides for it;
- l) to cancel the Purchase Order (PO)/ Contract and place the Tenderer/Bidder on its Database of Restricted Suppliers for a period not exceeding 10 years, on the basis that a contract was awarded on the strength of incorrect information furnished by the Tenderer/Bidder or on any other basis recognised in law;
- m) award the business to the next ranked bidder, provided that the tenderer/bidder is still prepared to provide the required Goods/Services at the quoted price, should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked tenderer(s)/bidder(s) will be deemed to remain valid, irrespective of whether the next ranked tenderer(s)/bidder(s) were issued with a letter of regret. Tenderers/Bidders may therefore be requested to advise whether they would still be prepared to provide the required Goods/Services at their quoted price, even after they have been issued with a letter of regret.

## 6 LEGAL COMPLIANCE

6.1 The successful Respondent shall be in full and complete compliance with any and all applicable national and local laws and regulations.

## 7 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE (CSD)

- 7.1 Tenderers/Bidders 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. AEMFC is required to ensure that price quotations are invited and accepted from prospective bidders listed on the CSD. Tenderers/Bidders must register on the CSD prior to submitting their Bids as Business may not be awarded to a Tenderer/ Bidder who has failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD. The CSD can be accessed at <https://secure.csd.gov.za/>

**For this purpose, the attached SBD 1 Form (Section 1) must be completed and submitted as a mandatory returnable document by the closing date and time of the bid.**

## 8 TAX COMPLIANCE

- 8.1 Tenderers/ Bidders 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 1991).
- 8.2 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 Tenderers/Bidders' tax obligations.
- 8.3 The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit tenders/bids.
- 8.4 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.
- 8.5 Tenderers/Bidders are required to submit their unique pin number issued by SARS to enable the organ of state to verify the taxpayer's profile and tax status.

## 9 VALIDITY

- 9.1 AEMFC requires a validity period of sixty (60) Business Days from the closing date of this RFQ, excluding the first day and including the last day.
- 9.2 Bidders 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 has been concluded.

### SECTION3: NOTICE TO BIDDERS

## 10 SCOPE OF WORK/SPECIFICATION

### 10.1 BACKGROUND

African Exploration Mining and Finance Corporation (SOC) Ltd ("AEMFC") is a state-owned Mining Company established to secure South Africa's energy supply primarily through the mining and supply of coal for the generation of electricity, as well as securing other resources that will provide energy for the future, including key minerals for beneficiation in the energy and steel value chain. As a growing company, AEMFC is currently operating an opencast coal mine (Vlakfontein Mine- Coordinates: Latitude 26° 0'42.15"S, Longitude 28°57'47.72"E) established in 2011 which is located near Ogies in Mpumalanga Province with its Head Office at Waterfall City in Johannesburg.

### 10.2 Scope of Work

The service provider is required for the desilting of the Pollution Control Dams at the mine as outlined below:

- a. Removal of silt using a dredger/extended boom excavator in a lined Pollution Control Dams.
- b. The capacity of each dam is 6000m<sup>3</sup>.
- c. The equipment to be used for desilting will be inspected to check if it is suitable for the task.
- d. The silt material will be placed on a dedicated area next to the dam and the Mine will remove material to a safe disposal area.

### 10.3 EXCLUSIONS

The desilting service shall not include:

- Anything outside the scope of work.

## 11 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;
- 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. 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.

- i. The contractor needs 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 onboarding procedure need to be followed.
- j. 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.
- k. 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.

#### 11.1 HOURS OF WORK

- The service provider is required to perform the desilting of the dam at the Mine in line with the mine operational schedule.
- The service provider must be able to complete the task within two (2) months from issuance of the purchasing order.

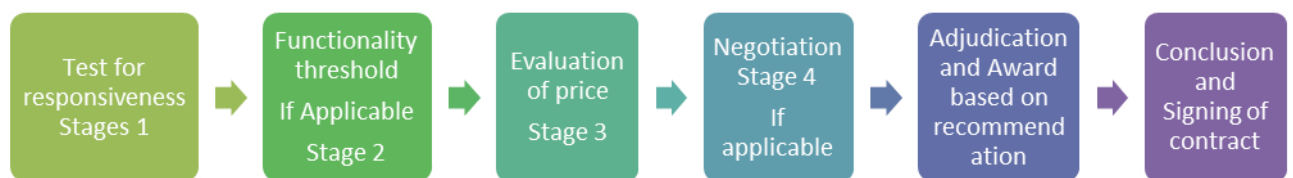
#### 11.2 AD-HOC WORKS

- None

### 12 EVALUATION METHODOLOGY, CRITERIA AND RETURNABLE DOCUMENTS

12.1 The evaluation of Quotations is to determine whether the Tender/ Bidder is capable of delivering the Goods/ Services and will be evaluated accordingly.

