



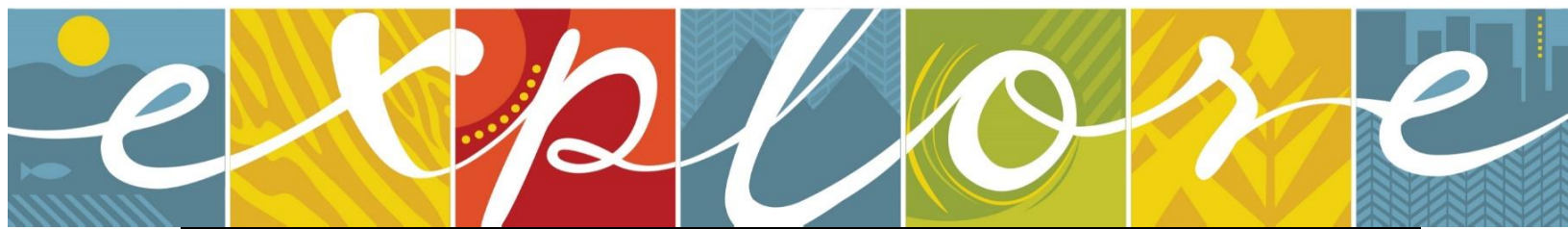
REQUEST FOR PROPOSAL
RFP NO. 05/22/23

APPOINTMENT OF A SERVICE PROVIDER TO OPERATIONALISE CAPE MORGAN NATURE RESERVE'S RESTAURANT AND KITCHEN FACILITIES FOR A PERIOD OF 10 YEARS.

ADVERTISEMENT DATE:	10 FEBRUARY 2023
CLOSING DATE:	18 APRIL 2023 at 11H00 AM
COMPULSORY BRIEFING:	10 MARCH 2023 at 11H00 AM
ADDRESS:	ECPTA Offices 17-25 Oxford Street, East London
BIDDER NAME:	
CSD NUMBER:	
PRICE OFFER:	

OFFICE OF THE CEO | BIODIVERSITY & CONSERVATION | MARKETING | DESTINATION DEVELOPMENT | FINANCE | CORPORATE SERVICES | RESERVATIONS

17 - 25 Oxford Street | East London | 5201 | P.O. Box 11235 | Southernwood | East London | 5213 | Tel. +27 (0) 43 492 0881 www.visiteasterncape.co.za



TENDER NOTICE
RFP NO.05/22/23

Bids are hereby invited for the **APPOINTMENT OF A SERVICE PROVIDER TO OPERATIONALISE CAPE MORGAN NATURE RESERVE'S RESTUARANT FACILITIES FOR A PERIOD OF 10 YEARS.**

The Eastern Cape Parks and Tourism Agency (ECPTA), established and mandated in terms of the Eastern Cape Parks and Tourism Agency Act (2 of 2010), is responsible for the management of certain protected areas in the Eastern Cape. In order to achieve its management objectives, the Agency requires the services of an experienced service provider for **the APPOINTMENT OF A SERVICE PROVIDER TO OPERATIONALISE CAPE MORGAN NATURE RESERVE'S RESTUARANT FACILITIES FOR A PERIOD OF 10 YEARS.**

Bid documents outlining detailed specifications will be made available from Wednesday **15th February 2023** **"FREE OF CHARGE"**. Documents can be downloaded from the ECPTA website: www.visiteasterncape.co.za/corporate/procurement/tenders or Eastern Cape Provincial Treasury: www.ectreasury.gov.za or National Treasury e-tender portal: www.etenders.gov.za

A Compulsory briefing will be held on **10th March 2023 at 11h00. The venue** is the Cape Morgan Nature Reserve in Morgan's Bay, **GPS Co- ordinates: Latitude - 32 42' 00.32" S Longitude - 28 21' 33.47"E**

Bidders are advised to use a high clearance vehicle.

Completed bid documents accompanied by all necessary documents are to be placed in a sealed envelope with the bid name and number (as given above) clearly written in an envelope. **All bids must be deposited in the Tender Box, at the offices of the Eastern Cape Parks and Tourism Agency at No. 17-25 Oxford Street (Corner of Fleet Street & Oxford Street), by not later than 11h00 on Tuesday, 18 April 2023, at which time the bids will be opened in public.**

For all enquiries regarding the bid document please contact Ms. Unathi Zinganto at 043 492 0871, e-mail: Unathi.zinganto@ecpta.co.za or Contact Mr. Bulelani Silangwe for technical enquires at 043 492 0892 during working normal hours, email bulelani.silangwe@ecpta.co.za



MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
CENTRALIZED SUPPLIER DATABASE REPORT (FULL CSD REPORT) APRIL 2023	
Signed General conditions of contract	
Invitation to Bid (SBD 1)	
Bidders Disclosure (SBD 4)	
Preference Claim Form (SBD 6.1)	
Joint Venture Declaration Form	
Joint Venture Agreement	
Authority to sign bid documents	
Company details	
STAGE 1: COMPLIANCE REQUIREMENTS	
Attendance of Compulsory Site Briefing	
STAGE 2: FUNCTIONALITY	
Proof of Company Experience	
Proposed operational plan	
CV of qualified restaurant manager with reachable references	
Proof of availability of funds for furniture, fittings, and kitting of the facility	
STAGE 3: PRICE PROPOSAL	
Financial Proposal	
Proof of Specific Goals Preference Points Claim as follows:	
ID Copies of Directors	
CIPC registration certificates	
Medical certificate for disability Preference Points Claim	
Municipal account or Proof of Address or lease agreement	



PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE EASTERN CAPE PARKS & TOURISM AGENCY					
BID NUMBER:	RFP 05/22/23	CLOSING DATE:	18 April 2023	CLOSING TIME:	11h00am
DESCRIPTION	APPOINTMENT OF A SERVICE PROVIDER TO OPERATIONALISE CAPE MORGAN NATURE RESERVE'S RESTUARANT FACILITIES FOR A PERIOD OF 10 YEARS				
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
17-25 Oxford Street, Cnr. Oxford and Fleet Street					
East London					
5201					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Ms Unathi Zinganto		CONTACT PERSON	Mr. Bulelani Silangwe	
TELEPHONE NUMBER	043 492 0871		TELEPHONE NUMBER	043 492 0892	
FACSIMILE NUMBER			FACSIMILE NUMBER		
E-MAIL ADDRESS	Unathi.zinganto@ecpta.co.za		E-MAIL ADDRESS	Bulelani.silangwe@ecpta.co.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					



<p>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p>[IF YES ENCLOSE PROOF]</p>	<p>2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p>[IF YES, ANSWER PART B:3]</p>
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<p>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</p>	
<p>IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</p> <p>DOES THE ENTITY HAVE A BRANCH IN THE RSA?</p> <p>DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</p> <p>DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</p> <p>IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</p> <p>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.</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>



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, 2022, 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 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:



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1. IMPORTANT GENERAL INFORMATION

This Request for Proposals ("the RFP") is issued by Eastern Cape Parks & Tourism Agency ("ECPTA") in accordance with the guidelines for Public Private Partnerships ("PPPs") contained in National Treasury's Tourism PPP Toolkit, and in compliance with Treasury Regulation 16 issued in terms of the Public Finance Management Act 1999.

Should the bidder want to participate in both opportunities, the bidder must submit separate bid documents. In the event that the bidder applied for more than one opportunity, the bidder is requested to rank the opportunity in the order of preference, as only one opportunity will be awarded per successful bidder. In the event that the bidder is shortlisted for all bids and there are no other shortlisted bids, the ECPTA reserves the right to consider the bidder for all opportunities.

