

**REQUEST FOR QUOTATION FOR GOODS AND SERVICES FOR AIR TRAFFIC AND  
NAVIGATION SERVICES**

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| <b>RFQ REFERENCE NUMBER:</b>                                | <b>ATNS/FAGG/RFQ008/2021/22_FAGG_Demolishment</b>  |
| <b>CLOSING DATE:</b>  | <b>19 November 2021</b>  |
| <b>CLOSING TIME:</b>  | <b>15h00, CAT</b>  |
| <b>COMPULSORY BRIEFING SESSION<br/>AND SITE INSPECTION:</b> | <p><b>Date: 05 November 2021</b></p> <p><b>Time: 09h00</b></p> <p><b>Venue: ATNS Offices George Airport (this will be the meeting point at 09h00). Then will have to travel with own transport to Thembaletu NDB site as the return trip is about 30km</b></p> <p><b>Contact person for directions only: Ferdinand Engel</b></p> <p align="right"><b>044-801 8800</b></p> <p align="right"><b>083 534 6966</b></p> <p align="right"><b>ferdinande@atns.co.za</b></p> <p><b>NB: Both attendance registers will need to be signed. Part 1 will be the Procurement briefing and related Question session to be conducted at the ATNS offices and Part 2 will be a site visit for accurate costing purposes.</b></p> |
| <b>QUOTATION VALIDITY PERIOD:</b>                           | <b>90 days</b>   |
| <b>DESCRIPTION:</b>   | <b>APPOINTMENT OF AN EXPERIENCED SERVICE PROVIDER TO PROVIDE DEMOLITION AND REMOVAL OF ALL SITE RUBBLE OF THE OLD NDB SITE IN THEMBALETHU)</b>   |
| <b>RFQ DOCUMENTS MAY BE<br/>ADDRESSED TO:</b>               | <b>Procurement Officer: Thabo Maribe</b><br><b>ATNS Company Limited,</b>   |

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|---|---------------------|-----------------|
| <b>ATNS/FAGG/RFQ008/2021/22_FAGG_Demolishment</b> | <b>Page 1 of 19</b> | <b>ATNS RFQ</b> |
|---|---------------------|-----------------|

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|                      | <p>Eastgate Office Park, Block C,<br/>South Boulevard Road,<br/>Bruma, 2298</p> <p>OR</p> <p>Email address: <a href="mailto:Thabom@atns.co.za">Thabom@atns.co.za</a></p> <p><b>NB: Please note our emails can only receive documents that are less 5MB, if documents are more, please send them in separate emails</b></p>  |
| REQUIRED DOCUMENTS   | <p>RETURNABLE</p> <ul style="list-style-type: none"> <li>• VALID TAX PIN STATUS</li> <li>• VALID BEE CERTIFICATE OR SWORN AFFIDAVIT – CERTIFIED</li> <li>• BANKING DETAILS WITH A BANK STAMP</li> <li>• CSD REPORT</li> <li>• COMPLETED SBD FORMS</li> <li>• QUOTATION ON THE COMPANY LETTERHEAD</li> <li>• CK DOCUMENTS</li> <li>• CONTRACTOR'S HEALTH AND SAFETY PLAN</li> <li>• LEGAL JOINT VENTURE AGREEMENT (IN CASE OF A JV)</li> <li>• SCHEDULE OF PROPOSED SUBCONTRACTORS</li> <li>• PROVIDE A COMPANY PROFILE</li> </ul> |
| MANDATORY DOCUMENTS: | <p>RETURNABLE</p> <ul style="list-style-type: none"> <li>• Supplier must be registered with the Construction Industry Development Board (CIDB) with a rating of 2GB SC, supported by a valid certificate or document confirming such registration and grading.</li> <li>• Provide three (3) proof of previous demolition services rendered with contactable references. References must be in the form of a signed reference letters on a</li> </ul>  |