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



#### 12.3 STAGE 1

Test for Administrative Responsiveness. The test for administrative responsiveness will include the following:

| Administrative responsiveness check |                                                                                           |
|-------------------------------------|-------------------------------------------------------------------------------------------|
| •                                   | Whether the RFQ has been lodged on time                                                   |
| •                                   | Whether all Returnable Documents were completed and returned by the closing date and time |
| •                                   | Verify the validity of all Returnable Documents                                           |

The test for Administrative Responsiveness (**Stage One**) must be passed for a Tender/Bid to progress further pre-qualification.

**12.4 STAGE 2**

Test for substantive responsiveness to this RFQ will include the following:

| Check for substantive responsiveness                                                   | YES / NO |
|----------------------------------------------------------------------------------------|----------|
| • Whether the Tender / Bid contains a fully completed Price Schedule                   |          |
| • Whether the Tender/Bid materially complies with the scope and/or specification given |          |

Test for substantive responsiveness (**Stage Two**) must be passed for a Tender/Bid to Stage three for further evaluation.

**12.5 STAGE 3**

Evaluation and Final Weighted Scoring

a) Price Criteria (Weighted Score) **80**

| Evaluation Criteria        |
|----------------------------|
| • Commercial Offer (Price) |

Price Evaluation: The evaluation of Price will be done based on the following formula below:

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

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

**12.6 SPECIFIC GOALS (Preference Point System)**a) Weighted Score **20 points**

12.7 AEMFC has identified in its Supply Chain Management Policy, Specific Goals, which will be used to promote transformation and empowerment.

12.8 In this RFQ, AEMFC will utilise the B-BBEE status level of contributor as the specific goal. This selected preference point system will allocate 20 points to Tenderers/Bidders for attaining the B-BBEE status level of contribution in accordance with the table indicated in Section 7 : Preference Points Claim Form.

12.9 As evidence, Tenderers must submit with their Tender, their valid BBBEE certificate or sworn affidavit as points will be based on the level of the Tenderers BBBEE level as per their BBBEE Certificate issued by an agency approved by SANAS or IRBA registered Auditors.

#### 12.10 **STAGE 4: Post Tender/Bid Negotiations (If Applicable)**

AEMFC reserves the right to enter into post-negotiations should it deem necessary to do so.

12.11 The evaluation of Quotations is to determine whether the Tender/ Bidder is capable of delivering the Goods/ Services and will be evaluated accordingly.

### 13 **RETURNABLE DOCUMENTS**

13.1 **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:

|                                              |                                                                                                                                                                                                                                                                                          |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Mandatory Returnable Documents</b>        | <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>                                                                                                                       |
| <b>Returnable Documents Used for Scoring</b> | <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>    |
| <b>Essential Returnable Documents</b>        | <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, and dated by the Respondent

#### a) **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:

| <b>Mandatory Returnable Documents</b>          | <b>Submitted<br/>[Yes or No]</b> |
|------------------------------------------------|----------------------------------|
| SECTION 1: SBD1 Form                           |                                  |
| SECTION 4: Quotation Form and Pricing Schedule |                                  |
|                                                |                                  |

#### b) **Returnable Documents Used for Scoring**

In addition to the requirements of section (a) 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:

| RETURNABLE DOCUMENTS USED FOR SCORING                                                                                                           | SUBMITTED<br>[Yes or No] |
|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Valid proof of Respondent's compliance to B-BBEE requirements stipulated in Section 7 of this RFQ (Valid B-BBEE certificate or Sworn Affidavit) |                          |
|                                                                                                                                                 |                          |