No.	Commercialization Opportunity	BID NO.	Order of Preference <i>Select (1/2)</i>
1	Cape Morgan Nature Reserve's Restaurant	RFP 05/22/23	
2	Cape Morgan Nature Reserve's Accommodation and Conference facilities.	RFP 06/22/23	

1.1 Introduction

The ECPTA develops and manages protected areas and promotes and facilitates the development of tourism within the Eastern Cape province.

The ECPTA has identified the importance of commercialization within its protected areas to enable revenue generation, rural tourism development, job creation and empowerment of communities. This is line with the ECPTA's strategic vision of "inclusive economic growth" in the Eastern Cape, supported by the sustainable utilization of natural resources. The mission of the ECPTA is to lead conservation and tourism for the benefit of current and future generations in the province.

The ECPTA has identified a commercialization opportunity at Cape Morgan Nature Reserve situated at the East London Coast Nature Reserve in Morgan's Bay, Eastern Cape.



1.2 Objectives

The ECPTA wishes to enter into a PPP for the operationalization of a restaurant situated at the Cape Morgan Nature Reserve. The restaurant is situated in the same premises as a 3-Star Grading hotel (in terms of the Tourism Grading Council of South Africa) and conference facilities, which will attract foot traffic into the restaurant. The accommodation and conference facility will be procured separate to this bid and should bidders express an interest to bid, Bid Number 05/22/23 must be submitted. The ECPTA will implement this opportunity in line with the PPP National Treasury Regulations and will be guided by the PPP Toolkit for Tourism throughout the procurement process.

1.3 Value for money objectives

High-level commercialization objectives for the ECPTA include the following:

- Revenue generation;
- Tourism promotion;
- Broad Based Black Economic Empowerment;
- Infrastructure maintenance;
- Job creation;
- Optimal use of all assets; and
- Further biodiversity protection and conservation.

1.4 Opportunity

Concession opportunity exists at the Cape Morgan Nature Reserve for the operationalization of the following assets:

No.	Commercialization Opportunity	BID NO.
1	Cape Morgan Nature Reserve Restaurant and kitchen facilities;	RFP 05/22/23

No verbal discussion with any staff or advisor of ECPTA can change, add to or clarify any of the terms and conditions contained in this RFP. Bidders should only rely on written changes, additions or clarifications from the duly authorised Project Officer of ECPTA, circulated to each bidder. E-mail communications from ECPTA to Bidders will count as written communication.

The bid will be conducted in accordance with and shall be governed by the laws of the Republic of South Africa and this RFP. Bids and all correspondence and documents relating to Bids shall be in the English language.

The submission of a Bid by a Bidder implies full knowledge and acceptance of, and submission to,



all the terms and conditions set out in this RFP, the concession Agreement and under the applicable laws of the Republic of South Africa.

The bidders may only request clarification in writing before the closing date stated in the Tender Notice. All queries and clarifications must be in writing and submitted by the **31st of March 2023**.

Bidders shall be responsible for any and all costs, expenses and losses incurred by them in the preparation and submission of Bids or otherwise in connection with the Tender. ECPTA will not compensate Bidders for any such costs, expenses or losses, regardless of the outcome of the Tender.

The Eastern Cape Parks and Tourism Agency Supply Chain Management Policy will apply.

Bidders **must** be registered with the Treasury Central Supplier Database (CSD) and submit a full copy of the CSD report for the month of April 2023.

Service providers who are not registered with the National Treasury Central Database of Suppliers must visit www.csd@treasury.gov.za to register their companies, after the completion of the registration report, a summary report must be included to their bid documents.

Eastern Cape Parks and Tourism Agency does not bind itself to accept the highest bid or any other bid and reserves the right to accept the whole or part of the bid.

The award of this bid may be subjected to price negotiation with the preferred bidder(s).

Bids which are late, incomplete, unsigned or submitted by facsimile or electronically will not be accepted.

ECPTA reserves the right to terminate the contract if it is not satisfied with the work produced by the service provider. Only bidders that have met the requirements of the proposal / specification shall be considered during the adjudication process.

The ECPTA Bid Committee and the Supply Chain Management Unit may, before a bid is adjudicated or at any time during the bidding process, oblige a bidder to substantiate any claims it may have made in its bid document.

Bids submitted are to hold good for a period of **150** days.



2. THE PPP OPPORTUNITY

2.1 Introduction

Concession opportunity exists at the Cape Morgan Nature Reserve for the operationalization of the following assets:

2.2 Geographical Location

2.2.1 GPS coordinates

The GPS coordinates for the Cape Morgan Nature Reserve is 32 42' 00.32" S 28 21' 33.47"E.

2.2.2 East London Coast Nature Reserve

The Reserve falls within the East London Coast Nature Reserve and “including inter alia (from north-east to south-west) Cape Morgan, Double Mouth, Cape Henderson, Chintsa West, Kwelera, Blue Bend, Cove Rock, Winterstrand, Kidd’s Beach, Kayser’s Beach, Chalumna and Hamburg. Cape Morgan inherited the name from the currently commissioned lighthouse managed by South African Ports Authority, which towers above the indigenous coastal vegetation that is bounded by the coastline. These coastal reserves represent approximately 60% of the 300km coastline between these two rivers” (East London Coastal Nature Reserve Strategic Management Plan).



2.2.3 Aerial view



2.2.4 Cape Morgan Nature Reserve

Cape Morgan Nature Reserve is located within the Great Kei Local Municipality on the south-eastern seaboard of the Eastern Cape and is located within the Amatole District Municipality and part of eight local municipalities in the district namely Buffalo City Municipality, Amahlathi Local Municipality, Nxuba Local Municipality, Nkonkobe Local Municipality, Ngqushwa Local Municipality, Great Kei Local Municipality, Mnquma Local Municipality and Mbashe Local Municipality. It is situated along the Eastern Cape coastline between the coastal villages of Kei Mouth and Morgan's Bay as depicted overleaf. These two coastal villages have developed due to tourism activity relating to adventure, sports, beach, surf, and nature tourism.

The Cape Morgan Nature Reserve is a coastal forest reserve, an area loved for its lush fertility and dense greenery. The nature reserve takes its name from the automatic lighthouse that towers above the trees of the indigenous forest lining the beach. A gateway to the Wild Coast, Cape Morgan is undeniably one of South Africa's most beautiful tourist destinations. Its appeal lies in its rugged, untouched natural allure, and the sheer abundance of fauna and flora to be found here.

Being a coastal forest area that is also close to the ocean, this reserve is a rich biosphere, and home to an amazing diversity of plant, animal, and marine life. One of the key attractions is the Cape Morgan Lighthouse, which is sheltered within the coastal forest, towering over the trees. There are only three lighthouses along the famously rocky coastline of the Wild Coast, including this one.

2.3 Attractions

The following and not limited to are the tourist attractions around the Great Kei region, which are attraction points to the Cape Morgan Nature Reserve:

- Beaches (Kei Mouth beaches, The Morgan Bay beach);
- Double Mouth Nature Reserve;
- The Kei Mouth Point;
- Horse Riding Adventures;
- Siya MTB Mountain Bike Trails;
- Fishing;
- Walks and Trails, Kei Mouth;
- Kei Mouth Country Club;
- Hiking Trail;
- Elunxwemeni Township Tours; etc.