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|   | <p>client's business letterhead stating the scope and description of the services rendered, with contact name, contact number and position of the referee. Reference letters must not be older than 5 years by closing date of this RFQ.</p> <ul style="list-style-type: none"> <li>• Compliance with COID (Compensation for Occupational Injuries and Diseases) and provide certificates (Letter of Good standing)</li> <li>• Provide valid permit's or licences or certification or equivalent of compliance with environmental laws of disposing and recycling</li> </ul> |
| <p align="center"><b><u>PLEASE NOTE:</u></b></p> <p align="center"><b>ATNS RESERVES THE RIGHT TO APPOINT MORE THAN ONE SERVICE PROVIDERS</b></p>  |  |
| <b>PROCUREMENT OFFICER:</b>   | <b>Thabo Maribe</b>  |
| <b>TELEPHONE:</b>   | <b>011 607 1475</b>  |
| <b>E-MAIL:</b>  | <b><a href="mailto:Thabom@atns.co.za">Thabom@atns.co.za</a></b>  |
| <p><b>The ATNS requests your proposal on the services listed hereunder and/or on the available RFQ forms. Please furnish all information as requested and return your proposal on the date stipulated. Late and incomplete / missing documentations will invalidate the proposal submitted. ATNS is not obliged to accept the lowest or any submission received. ATNS reserves the rights to accept the whole or any portion of a quotation.</b></p> <p><b>This RFQ will be evaluated on the basis of the 80:20-point system as stipulated in the Preferential Procurement Policy Framework Act (Act number 5 of 2000) &amp; the ATNS' Procurement Policies and Procedures.</b></p> |  |

## BIDDING STRUCTURE

|  |  |
|--|--|
| <b>Indicate the type of Bidding/Tendering Structure by marking with an 'X'</b> |  |
| <b>Individual Bidder</b>   |  |
| <b>Joint Venture</b>   |  |
| <b>Consortium</b>  |  |
| <b>With Sub-Contractors</b>  |  |
| <b>Other</b>   |  |
| <b>If Individual:</b>  |  |
| <b>Name of Bidder</b>  |  |
| <b>Registration Number</b>   |  |
| <b>VAT Registration Number</b>   |  |
| <b>Contact Person</b>  |  |
| <b>Telephone Number</b>  |  |
| <b>Fax Number</b>  |  |
| <b>Cell Number(s)</b>  |  |
| <b>E-mail Address</b>  |  |
| <b>Postal Address</b>  |  |
| <b>Physical Address</b>  |  |
| <b>If Joint Venture or Consortium, indicate the name/s of the partners:</b>    |  |
| <b>Company Name</b>  |  |
| <b>Registration Number</b>   |  |
| <b>VAT Registration Number</b>   |  |
| <b>Contact Person</b>  |  |
| <b>Telephone Number</b>  |  |
| <b>E-mail Address</b>  |  |
| <b>Fax Number</b>  |  |
| <b>Postal Address</b>  |  |
| <b>Physical Address</b>  |  |

## 1. Purpose of the Request for Quotations

ATNS invites suppliers to submit Quotations to provide demolition and removal of all site rubble of the old NDB site in Thembaletu, George, Western Cape.

## SCOPE OF WORK

### Executive Overview

The works includes demolition and disposal of all site rubble of the old NDB site. Some components of these structure are made of asbestos hence this material must be disposed in line with the asbestos regulations. Asbestos certificate to be submitted to ATNS.

### Employer's Objectives

the Employer's objectives are to:

- Remove and dispose of asbestos roof sheets and any other asbestos material.
- Demolish internal and external face brick walls
- Remove and dispose of all building rubbles.
- Comply with building regulations such as asbestos regulations and OHS act of 1993 amongst others
- Create an environment that is safe

### General Requirements:

ATNS is looking to appoint a suitably experienced and qualified contractor to undertake the demolishment of the FAGG NDB Facility and associated rehabilitation of the disrupted area. The contractor shall:

- Provide a detailed summary of experience to date that makes him eligible for this appointment.
- Provide a detailed overview of his intended process, as it relates to:
  - Surveying the facility
  - Removal of hazardous materials
  - Preparation of plan
  - Safety measures

### Mandatory Requirements:

- CIDB Rating 2GB SC
- Past Experience in demolishment - Minimum 3 years.
- 3 Reference letters
- Three (3) proof of previous demolishment services rendered with contactable references
- Compliance with COID ( Letter of Good standing)

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| ATNS/FAGG/RFQ008/2021/22_FAGG_Demolishment | Page 5 of 19 | ATNS RFQ |
|--|--------------|----------|

- Certificate(s) of safe disposal for all general and/or hazardous waste disposed of.

## Technical Requirements

The contractor shall:

- Obtain approval for the demolition and associated activities in line with environmental, local bylaws and national requirements. Full details to be included in the response.
- Demolish the FAGG NDB Facility (including foundation). Full details on the proposed process and machinery to be used shall be included in the response.
- Backfill all excavations associated with the project with soil of a similar nature to the soil on the property. Full details to be included in the response.
- Compact the excavated and backfilled area to a similar density of the surrounding area. Full details to be included in the response.

## Project Management Requirements

The contractor shall:

- Provide a detailed schedule of activities and associated work breakdown. Full details to be included in the response.
- Conduct weekly progress meetings with the local ATNS Representative. Full details to be included in the response.
- Provide all municipal approvals prior to commencement of any activities to the local ATNS Representative. Full details to be included in the response.

## Environmental Requirements

Part of the infrastructure to be demolished contains hazardous material i.e., Asbestos. Such material will be handled as prescribed in the applicable legislation (Occupational Health And Safety Act No. 85 of 1993: Asbestos Regulations) and the contractor will be expected to handle it with strict adherence to regulatory requirements.

The contractor shall:

- Provide an environmental management plan (methodology) that will ensure potential environmental risks are fully addressed throughout the process. Full details to be included in the response.
- Dispose of material only at a licenced facility
- Provide certificate (s) of safe disposal for all general and/or hazardous waste disposed of

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| ATNS/FAGG/RFQ008/2021/22_FAGG_Demolishment | Page 6 of 19 | ATNS RFQ |
|--|--------------|----------|

## ANNEXTURE A – COST STRUCTURE

### i. Detailed Specifications

The pricing must be inclusive of VAT

| Item | Description   | Unit           | Quantity | Rate | Price |
|------|---|----------------|----------|------|-------|
|      | <b>Chronology of works:</b><br>1. Preliminary and General<br>2. Demolition and Disposal<br>3. Asbestos Removal and Disposal<br>4. Site Rehabilitation   |                |          |      |       |
| 1    | <b>Preliminary and General</b>  |                |          |      |       |
| 1.1  | Site Establishment  | Job            | 1        |      |       |
| 1.2  | Cordoning off and restricting access to the site. Contractor to erect appropriate barricade with signage that restricts access by unauthorised personnel  | Job            | 1        |      |       |
| 2    | <b>Demolition and Disposal</b><br>Demolish and disposal of structural brick work . All rubbles is to be removed from site. A legally acceptable disposal certificate is required for all disposed building rubble.<br>Building Onsite: (Height = 3.70m )<br>6m X 10 m | m <sup>2</sup> | 60       |      |       |
| 2.2  | Demolition and disposal of Concrete Anchor points   | m <sup>3</sup> | 14       |      |       |
| 3    | <b>Asbestos Removal and Disposal</b><br>Remove and dispose of asbestos as per the POLICY ON THE HANDLING AND DISPOSAL OF ASBESTOS AND ASBESTOS CONTAINING WASTE IN TERMS OF SECTION 20 OF THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT 73 OF 1989)                     | m <sup>2</sup> | 85       |      |       |

|     |  |     |   |  |  |
|-----|--|-----|---|--|--|
|     | A legally acceptable certificate of disposal is required for this item.                        |     |   |  |  |
| 4   | <b>Site Rehabilitation</b>   |     |   |  |  |
| 4.1 | Fill and compact all open gulley's with building rubble, so that no open areas are on site     | Job | 1 |  |  |
| 4.2 | Remove all barricades when site has been cleared and leave site in a clean and tidy condition. | Job | 1 |  |  |
|     | <b>Subtotal</b>  |     |   |  |  |
|     | <b>VAT @ 15%</b>   |     |   |  |  |
|     | <b>Grand-Total</b>   |     |   |  |  |