**c) Essential Returnable Documents:**

Over and the above the requirements of section (a) and (b) 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 & SCHEDULES                                                                                                                                                                  | SUBMITTED<br>[Yes or No] |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| National Treasury Registration on <b>Central Data Base (CSD)</b> (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 3: Evaluation Methodology, Criteria and Returnable Documents                                                                                                                                        |                          |
| SECTION 5: Certificate of Acquaintance with RFQ Documents                                                                                                                                                   |                          |
| SECTION 6: RFQ Declaration and Breach of Law Form                                                                                                                                                           |                          |
| SECTION 7: B-BBEE Preference Claim Form                                                                                                                                                                     |                          |

## SECTION 5

### QUOTATION FORM

I/We \_\_\_\_\_  
hereby offer to supply the goods/services at the prices quoted in the Price Schedule below /  
Company Letter Head.

I/We accept that unless AEMFC should otherwise decide and so inform me/us, this Quotation [and, if any, its covering letter and any subsequent exchange of correspondence], together with AEMFC's acceptance thereof shall constitute a binding contract between AEMFC and me/us.

I/We further agree that if, after I/we have been notified of the acceptance of my/our Quotation, I/we fail to deliver the said goods/service/s within the delivery lead-time quoted, AEMFC may, without prejudice to any other legal remedy which it may have, cancel the order. AEMFC may call for Quotations afresh.

#### 14 PRICE SCHEDULE

| Item No                                   | Description of Item<br>(Quote as per the attached RFQ Document) | Unit | Quantity | Rate | TOTAL PRICE OF ITEM [ZAR] |
|-------------------------------------------|-----------------------------------------------------------------|------|----------|------|---------------------------|
| 1                                         | Desilting of a PCD                                              |      | 2        |      |                           |
|                                           |                                                                 |      |          |      |                           |
| Total Price, exclusive of VAT:            |                                                                 |      |          |      |                           |
| VAT 15% (if applicable)                   |                                                                 |      |          |      |                           |
| Total Inclusive of VAT (where applicable) |                                                                 |      |          |      |                           |
| Total Price In Words                      |                                                                 |      |          |      |                           |

**Delivery Lead-Time from date of purchase order:** \_\_\_\_\_ [days/weeks]

*Respondents are to note that AEMFC will round off final pricing scores to the nearest 2 (two) decimal place*

| EVALUATION CRITERIA – DESILTING OF THE POLLUTION CONTROL DAM |                                                                                                                                                                                                                                                           |                                                        |                                                                                                                                                                                                                    |        |                 |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------------|
| NO                                                           | EVALUATION CRITERIA                                                                                                                                                                                                                                       | SCORING PRINCIPLE                                      | RETURNABLE SCHEDULE                                                                                                                                                                                                | RATING | WEIGHTING SCORE |
| 1.                                                           | Company experience in Desilting of Pollution Control Dam.                                                                                                                                                                                                 | More than 2 (two) to 4 (four) years' work experience   | Provide <b>signed and contactable</b> reference letters from previous or current clients. The reference letter should be on previous or current company letter head and should reflect reachable contract details. | 30     | 30              |
|                                                              |                                                                                                                                                                                                                                                           | 1 (one) to 2 (two) years' work experience              |                                                                                                                                                                                                                    | 20     |                 |
|                                                              |                                                                                                                                                                                                                                                           | No experience                                          |                                                                                                                                                                                                                    | 0      |                 |
|                                                              | N.B The onus is on the bidder to ensure that the contact details and email addresses of the clients provided are valid. Failure to provide the required information on the reference letter will lead to the bidder scoring zero points.                  |                                                        |                                                                                                                                                                                                                    |        |                 |
| 2.                                                           | Experience and qualifications as the supervisor for Desilting of Pollution Control Dam using the equipment specified.                                                                                                                                     | More than 2 (two) to 4 (four) years' work experience   | Attach Curriculum Vitae (CV) and certificate of the Supervisor with relevant experience to be assigned to the project.                                                                                             | 20     | 20              |
|                                                              |                                                                                                                                                                                                                                                           | 1(one) to 2(two) years' work experience                |                                                                                                                                                                                                                    | 10     |                 |
|                                                              |                                                                                                                                                                                                                                                           | No experience                                          |                                                                                                                                                                                                                    | 0      |                 |
|                                                              | N.B Failure to provide curriculum vitae (CV) and certificates of supervisor will lead to the bidder scoring zero points.                                                                                                                                  |                                                        |                                                                                                                                                                                                                    |        |                 |
| 3.                                                           | Experience and qualifications as the operator for the equipment as an operator                                                                                                                                                                            | More than 3 (three) to 4 (four) years' work experience | Attach the CV, equipment license and certificates of the operator with relevant experience to be assigned to the project.                                                                                          | 15     | 15              |
|                                                              |                                                                                                                                                                                                                                                           | 2 (two) to 3 (three) years' work experience            |                                                                                                                                                                                                                    | 10     |                 |
|                                                              |                                                                                                                                                                                                                                                           | 1 (one) year of work experience                        |                                                                                                                                                                                                                    | 5      |                 |
|                                                              | N.B Failure to provide driving license and certificates of supervisor will lead to the bidder scoring zero points.                                                                                                                                        |                                                        |                                                                                                                                                                                                                    |        |                 |
| 4.                                                           | The bidders services/profile providing the methodology to achieve the services required as per scope of work.                                                                                                                                             | Adequate for scope                                     | Service providers to provide a detail profile indicating services offered, methodology and procedure.                                                                                                              | 10     | 10              |
|                                                              | Describe the bidders' procedures and processes for:<br><br>• Desilting of the Pollution control dam;<br>• The machinery to be used;<br><br>• Equipment to be used;<br><br>• Specialised cleaning services;<br><br>• Managing quality of services offered. | Not detailed                                           |                                                                                                                                                                                                                    | 0      |                 |
| N.B:                                                         |                                                                                                                                                                                                                                                           |                                                        |                                                                                                                                                                                                                    |        |                 |
| TOTAL POINTS STAGE 1                                         |                                                                                                                                                                                                                                                           |                                                        |                                                                                                                                                                                                                    |        | 85              |
| MINIMUM THRESHOLD                                            |                                                                                                                                                                                                                                                           |                                                        |                                                                                                                                                                                                                    |        | 75              |