2.4 Facilities

The ECPTA wishes to appoint a concessionaire for the operationalization of the following facilities:

No.	Commercialization Opportunity	BID NO.
1	Cape Morgan Nature Reserve Restaurant and kitchen facilities;	RFP 05/22/23

The procurement will be undertaken in accordance with the PPP National Treasury regulation in terms of the PFMA, using guidelines contained in the PPP Toolkit for Tourism. The appointed concessionaire shall be invited as part of an open tender process **to participate in the further development of the additional staff quarters and hotel facilities, subject to approval of National Treasury** of the additional PPP agreement or variation, whichever is permissible

A detailed design report is contained in the data room with specifications of the facilities at Cape Morgan Nature Reserve. Below we outline key specifications of the restaurant and kitchen.

2.4.1 Restaurant and kitchen

The restaurant has the following facilities:

- Cold and freezer room (fitted);
- Dry store.
- Cold and hot kitchen, with starter equipment fitted including overhead extraction and gas supply.
- Dish and pot wash-up areas with sinks.
- Small bar/cashier area.
- Seating 80 people – at 4 or 6- or 10-seater tables; and
- Pool deck.

Below are key specifications of other facilities within the nature reserve, which is **provided for information purposes only**:

2.4.2 3 - Star Grade hotel

The 3-Star Grade hotel has the following facilities, which are **provided for information purposes only**:



- Two level 32 room accommodation;
- 4 executive rooms;
- 28 standard rooms;
- 2-wheel chair friendly units;
- Rainwater harvest tanks (6 x 10 000l);
- Estimated selling rate of R1 150 (incl. VAT and breakfast) per room per night double occupancy;
- Access of a tag system;
- Reception Office;
- IT Server room;
- Office;
- Common ablution facility;
- Access of a tag system
- Air-conditioned units;
- Launderette (self-service); and
- Linen holding room.

2.4.3 Conference centres

The conference center has the following facilities, which are **provided for information purposes only**:

- Three breakaway rooms of which two are 24 seaters and one a 25-seater;
- CCTV cameras;
- Projectors and screen;
- Access of a tag systems; and
- Staff rest room.
- Office suite with two offices, toilet, storeroom, and tag system; Utility room with storerooms.

2.5 Infrastructure

2.5.1 Access Road

Access road is available. The reserve can be easily accessed via a gravel road from a tarred road (distance of approximately 500 meters). Maintenance of the gravel road to serve operations will be permitted. Plans and proposals are in place for the tarring of this access road with the local municipality, however there is no firm commitment at this stage.



2.5.2 Sewerage

Sewerage disposal facilities are available on site. The service provider will be responsible for the cost of sewerage management.

2.5.3 Refuse

The operator will be responsible for removal and complete disposal of all refuse generated on the reserve. There is no internal disposal site. The operator should have a waste management plan, which must be submitted as part of this proposal. The service provider will be responsible for the cost of refuse.

2.5.4 Water

Municipal water supply is available on site, with six 10 000 l tanks to harvested rain for backup. The service provider will be responsible for the cost of water usage (in the event there is more than one operator then a separate meter billing will be installed by ECPTA)

2.5.5 Maintenance

There are processes and procedures in place that needs to be followed for maintenance purposes. Details to be enlisted on the PPP agreement. The appointed bidder is required to maintain the premises for the term of the concession. The service provider will be responsible for the cost of maintenance, with the exception of structural maintenance.

2.5.6 Safety

- One control access center for entrance and exit;
- Concessionaire must provide insurance for the facilities;
- Concessionaire must provide security;
- CCTV Cameras; and
- Flanked by a forest providing natural breaking point discouraging unauthorized access.

The service provider will be responsible for the cost of security.

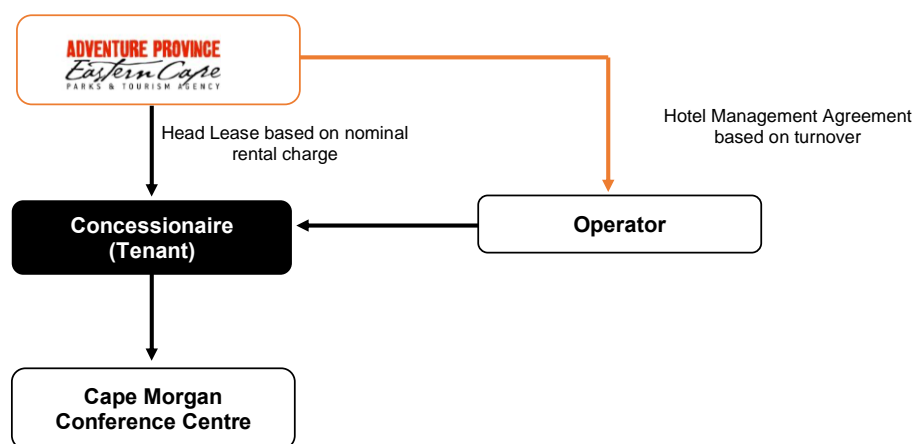


2.6 Operating Model

2.6.1 Pricing Structure

The ECPTA wishes to enter into a standard lease agreement with the appointed concessionaire for a white label restaurant. The ECPTA has opted for a hybrid operating model, which combines a nominal rental and turnover rental factor charge. This is to ensure risk sharing between the concessionaire during the early phases of operations, whilst benefiting from the upside as patrons improve in the restaurant establishment.

This model ensures that the property self sustains from the institution's perspective, without further short-term capital injection from the ECPTA i.e., rates and taxes, electricity etc. The structure of the operating model is illustrated below:



2.6.2 Pricing structure of PPP

The pricing structure of the PPP is as follows:

- Nominal fixed monthly rental payable in advance; and
- Turnover rental based on a proposed percentage factor payable monthly in arrears.

The proposed Offer Fee, **shall be exclusive of VAT and** will be based on the following formula:

$$P = R + (TF \times T10)$$

where:

P = Price Fee

R = Nominal rental proposal (i.e., proxy for property running costs)

TF = Turnover factor

T10 = Turnover as submitted for the 10-Year period forecasted



2.6.3 Term of concession

The **term of the concession** shall be a **period of 10 years**, with a full review every **5-year period** to assess the following:

- Environmental compliance.
- Financial performance.
- Contractual obligations compliance i.e., rental obligations, reserve fund maintenance etc.
- Local economic empowerment in line with ECPTA's vision of "inclusive economy growth"; and
- Local employment.

2.6.4 Timelines

Timelines are of particular importance to the agency due to the urgency in commercializing opportunities to earn revenue. The following timelines must be adhered to by the bidder:

Commencement of fittings and kitting	within one month
Completion of fitting (from commencement)	within three months
Opening date (from completion)	within one month

2.6.5 Monitoring and review

The following reviews will be conducted on the performance of the concessionaire:

- 5-Year comprehensive review; and
- Bi-annual compliance meeting in line with performance measures.

Non-compliance may result in the termination of the concession agreement.

2.6.6 Occupational rental

The appointed concessionaire is required to commence fitting of the facilities within one month from signature of PPP and will be afforded 3-months occupational rental during this period, to allow for the fitting of the facilities.

2.6.7 Furniture, fittings, and kitting

The appointed concessionaire is required to fit the facilities with furniture, fittings and kitting and should provide proof of availability of these funds, along with a detailed costing thereof for each opportunity. The furniture, fittings and kitting's shall become that of the ECPTA on expiry of PPP agreement or termination thereof.



2.6.8 Reserve Fund

The appointed concessionaire is required to maintain a reserve fund effective from the third anniversary of the PPP agreement equivalent to at least 1.5% of the net turnover. Net turnover is the turnover less any cost of providing such turnover i.e., cost of sales and selling expenditure.