## ANNEXTURE B: Pictures of the Building/Site

Location : 34° 0'7.90"S 22°29'8.13"E



NAME OF THE COMPANY.....

DESIGNATION.....

SIGNATURE.....

CSD NUMBER.....

**The Evaluation of the RFQ:**

|                |   |
|----------------|---|
| <b>Stage 1</b> | <b>Acquisition strategy ( BBBEE Level 1 to 4)</b> |
| <b>Stage 2</b> | <b>Mandatory Requirements</b>                     |
| <b>Stage 3</b> | <b>Price</b>                                      |

**Stage 1**

***Preferential Procurement Reform:***

**The Preferential Procurement Regulations, 2017 pertaining to the Preferential Procurement Policy Framework Act, Act No 5 of 2000.**

ATNS Preferential Procurement (PP) requirements as per the ATNS Supply Chain Management Policy which states that ATNS shall deal with suppliers in accordance with the B-BBEE Codes of Good Practice will be taken into consideration. In particular, ATNS shall deal with local B-BBEE suppliers with a B-BBEE contribution of level **1 to level 4**.

Suppliers not meeting the requirements of the Preferential Procurement are required to clearly identify any possible teaming arrangement which could be established with South African BBBEE compliant enterprises and which could result in significant Transfer of Technology and Skills development. Any workable plan to train and promote black businesses or individuals through meaningful participation in this project will be considered favourably by the Company during the Tender evaluation process.

Partnership must be in the form of Joint Venture Agreement or Consortium Agreement between compliant B-BBEE and non-B-BBEE Organisation/or foreign supplier in order to meet the policy requirements.

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| ATNS/FAGG/RFQ008/2021/22_FAGG_Demolishment | Page 10 of 19 | ATNS RFQ |
|--|---------------|----------|

All responsive tender offers shall be evaluated in terms of functionality and scoring system for Price and B-BBEE. The 80/20 Preference Point System shall be applicable in accordance with the Preferential Procurement Framework Act (No.5) of 2000.

| REFERENCE | REQUIREMENT   | YES | NO |
|-----------|---|-----|----|
| 1         | Does the Bidder meet the Preferential Procurement requirements?<br>(if Yes, indicate by tick below, if No complete section 2 below) |     |    |
| 1.1       | Suppliers with BEE contribution: Level 1- 4 (this requirement is a must for local suppliers)  |     |    |

#### **Stage 2: MANDATORY REQUIREMENTS**

***FAILURE TO SUBMIT ALL OF THE BELOW REQUIREMENTS WILL RESULTS ON YOUR QUOTATION BEING DISQUALIFIED.***

| Mandatory Criteria  | Proof Required |
|---|----------------|
| Supplier must be registered with the Construction Industry Development Board with a rating of 2GB SC, supported by a valid certificate or document confirming such registration and grading.  | Yes            |
| Provide three (3) proof of previous demolition services rendered with contactable references. References must be in the form of a signed reference letters on a client's business letterhead stating the scope and description of the services rendered, with contact name, contact number and position of the referee. Reference letters must not be older that 3 years by closing date of this RFQ. | Yes            |
| Compliance with COID (Compensation for Occupational Injuries and Diseases) and provide a valid certificates ( Letter of Good standing )   | Yes            |
| Provide a valid permit's or licences or certification or equivalent of compliance with environmental laws of disposing and recycling  | Yes            |