Respondent's Signature

Date &amp; Company Stamp

| NO                                                                            | EVALUATION CRITERIA      | SCORING PRINCIPLE                                                                                                             | RETURNABLE SCHEDULE                                                                                                                                              | RATING | WEIGHTING SCORE |
|-------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------------|
| 1                                                                             | Yellow machine ownership | Proof of access to the required equipment for this project or evidence of ownership of desilting of Pollution Control Dams    | 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 desilting of Pollution Control Dams |                                                                                                                                                                  | 0      |                 |
| N.B The mine may visit the bidders to verify the equipment                    |                          |                                                                                                                               |                                                                                                                                                                  |        |                 |
| TOTAL POINTS STAGE 2                                                          |                          |                                                                                                                               |                                                                                                                                                                  |        | 15              |
| Bidders To Meet A Minimum Threshold Of 85 Points In Both Stage 1 And Stage 2. |                          |                                                                                                                               |                                                                                                                                                                  |        |                 |
| Total Points                                                                  |                          |                                                                                                                               |                                                                                                                                                                  |        | 100             |

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 Respondent's Signature

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 Date & Company Stamp

**14.1 NOTES ON PRICING**

- a) All Prices must be quoted in South African Rand, inclusive of VAT.
- b) Prices quoted must be held valid for a period of Sixty (60) days from closing date of the RFQ
- c) To facilitate like-for-like comparison Tenderers/Bidders must submit pricing strictly in accordance with this price schedule and not utilise a different format. Deviation from this pricing schedule may result in a bid being disqualified.
- d) Tenderers/ Bidders are to note that if the price offered by the highest scoring bidder is not market related, AEMFC may not award the contract to that Respondent. AEMFC may-
  - (i) negotiate a market-related price with the Tenderer/Bidder scoring the highest points or cancel the RFQ;
  - (ii) if that Tenderer/Bidder does not agree to a market-related price, negotiate a market-related price with the Tenderer/Bidder scoring the second highest points or cancel the RFQ;
  - (iii) if the Tenderer/Bidder scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Tenderer/Bidder scoring the third highest points or cancel the RFQ.

If a market-related price is not agreed with the Tenderer/Bidder scoring the third highest points, AEMFC must cancel the RFQ.
- e) Any disbursement not specifically priced for will not be considered/accepted by AEMFC.
- f) Please note that should you have offered a discounted price(s), AEMFC will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.