2.6.9 Other conditions and requirements

The following is required from the concessionaire:

- 75% of unskilled labour for the Cape Morgan Nature Reserve shall be from the Great Kei region.
- At least 25% of the supplies of Cape Morgan Nature Reserve should be sourced within the Amatole region.
- Naming rights of the facility shall be negotiated between the appointed concessionaire and the ECPTA; and
- Due to the lack of availability of staff quarters on site, the concessionaire must transport the employees to the Cape Morgan Nature Reserve from their respective communities at their own cost.

These requirements are in addition to the 80/20 Preference Points in terms of the PPPFA and its regulations of 2022.

2.10. Transaction Advisor Fee

The project will be implemented on a semi-risk basis. A fixed maximum percentage for each project will be on a non-risk basis and another portion from the bidder will be recouped by the Transaction Advisors from the successful bidders (investors).



3. SITE VISIT

The compulsory site visit process is organised for the Bidders with the following objectives:

- to provide all Bidders the opportunity to ascertain all information they need to present informed and competitive bids for the sites they are qualified to bid for, including physical facilities; and
- to ensure that such access to information is equal for all Bidders.

Attendance will inform Bidders of possible challenges and opportunities that may or may not have an impact on the feasibility studies conducted by Bidders and will further serve to ensure the accuracy of viabilities conducted for the facility.

A Compulsory site briefing meeting will be held on **10th March 2023 at 11h00**. The venue is the Cape Morgan Nature Reserve, **GPS Co- ordinates: Latitude - 32 42' 00.32" S Longitude - 28 21' 33.47"E Bidders are advised to use a high clearance vehicle.**

Please note that travel and accommodation costs for this visit will be for the bidder's account.

Each Bidder shall be solely responsible for its own due diligence investigation of the investment-opportunity, the proposed Concession Agreement terms and all matters relating to this RFP. Neither ECPTA nor any of their respective officers, employees, agents or advisers makes any representation or warranty, express or implied, concerning any matter affecting the PPP opportunity, except for the representations and warranties of ECPTA that will be set out in the Concession Agreement.

No verbal agreement or conversation with, nor any verbal clarification from, any officer or employee of ECPTA or any of their advisers shall affect or modify any of the terms and conditions contained in this RFP. Only written amendments, supplements or clarifications to this RFP from duly authorised Project Officer of ECPTA, circulated to each Bidder, should be relied upon as authorised.



4. GENERAL CONDITIONS OF THE BID

1. Interpretation

The word “Bidder” in these conditions shall mean and include any firm or any company or body incorporated or unincorporated.

The word “ECPTA” in these conditions shall mean the Eastern Cape Parks & Tourism Agency.

2. Extent of the bid

This contract is for the provision of the services as detailed in the attached Specification (Clause 2: The PPP opportunity).

3. Contract to be Binding

ECPTA will enter into a concession agreement with the successful service provider.

4. Mode of the Bid

All Bids shall be completed and signed: All forms, annexure, addendums and specifications shall be signed and returned with the Bid document as a whole. ***The highest or any Bid will not necessarily be accepted.*** The ECPTA wishes to deal on a prime contractual basis with the successful Bidder being responsible and accountable for all aspects of the entire solution or service offered.

5. Insurance Claims, etc.

The ECPTA shall not be liable in any manner in respect of any claims, damages, accidents and injuries to persons, property or rights or any other courses of civil or criminal action that may arise from the carrying out of this contract.

The company shall insure his / her / their personnel and any plant, machinery or other mechanical or electronic equipment involved in the fulfillment of this contract and shall indemnify ECPTA against all risks or claims which may arise. It will be required from the successful Bidder to submit proof of insurance or any other valid form of indemnification to ECPTA for scrutiny.

6. Signing of Documents

Bidders are required to return the complete set of documents duly signed.



7. Period of Validity for Bids and withdrawal of Bid after Closing Date

Bids are to be held valid and binding for 150 days from the closing date of submissions (calculated from, but not including, the due date).

8. Penalty Provision

Should the successful Bidder:

- a. Withdraw the Bid during the afore-mentioned period of validity; or
- b. Advise the ECPTA of his / her / their inability to fulfill the contract; or
- c. Fail or refuse to fulfill the contract; or
- d. Fail or refuse to sign the agreement or provide any surety if required to do so.

Then, the Bidder will be held responsible for and is obligated to pay to the ECPTA:

All expenses incurred by ECPTA to advertise for or invite and deliberate upon new Bids, should this be necessary.

The difference between the original accepted Bid price and:

- (i) A less favorable (for the ECPTA) Bid price accepted as an alternative by the ECPTA from the Bids originally submitted; or
- (ii) A new Bid price.

9. Value Added Tax

In calculating the cost of the supply and delivery of services and / or material, the supplier will issue a "Tax Invoice" for all services rendered and / or materials supplied, which will reflect the exclusive cost of such services, goods or materials with the relevant Value Added Tax being added to the total. VAT must be included in the Bid price but must be shown separately.

10. Price Escalation

To be provided on the financial proposal over the full ten-year contract period.

11. Authority to Sign Bid Documents

In the case of a Bid being submitted on behalf of a company, close corporation or partnership, evidence must be submitted to the ECPTA at the time of submission of the Bid that the Bid has been signed by persons properly authorized thereto by resolution of the directors or under the articles of the entity.



12. Duration of the Bid

The contract period is for a period of 10 years. The contract is reviewable as determined by ECPTA.

13. Insurance and Indemnity

ECPTA shall not be liable in any manner in respect of any claims, damages, accidents and injuries to persons, property or rights or any other courses of civil or criminal action that may arise from the carrying out of this contract. The operator shall at all times during the term of the lease maintain liability insurance.

14. Control of The Contract

For the purposes of this contract ECPTA has appointed the Bid Committee for the adjudication, award and management of the bid.

15. Agreement

The successful bidder undertakes to be bound by all terms and conditions contained in this bid document. A concession agreement will be signed between ECPTA and the successful service provider.



5. SUBMISSION OF BID

Bids must be submitted in sealed envelopes clearly marked “**APPOINTMENT OF A SERVICE PROVIDER FOR THE OPERATIONALISATION OF CAPE MORGAN’S BAY NATURE RESERVE’S RESTAURANT AND KITCHEN FACILITIES FOR A PERIOD OF 10 YEARS**”- RFP NO. 05/22/23” Bid Documents must be deposited in the Bid Box, 17-25 Oxford Street (Cnr of Fleet & Oxford Street), East London, by no later than **11:00 am** on the **18TH of April 2023**. **Late, faxed, or emailed bid documents will not be accepted.**

Bids which are not submitted in a properly sealed and marked envelope and/or deposited in the relevant bid box on or before the closing date and time will not be considered. Faxed or e-mailed Bids will not be considered.

5.1 Rules of bidding

- 5.1.1 The ECPTA reserves the right to call interviews with short-listed bidders before the final selection process.
- 5.1.2 The ECPTA reserves the right to negotiate prices with preferred bidders.
- 5.1.3 The ECPTA reserves the right to return late bids submissions unopened. No late submissions.
- 5.1.4 Firms may not contact the ECPTA, transaction advisors or the relevant treasury on any matter pertaining to their bid from the time of submission to the award date. Any effort by the bidder to influence bid evaluation, bid comparisons or bid award decision in any manner, may result in rejection of the bid concerned.
- 5.1.5 The bidder must be a single entity with all other necessary expertise secured via subcontract or under joint venture agreement. The ECPTA will enter into a single contract with a single firm for the delivery of the work set out in the terms of reference.
- 5.1.6 Foreign firms providing proposals must become familiar with local conditions and law and take them into account in preparing their proposals.
- 5.1.7 Bids must be submitted in South African Rands, on a fixed price basis.
- 5.1.8 The cost of preparing bids and of negotiating the contract will not be reimbursed.
- 5.1.9 The ECPTA is not bound to accept any of the bids submitted and reserves the right to call for best and final offers from shortlisted bidders before final selection.