### **Stage 3: Price and BBEE:**

#### **Evaluation for Price and BBEE**

|                          |           |
|--------------------------|-----------|
| <b>PRICE</b>             | <b>80</b> |
| <b>B-BBEE COMPLIANCE</b> | <b>20</b> |

B-BBEE rating certificates are applicable and points allocated in terms of the BBEE Codes of Good Practice guideline as indicated in the table below. Bidders must submit valid BBEE Certificates and Statements which will be verified.

| <b>BBEE Status Level of Contributor</b> | <b>Number of Points (80/20 System)</b> |
|---|--|
| 1                                       | 20                                     |
| 2                                       | 18                                     |
| 3                                       | 14                                     |
| 4                                       | 12                                     |
| 5                                       | 8                                      |
| 6                                       | 6                                      |
| 7                                       | 4                                      |
| 8                                       | 2                                      |
| Non-compliant contributor               | 0                                      |

### **CONTRACT TERMS**

Whilst ATNS have taken every reasonable step to ensure the accuracy of this brief, the Company accepts no liability in relation to the accuracy of any representations made. Tenderer should accept that their tender response is on the basis and reliance of its own judgment and information. ATNS reserves the right to vary the scope and terms as described in this document. If any variation does take place tenderer will be advised as soon as possible in writing.

The successful tenderer will be engaged subject to acceptance of a contract containing the standard Terms and Conditions as given. The contract contains standard clauses including a retention clause for non-satisfactory completion, breach of contract and confidentiality clauses and a requirement for the tenderer to have adequate professional indemnity insurance. All Tenderers must bear in mind that if circumstances dictate, ATNS reserves its right to withdraw from any commitments that will be entered into within this statement of work.

All designs and documentation submitted by the tenderer will be treated as confidential.

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| <b>ATNS/FAGG/RFQ008/2021/22_FAGG_Demolishment</b> | <b>Page 12 of 19</b> | <b>ATNS RFQ</b> |
|---|----------------------|-----------------|

*ATNS reserves the right to reject, withdraw or cancel any or all Proposals/Tenders, to undertake discussions with one or more Tenderers and to accept that tender or modified tender which in its sole judgment, will be most advantageous to the Company, price and other evaluation factors having been considered.*



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

|   |   |               |  |                               |  |
|---|---|---------------|--|-------------------------------|--|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>  |   |               |  |                               |  |
| BID NUMBER:   | ATNS/FAGG/RFQ008/2021/22_FAGG_Demolishment  | CLOSING DATE: | 19 November 2021                               | CLOSING TIME:                 | 15:00  |
| DESCRIPTION   | Appointment of an Experienced Service Provider to Provide Demolition and Removal of all Site Rubble of the Old NDB Site in Thembaletu |               |  |                               |  |
| <b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>  |   |               |  |                               |  |
| RFQ can be sent by email to: Thabom@atns.co.za or Hand Delivered at ATNS head Office:   |   |               |  |                               |  |
| Eastgate Office Park, South Boulevard   |   |               |  |                               |  |
|   |   |               |  |                               |  |
|   |   |               |  |                               |  |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>   |   |               | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b> |                               |  |
| CONTACT PERSON  | Thabo Maribe  |               | CONTACT PERSON                                 | Ferdinand Engel               |  |
| TELEPHONE NUMBER  | 011 607 1475  |               | TELEPHONE NUMBER                               | +2744 801 8805                |  |
| FACSIMILE NUMBER  | N/A   |               | FACSIMILE NUMBER                               | +2744 801 8801                |  |
| E-MAIL ADDRESS  | Thabom@atns.co.za   |               | E-MAIL ADDRESS                                 | ferdinande@atns.co.za         |  |
| <b>SUPPLIER INFORMATION</b>   |   |               |  |                               |  |
| 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 No: | MAAA   |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE  | TICK APPLICABLE BOX]  |               | B-BBEE STATUS LEVEL SWORN AFFIDAVIT            |                               | [TICK APPLICABLE BOX]                                    |
|   | <input type="checkbox"/> Yes <input type="checkbox"/> No  |               |  |                               | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b> |   |               |  |                               |  |

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

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

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

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

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

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

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

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

## PART B

### TERMS AND CONDITIONS FOR BIDDING

#### 1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

#### 2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**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: .....