**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](mailto:aemfc@whistleblowing.co.za)

- Toll-Free Fax: 0800 212 689
- Postal: FREEPOST KZN665, MUSGRAVE, 4062
- SMS: 33490
- Online: [www.whistleblowing.co.za](http://www.whistleblowing.co.za)

**National Anti-Corruption Hot Line - 0800 701 701**

**SECTION 6: SBD 4****14. ADMINISTRATIVE RETURNABLE DOCUMENTS****DECLARATION OF INTEREST****(SBD4)**

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

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

**14.2.1.** Full Name of bidder or his or her representative: .....

**14.2.2.** Identity Number.....

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

**14.2.4.** Company Registration Number.....

**14.2.5.** Tax Reference Number: .....

**14.2.6.** VAT Registration Number: .....

**14.2.6.1.** 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.

**14.2.6.2. “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.

<sup>2</sup>"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.

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

**14.3.1. 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:

.....

**14.3.1.1.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**

**14.3.1.2.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.

**14.3.1.3.If no, furnish reasons for non-submission of such proof:**

.....

.....

.....

**14.4. 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**

**14.4.1. If so, furnish particulars:**

.....

.....

.....

**14.5. 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**

**14.5.1. If so, furnish particulars.**

.....

.....

.....

- 14.6. 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.

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

- 14.7. 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

- 14.7.1. If so, furnish particulars:

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

- 14.8. Full details of directors / trustees / members / shareholders.

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

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

**14.9. 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

### B-BBEE PREFERENCE POINTS CLAIM FORM.

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

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.**

#### 1. GENERAL CONDITIONS

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

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

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

1.3 Points for this tender/bid shall be awarded for:

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

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

|                                                  | POINTS     |
|--------------------------------------------------|------------|
| <b>PRICE</b>                                     | <b>80</b>  |
| <b>SPECIFIC GOALS</b>                            | <b>20</b>  |
| <b>Total points for Price and SPECIFIC GOALS</b> | <b>100</b> |

1.5 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.

1.6 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.

#### 2. DEFINITIONS

- (a) **"tender/bid"** means a written offer determined by an organ of state in response to an invitation to provide goods/services through price quotations, competitive bidding or any other method envisaged in legislation;
- (b) **"Price"** includes all applicable taxes less all unconditional discounts.
- (c) **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties.

- (d) **"tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **"the Act"** means the preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000);

### 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 3.1 POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right) & \text{or} & P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)
 \end{array}$$

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

#### 3.3 FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

#### 3.4 POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 P_s = 80 \left( 1 + \frac{P_t - P_{\max}}{P_{\max}} \right) & \text{or} & P_s = 90 \left( 1 + \frac{P_t - P_{\max}}{P_{\max}} \right)
 \end{array}$$

Where

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

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

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

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

**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.)*

The Specific Goal applicable to the tender/bid is

| No. | Specific Goals in terms of this RFQ                           | Number of points<br>(80/20 system) |
|-----|---------------------------------------------------------------|------------------------------------|
| 1.  | Black Owned Business                                          |                                    |
|     | 100% Black owned                                              | 10                                 |
|     | Less than 50% Black Owned                                     | 0                                  |
|     |                                                               |                                    |
| 2.  | Black Designated Groups                                       |                                    |
|     | Ownership any percentage owned by black youth                 | 10                                 |
|     | Ownership by people who are from non- Black Designated groups | 0                                  |

#### 5. DECLARATION WITH REGARD TO COMPANY/FIRM

Respondent's Signature

Date & Company Stamp

5.1 Name of company/firm:.....

5.2 VAT registration number:.....

5.3 Company registration number:.....

5.4 **TYPE OF COMPANY/ FIRM**

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

[TICK APPLICABLE BOX]

5.5 **DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
 .....

5.6 **COMPANY CLASSIFICATION**

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[ TICK APPLICABLE BOX]

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

5.8 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 contribution indicated in paragraphs 4.1 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 paragraph 4.1 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have-
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) if the successful bidder subcontracted a portion of the bid to another person without disclosing it, AEMFC reserves the right to penalise the bidder up to 10 percent of the value of the contract;
  - (e) 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

(f) forward the matter for criminal prosecution.

WITNESSES

1. ....
2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....