5.2 Other due diligence

Each bidder will be responsible for its own due diligence investigation of the concession opportunity, environmental compliance requirements, proposed contractual terms and anything else relating to this RFP. Neither the ECPTA nor any of its staff can make any suggestions or guarantees, directly or indirectly, about anything affecting this RFP.

5.3 Data room

Additional data relating to this RFP can be viewed on the One Drive link below:

Link: [Cape Morgan Conference Centre](#)

Password: CapeMorgan2022!

The following information is contained on the One Drive:

- Architectural designs, which containing the following files:
 - Stage 3 Architectural designs, including mock-up images of the 3-Star Grading hotel, conference center and restaurant;
 - Future expansion architectural plans for staffing quarters and additional accommodation facilities;
- Environmental Impact Assessment;
- Stage 3 Design Report i.e., for 3-Star Grading hotel;
- Photos of the 3-Star Grade hotel, conference facility and restaurant; and
- Financial feasibility for the Cape Morgan Nature Reserve.

For all enquiries regarding the data room please contact Mr. Kabelo Colane at capemorgan@maboya.co.za or Contact Mr. Lwazi Magayana for technical enquires, email capemorgan@maboya.co.za. All communication must be via email.

5.4 Timetable

The procurement process timeline for the appointment of the concessionaire will be as follows:

Advertisement	10 February 2023
Availability of bid document	15 February 2023
Compulsory site visit and clarification meeting	10 March 2023
Responses to clarification queries	31 March 2023
Closing date	18 April 2023



The ECPTA reserves the right to change these dates subject to the provisions of the PFMA and will accordingly communicate such changes to all bidders who have expressed an interest in submitting a proposal for this bid.

5.5 Clarification enquiries

For all enquiries regarding the bid document please contact Ms. Unathi Zinganto at 043 492 0871, e-mail: Unathi.zinganto@ecpta.co.za or Contact Mr. Bulelani Silangwe for technical enquires at 043 492 0892 during working normal hours, email bulelani.silangwe@ecpta.co.za before the 31st of March 2023. Response to clarifications queries will be emailed to bidders within a period of one week from such closing date.

5.6 Validity period

All information provided in the bid must be **valid for a period of 150 days** from the bid closing date.

5.7 Pre-qualification checklist

DOCUMENTS	YES / NO
All Standard Bidding Documents	
Proof of experience	
Proof of availability of funds for furniture, fittings, and kitting of the facility	
CV of qualified restaurant manager with contactable references	

The bidder must submit documents outlined above to avoid disqualification of bid.

5.8 Bid submissions requirements

Prospective bidders are required to submit a two envelope in the format prescribed overleaf:

5.8.1 Envelope 1: Technical proposal

Marked with the name of bidder titled **"05/22/23 TECHNICAL PROPOSAL: APPOINTMENT OF A SERVICE PROVIDER FOR THE OPERATIONALISATION OF CAPE MORGAN NATURE RESERVE'S RESTAURANT AND KITCHEN FACILITIES"**.

Prequalification will be assessed on the Functionality Envelope in terms of the checklist in section 5.7. The structure of the bid must be as outlined below:



Bid submission structure

Bids and all related correspondence and documents must be in English. Bidders must submit printed copies in two envelopes. Each envelope must be marked Functionality or Pricing Proposal. Attach the bid cover letter in the front page of the bid document.

Functionality envelope must contain three copies of the following, including an electronic copy:

A	Company information	
1	Company profile with a minimum of Organogram (including documentation listed in 6.2.1), year of operations; Abridged CVs of directors of the companies, restaurants under management	
2	Valid SARS Tax PIN for at least two (2) months from closing date of this bid	
B	Company experience	
1	Proof experience	
2	Proof of registration /affiliation with a registered tourism or hospitality body	
C	Proposed Operational Plan	
1	Understanding of our requirements;	
2	Implementation plan	
3	Detailed Costing of furniture, fittings, and kitting of the facilities	
4	Proof of funds equivalent to proposed costing above	
5	10 – Year cash flow forecast financial forecast;	
6	Environmental Plan	
7	Local Empowerment Plan	
8	Job Creation Plan	
D	Standard Bid Documents	
1	SBD 1 Invitation to bid	
2	SBD 4 Declaration of interest	
3	Registration confirmation on CSD	
E	Other information	
1	Company details form	
2	Authority to sign	
3	Joint Venture Disclosure form (if applicable)	
4	Joint Venture Agreement (if applicable)	

Bidders who score at least 70% and above for functionality will be evaluated on stage two for price and Preference Points.



5.8.2 Envelope 2: Price and Preference Points proposals

Price proposal must be clearly marked “**PRICE PROPOSAL: PRICE AND PREFERENCE POINTS PROPOSAL: APPOINTMENT OF A SERVICE PROVIDER FOR THE OPERATIONALISATION OF CAPE MORGAN NATURE RESERVE’S RESTAURANT AND KITCHEN FACILITIES**”

The Pricing Envelope is for the fee offer and the mark-up of the draft Concession agreement and will only be opened and evaluated if those minimum thresholds are met.

Pricing envelope must contain three copies of:

A	Price	
1	Price Offer Form	
2	Fee offer, in the format in ‘Annexure B – Offer Fee Schedule’	
B	Preference Points	
1	SBD 6.1 Preference points claim	
2	Preference Points Claim proposal in terms of scores outlined in section 5.2, including: a. Specific Goals supporting documentation: <ul style="list-style-type: none">▪ CSD report.▪ CIPC registration certificates.▪ ID copies.▪ Medical certificate; and▪ Municipal accounts or proof of address or lease agreements.	
4	A mark-up of the draft concession agreement – to be provided in the compulsory site meeting	



6. INCOMPLETE BIDS

Bids must be delivered by the stipulated time to the correct address. Late bids will not be accepted for consideration.

The bid evaluation committee will check bid to see whether all the documentation that this RFP requires has been submitted correctly.

If a bid is not complete or something in it is not clear, the bid evaluation committee may, but is not obliged to, ask Bidders for more information. Bidders will receive such requests for more information in writing. No substantial changes to the bid will be asked for or allowed, except if there is a clear mistake in the bid.

ECPTA may, but is not obliged to, disqualify a bid that is not complete or requires clarification without a request for further information.

ECPTA shall not be obliged to reimburse Bidders for any costs and/or damage they incurred during the preparation of Bid Submissions, in the event of cancellation, disqualification, suspension, modification or delay of the Tender



7. EVALUATION CRITERIA

BIDS WILL BE EVALUATED IN ACCORDANCE WITH THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT (PPPFA) of 2000 AND ITS REGULATIONS OF 2022

A three (3) Stage Evaluation process will be employed. In Stage One (1) Bids will be evaluated based on compliance with the bid requirements. Only bidders who meet all the criteria for compliance with the bid requirements will advance to Stage 2. In Stage two (2), bids will be evaluated on functionality criteria. Only bidders who achieve a minimum score of **70** out of 100 will be evaluated on Stage 3.

STAGE 1: Compliance with bid requirements

Bidders must comply with the set of compliance requirements listed below. The compliance requirements stated below are project specific and disparate from the pre-qualification requirements enshrined in the Preferential Procurement Policy Regulations of 2022.