## 1 PROTECTION OF PERSONAL INFORMATION

- 1.1 The Service Provider shall ensure that its employees, representatives and officers, comply with the provisions of the Protection of Personal Information Act, 2013 (“**POPIA**”) and all other applicable data protection laws and, without limitation to the foregoing, shall ensure the security and confidentiality of all Personal Information processed by that Party is in accordance with POPIA and all other applicable data protection laws.
- 1.2 The Service Provider must only process personal information of the Company and third parties on behalf of the Company, with the Company’s knowledge or authorisation, treat such information which comes to their knowledge as confidential and must not disclose it unless required by law or in the course of the proper performance of the Service Provider’s duties. The Service Provider must comply with the responsible party’s obligations in clause section 19 of POPIA.
- 1.3 Where the Service Provider, its agents, subcontractors, officers, directors, shareholders, representatives, or employees has/have access to any Personal Information held by the Company for any reason in connection with this Agreement or is/are supplied with or otherwise provided with Personal Information by the Company or on behalf of the Company for any purpose, or are supplied with or otherwise provided with Personal Information relating to the Services, the Service Provider shall:
- 1.3.1 process such Personal Information only for purposes of performing its/their obligations under this Agreement and shall not otherwise modify, amend or alter the contents of such Personal Information or disclose or permit the disclosure of such Personal Information to any third party, unless specifically authorised to do so by the Company or as required by law or any regulatory authority, and shall take all such steps as may be necessary to protect and safeguard such Personal Information;

- 1.3.2 without prejudice to the generality of the foregoing, ensure that appropriate, reasonable technical and organisational measures shall be taken by it/them to prevent –
- 1.3.2.1 the unauthorised or unlawful processing of such Personal Information; and
  - 1.3.2.2 the accidental loss or destruction of, or damage to, such Personal Information; and
  - 1.3.2.3 promptly notify the Company when it becomes aware of any unauthorised, unlawful or dishonest conduct or activities, or any breach of the terms of this Agreement relating to Personal Information.
- 1.4 The Service Provider shall be liable for all claims, demands, actions, costs, expenses (including but not limited to reasonable legal costs and disbursements), fines, losses and damages arising from or incurred by reason of any wrongful processing of any Personal Information by the Service Provider (including its agents, subcontractors, officers, representatives or employees) for any breach of its obligations or warranties in terms of clause **Error! Reference source not found.**
- 1.5 Both Parties will comply with their obligations under POPIA in relation to personal information for which they are the responsible party.
- 1.6 The Service Provider must notify the Company immediately where there are reasonable grounds to believe that personal information has been accessed or acquired by any unauthorised person (Data Breach) and must assist the Company, at its own cost: a) with any investigation or notice to the Regulator or data subjects that the Company may make in relation to a Data Breach; and b) in responding to any directions by the Regulator to publicise the Data Breach, including assisting the Company to make public announcements if required.
- 1.7 The Service Provider indemnifies the Company against any civil or criminal action or administrative fine or other penalty or loss as a result of the Service Provider's breach of this clause.

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| ATNS/FAGG/RFQ008/2021/22_FAGG_Demolishment | Page 18 of 19 | ATNS RFQ |
|--|---------------|----------|

## 1. POPIA CONSENT

1.1 The Service Provider, by submitting its proposal/ quotation, consents to the use of his/her personal information contained therein and confirms that:

1.1.1 The information is voluntarily supplied, without undue influence from any party; and

1.1.2 The information is necessary for the purposes of the engagement with ATNS.

1.2 The tenderer acknowledges that he /she is aware of his/her right to:

1.2.1 Access the information at any reasonable time for the purposes of rectification thereof;

1.2.2 Object to the processing of the information;

1.2.3 Lodge a complaint with the Information Regulator.