- **Compulsory Briefing:** Bidders must attend the compulsory briefing meeting on site.

Failure to comply with the above requirement will lead to immediate rejection of the bid.

STAGE 2: Functionality

Bidders must obtain a minimum score of **70** points and above on functionality in order to be considered for Stage 3. Bidders who score less than 70 points will be regarded as non-responsive and disqualified from the process.

7.1 Evaluation criteria

It is to be noted that the provisions of the PPPFA, and its regulations of 2022 will apply. In order to participate in the bidding process, bidders are required to meet the following qualification criteria.



7.1.1 Functionality evaluation criteria

The following is the weighting awarded for each element, and the threshold score for each:

1	Company Experience	25	Scoring
1.1	<p>The company must have operated a successful similar business.</p> <p>Proof of experience must be submitted in any of the following documents and must include period of assignment, type of services offered and must be on a letterhead:</p> <ul style="list-style-type: none">a. Appointment Letterb. Reference letterc. Copies of contract or SLAd. Proof of affiliation with industry body / association detailing period of membership / affiliation <p>NB: FAILURE TO SUBMIT PROOF OF EXPERIENCE IN THE ABOVE-PRESCRIBED FORMAT WILL LEAD TO ZERO POINTS AWARDED. NO PARTIAL POINTS WILL BE ALLOCATED FOR PARTIAL INFORMATION SUBMITTED.</p>	<p>3 years' and more = 20 points</p> <p>2 years' = 15 points</p> <p>1 year or less = 10 points</p>	20
1.2	Proof of affiliations with a registered Tourism Body	<p>Proof membership submitted = 5</p> <p>Not submitted = 0</p>	5



2	Team capability	30	Scoring
2.1	<p>Suitable restaurant manager with experience in the Hospitality/Tourism Industry: Restaurant Manager experience</p> <p>BIDDERS MUST SUBMIT DETAILED CV'S OF THE RESTAURANT MANAGER AND ORGANOGRAM. FAILURE TO SUBMIT WILL RESULT IN NO POINTS ALLOCATED. CV OF A RESTAURANT MANAGER SHOULD CLEARLY LIST SIMILAR WORK EXPERIENCE WITH CONTACTABLE REFERENCES AND THE ECPTA RESERVES THE RIGHT TO CONFIRM REFERENCES. NO PARTIAL POINTS WILL BE AWARDED FOR PARTIAL INFORMATION SUBMITTED.</p>	<p>3 years' and more = 30 points 2 years' experience = 20 points 1 year or less = 10 points</p>	30
3	Proposed Operational Plan	45	Scoring
	<p>The bidder must submit a detailed operational plan to demonstrate an understanding of scope of work. The operational plan must indicate but not limited to:</p> <ol style="list-style-type: none"> Clearly state how will the target market segment be attracted Demonstrate the knowledge of understanding tourism industry norms & standards which applies and must submit the following as a minimum: <ul style="list-style-type: none"> Understanding of our requirements; Propose implementation plan; Detailed costing of furniture, fittings, and kitting of the facilities (as illustrated in Annexure B in the data room), including proof of availability of funds 10 – Year cash flow forecast financial forecast (as illustrated in Annexure C in the data room) Clearly state time frames for the implementation of the project: <ul style="list-style-type: none"> Activities from appointment till execution Milestones for the project <ul style="list-style-type: none"> The methodology must be detailed in order to establish operational sustainability. 	<p>Target market adequately articulated = 10 points Knowledge of the tourism industry norms and standards = 25 points Implementation time frames = 10 points</p>	45

Total functionality points	100
Minimum threshold	70



Stage 3: Price & Specific Goals

Price and specific goals points will be calculated as described in the Preferential Procurement Regulations of 2022. SBD 6.1 form must be used to claim points for specific goals for the company. A copy of CSD report, Medical Certificate and Proof of Address must be submitted as proof of specific goals. When the above documentation is not provided as proof the company will automatically score zero.

Criteria	Points Available
Bid Price	80
Specific Goals	20
Total	100

7.2 Pricing

Refer to Pricing schedule attached in Annexures 'Price Offer Fee schedule' and must be completed by the bidder. The total bid price to be submitted by bidders will be based on the following formula:

$$P = R + (TF \times T10)$$

where:

P = Price Fee

R = Nominal rental proposal (i.e., proxy for property running costs)

TF = Turnover factor

T10 = Turnover as submitted for the 10-Year period forecasted

Offer Fee will be evaluated exclusive of VAT

Important note to bidders:

Information on the concession fee offer must be **contained in Envelope 2 and is not to be submitted in Envelope 1 with the functionality proposal**. Bidders must **only use the Fee Offer excel spreadsheet provided in the data room only for pricing**.

Price will be evaluated on a 80/20 Preference Points prescribed in the PPPFA and its regulations of 2022 as follows and will be based on Price Fee calculated above:



$$P_s = 80(1 + [(P_f - P_{max})/P_{max}])$$

where:

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of the highest acceptable tender

If the price offered by a tenderer scoring the highest points is not market related, ECPTA may not award the contract to the tenderer. The ECPTA may:

- i. Negotiate a market related price with the tenderer scoring the highest points or cancel the tender;
- ii. If the tenderer does not agree to a market related price, negotiate a market related price with the tenderer scoring the second highest points or cancel the tender; or
- iii. If the tenderer scoring the second highest points does not agree to a market related price, negotiate a market-related price with the tenderer scoring the third highest points or cancel the tender.

7.3 Specific Goals

Preference Point will be allocated in terms of the PPPFA and its regulations of 2022 to score the bidder points out of 20 points for Specific Goals as outlined overleaf:

Specific Goals Category	Weighting (of 20 Points)	Number of points
Historically Disadvantaged Individuals Ownership (South African citizen - who, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act 110 of 1983) or the Constitution of the Republic of South Africa, 1993, (Act 200 of 1993))	25%	5
Locality (Enterprises located in the Eastern Cape Province)	25%	5
Youth Ownership	25%	5
Women Ownership	15%	3
Disability Ownership	10%	2
TOTAL	100%	20



The following table will be used for further breakdown of the allocation of preference points for each ownership specific goal detailed:

Specific Goals				
Ownership	HDI Ownership	Women Ownership	Youth Ownership	Disability Ownership
51% or more	100%	100%	100%	100%
10-50% ownership	50%	50%	50%	50%
Less than 10% ownership	0%	0%	0%	0%

Claiming Of Preference Points:

- Preference points allocated to Historically Disadvantaged individuals may be claimed by a **South African citizen** who had no franchise in national elections prior to 1983 and 1993.
- Preference points allocated for women may be claimed if there is sufficient evidence that such woman has ownership of 51% or more of the enterprise shareholding.
- Preference points allocated for persons with disabilities may only be claimed if there is sufficient evidence that such person has ownership of 51% or more of the enterprise shareholding.
- Preference points allocated for promotion of youth may only be claimed if there is sufficient evidence that such youth has ownership of 51% or more of the enterprise shareholding.
- Preference points for Locality allocated for promotion of enterprises located within the Eastern Cape Province may only be claimed by submission of proof that the enterprise is located within the borders of Eastern Cape Province. This includes an enterprise whose head office may be situated in another province but has a fully-fledged branch within Eastern Cape Province. Enterprises located outside the borders of the Eastern Cape Province and who only appoints agents and or commission warehouses in this municipal area are expressly excluded from claiming points for this goal.

A tenderer must submit proof of its Specific Goals. The supporting documents required to verify Specific Goals points claimed may (in line with the specified requirements) include:

- CSD report;
- CIPC registration certificates;
- ID copies of directors;
- Medical certificate for disabled directors or shareholders; and
- Proof of address



A tenderer failing to submit proof of Special Goals claimed or is a non-compliant contributor to Specific Goals **will not be disqualified** but will only score point out of 80 and score 0 points out of 20 for Special Goals.

- i. The points scored by the tenderer for Specific Goals must be added to points scored for price.
- ii. The points scored must be rounded off to the nearest two decimal places.
- iii. The bid must be awarded to the tenderer scoring the highest points

7.4 Preferred bidder

The bidder that receives the highest overall score will be appointed the preferred bidder. The bidder that receives the second highest overall score will be appointed the reserve bidder.

The Bidders hereby confirms that the company or incorporated joint venture or trust meets the operational and financial criteria as contained in this RFP regarding the operational experience and financial prerequisites and provide a summary statement of the operational and financial criteria and how they are met in the reasonable opinion of the bidder.

An irrevocable confirmation, to the satisfaction of the ECPTA by the bidder that it has irrevocably waived any right it may have to seek and obtain a writ of injunction or prohibition or restraining order against the ECPTA to prevent or restrain the tender or any proceedings related to it. Such waiver shall be without prejudice to the right of a disqualified or losing bidder to question the lawfulness of their disqualification or the rejection of its bid by appropriate administrative or judicial processes not involving the issuance of a writ or injunction or prohibition or restraining order.



8. FINALISING AGREEMENT

The ECPTA will enter into a concession agreement with the successful operator. The Operator will be offered a 10-year performance-based contract commencing upon appointment (as agreed between the Operators and the ECPTA). The ECPTA reserves the right to review the contract on a period to be determined by ECPTA to ensure that the operator complies with the standards of operation as required. The ECPTA reserves the right to terminate the contract on material breach by the operator.

The appointed concessionaire will be required to sign a concession agreement.

The draft concession agreement will be provided to bidders at the compulsory briefing session. The final concession agreement will be negotiated between the ECPTA and the appointed concessionaire post appointment.

Bidders are required to submit a marked-up concession agreement and will be negotiated by the ECPTA.

If the ECPTA and the preferred bidder fail to come to an agreement on the concession agreement with a period of (6) six weeks, the ECPTA may reserve the right to withdraw the appointment as preferred bidder and begin negotiations with the reserve bidder.



9. INFORMATION ON BIDDER

Bidders must submit the following information in the following format:

Functionality envelope must contain three copies of the following, including an electronic copy:

A	Company information	
1	Company profile with a minimum of Organogram (including documentation listed in 6.2.1), year of operations; Abridge CVs of directors of the companies, restaurants under management	
2	Valid SARS Tax PIN for at least two (2) months from closing date of this bid	
B	Company experience	
1	Proof experience	
2	Proof of registration /affiliation with a registered tourism or hospitality body	
C	Proposed Operational Plan	
1	Understanding of our requirements;	
2	Implementation plan	
3	Detailed Costing of furniture, fittings, and kitting of the facilities	
4	Proof of funds equivalent to proposed costing above	
5	10 – Year cash flow forecast financial forecast;	
D	Standard Bid Documents	
1	SBD 1 Invitation to bid	
2	SBD 4 Declaration of interest	
3	Registration confirmation on CSD	
E	Other documents	
1	Company details form	
2	Authority to sign	
3	Joint Venture Disclosure form (if applicable)	
4	Joint Venture Agreement (if applicable)	



Pricing envelope must contain three copies of:

A	Price	
1	Price Offer Form	
2	Fee offer, in the format in 'Annexure B – Offer Fee Schedule'	
B	Preference Points	
1	SBD 6.1 Preference points claim	
2	<p>Preference Points Claim proposal in terms of scores outlined in section 5.2, including:</p> <p>b. Specific Goals supporting documentation:</p> <ul style="list-style-type: none"> ▪ CSD report. ▪ CIPC registration certificates. ▪ ID copies. ▪ Medical certificate; and <p>Municipal accounts or proof of address or lease agreements.</p>	
3	A mark-up of the draft concession agreement – to be provided in the compulsory site meeting	



10. ANNEXURE A: SCHEDULE OF INFORMATION CONTAINED IN DATA ROOM FOR INFORMATION PURPOSES ONLY

For information purposes only:

1. Architectural designs
2. Environmental Impact Assessment
3. Stage 3 Design Report i.e., for 3-Star Grading hotel
4. Photos of the 3-Star Grade hotel, conference facility and restaurant
5. Cape Morgan Nature Reserve Feasibility Study: Financial feasibility, May 2022
6. Cape Morgan Nature Reserve Feasibility Study: Phase I Situation analysis, December 2021
7. Cape Morgan Nature Reserve Feasibility Study: Phase II Market and Concept development, March 2012
8. Cape Morgan Nature Reserve Feasibility Study: Phase III Financial analysis May 2012
9. Cape Morgan Nature Reserve Feasibility Study: Phase IV Tourism Concept Business Plan June 2012
10. Cape Morgan Nature Reserve Pre-Feasibility Study June 2022



11. ANNEXURE B: TEMPLATES CONTAINED IN DATA ROOM TO BE USED IN BID SUBMISSION

Templates to be used in the bid submissions:

1. Offer Fee template
2. Detailed furniture, fittings, and kitting costing
3. 5-Year Cash Flow forecast template



PRICE OFFER FORM

Bidders must present the PPP Fee Offer in the form of a letter on the bidder's letterhead as follows, inserting the bidder's name and the percentage of gross revenue for the variable PPP bid as indicated:

Form of Letter

To: Eastern Cape & Parks Agency

17-25 Oxford Street, East London, 5201

(Name of bidder) _____ hereby commits to pay to ECPTA based on the following formula:

$$P = R + (TF \times T10)$$

where:

P = Price Fee

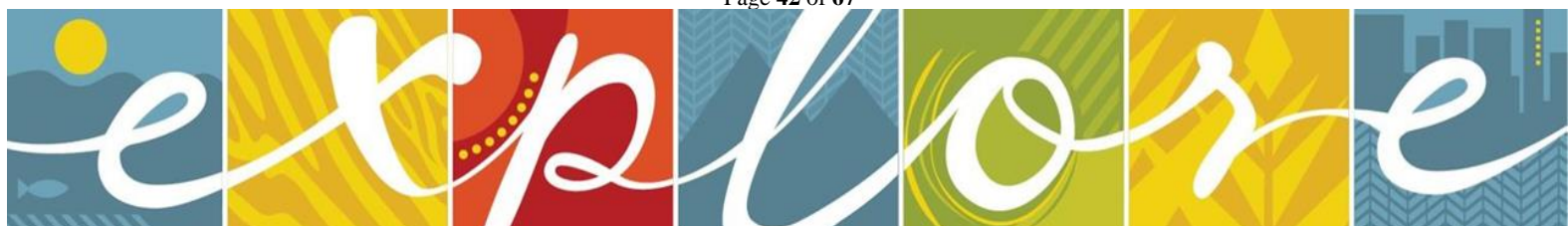
R = Nominal rental proposal (i.e., proxy for property running costs)

TF = Turnover factor

T10 = Turnover as submitted for the 10-Year period forecasted

For indicative purposes only, our projection of fees payable to ECPTA is:

	Formula	Years 1 – 10
Gross revenue (net of VAT)	T10	
Nominal rental proposed	R	
Percentage of gross revenue due as Variable concession Fee (% same for each year)	TF	
PPP fee due Minimum concession fee plus Variable concession Fee	R + (TF x T10)	



(Name of bidder) _____ hereby warrants that the committed minimum concession fee and the Variable concession Fee shall be included in the concession agreement, if accepted by ECPTA.

The person signing below is a duly authorised representative of the bidder with full power and authority to submit this financial offer and commit the bidder to its terms.

Signed: _____

Name: _____

Title: _____



BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise, employed by the state?

YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES/NO



2.2.1 If so, furnish particulars:

.....
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

.....
.....

3 DECLARATION

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

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

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

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium¹ will not be construed as collusive bidding.

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

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

3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where

¹ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.



so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

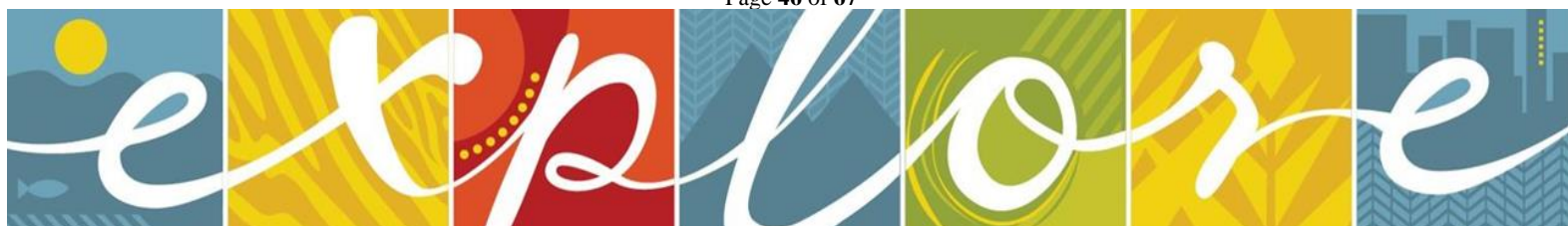
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder



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

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

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

1.2 To be completed by the organ of state

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

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

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



1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

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

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

2. DEFINITIONS

- (a) **“tender”**
means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“Rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).



3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

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

where:

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the



purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 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 and points claimed are indicated per the table below.

The 80/20 preference point system is applicable, corresponding points must also be indicated as such. Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
>51% Historically Disadvantaged Individuals Ownership (South African citizen - who, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act 110 of 1983) or the Constitution of the Republic of South Africa, 1993, (Act 200 of 1993)) 10-50% HDI Ownership	5 2.5 0	



<10% HDI Ownership		
Locality (Enterprises located in the Eastern Cape Province)	5	
>51% Youth Ownership	5	
10-50% Youth Ownership	2.5	
<10% Youth Ownership	0	
>51% Women Ownership	3	
10-50% Women Ownership	1.5	
<10% Women Ownership	0	
>51% Disability Ownership	2	
10-50% Disability Ownership	1	
<10% Disability Ownership	0	
Total	20	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

- i) The information furnished is true and correct;



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

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....



JOINT VENTURE DISCLOSURE FORM

GENERAL

- i) All the information requested must be filled in the spaces provided. If additional space is required, additional sheets may be used and attached to the original documents.
- ii) A copy of the joint venture agreement must be attached to this form, in order to demonstrate the Affirmable, Joint Venture Partner's share in the ownership, control, management responsibilities, risks and profits of the joint venture, the proposed joint venture agreement must include specific details relating to:
 - a) the contributions of capital and equipment
 - b) work items to be performed by the Affirmable Joint Venture Partner's own forces
 - c) work items to be performed under the supervision of the Affirmable Joint Venture Partner.
- iii) Copies of all written agreements between partners concerning the contract must be attached to this form including those, which relate to ownership options and to restrictions/limits regarding ownership and control.
- iv) ABE partners must complete ABE Declaration Affidavits.
- v) The joint venture must be formalised. All pages of the joint venture agreement must be signed by all the parties concerned. A letter/ notice of intention to formalise a joint venture once the contract has been awarded will not be considered.
- vi) should any of the above not be complied with, the joint venture will be deemed null and void and will be considered non-responsive.

1. JOINT VENTURE PARTICULARS

- a) Name
- b) Postal address.....
.....
.....



.....
.....

c) Physical address.....

.....
.....

d) Telephone

e) Fax

2. IDENTITY OF EACH NON-AFFIRMABLE JOINT VENTURE PARTNER

2.1(a) Name of Firm

Postal Address.....

Physical Address

Telephone

Fax

Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....

2.2(a) Name of Firm

Postal Address.....

Physical Address

Telephone

Fax



Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....
(Continue as required for further non-Affirmable Joint Venture Partners)

IDENTITY OF EACH AFFIRMABLE JOINT VENTURE PARTNER

3.1(a) Name of Firm

Postal Address.....

Physical Address

Telephone

Fax

Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....

3.2(a) Name of Firm

Postal Address.....

Physical Address

Telephone

Fax

Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....

3.3(a) Name of Firm

Postal Address.....

Physical Address



Telephone

Fax

Contact person for matters pertaining to Joint Venture Participation Goal requirements:

.....

1. BRIEF DESCRIPTION OF THE ROLES OF THE AFFIRMABLE JOINT VENTURE PARTNERS IN THE JOINT VENTURE

.....

.....

.....

5. OWNERSHIP OF THE JOINT VENTURE

a) Affirmable Joint Venture Partner ownership percentage(s)%

b) Non-Affirmable Joint Venture Partner ownership percentage(s)%

c) Affirmable Joint Venture Partner percentages in respect of: *

(i)

Profit and loss sharing

(ii)

Initial capital contribution in Rands

.....

.....

(*Brief descriptions and further particulars should be provided to clarify percentages).

(iii)



Anticipated on-going capital contributions in Rands

.....

.....

(iv) Contributions of equipment (specify types, quality, and quantities of equipment) to be provided by each partner.

.....

.....

5. RECENT CONTRACTS EXECUTED BY PARTNERS IN THEIR OWN RIGHT AS PRIME CONTRACTORS OR AS PARTNERS IN OTHER JOINT VENTURES

	NON-AFFIRMABLE JOINT VENTURE PARTNERS	PARTNER NAME
a)		
b)		
c)		
d)		
e)		

	AFFIRMABLE JOINT VENTURE PARTNERS	PARTNER NAME
a)		
b)		
c)		
d)		
e)		

7. CONTROL AND PARTICIPATION IN THE JOINT VENTURE



(Identify by name and firm those individuals who are, or will be, responsible for, and have authority to engage in the relevant management functions and policy and decision making, indicating any limitations in their authority e.g. co-signature requirements and Rand limits).

(a) Joint Venture cheque signing

.....

.....

.....

(b) Authority to enter into contracts on behalf of the Joint Venture

.....

.....

.....

(c) Signing, co-signing and/or collateralising of loans

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.....

.....

(d) Acquisition of lines of credit

.....

.....

.....

(e) Acquisition of performance bonds

.....



.....

.....

(f) Negotiating and signing labour agreements

.....

.....

.....

8. MANAGEMENT OF CONTRACT PERFORMANCE

(Fill in the name and firm of the responsible person).

- (a) Supervision of field operations.....
- (b) Major purchasing.....
- (c) Estimating
- (d) Technical management

9. MANAGEMENT AND CONTROL OF JOINT VENTURE

- (a) Identify the “managing partner”, if any,

.....

.....

.....

.....

- (b) What authority does each partner have to commit or obligate the other to financial institutions, insurance companies, suppliers, subcontractors and/or other parties participating in the execution of the contemplated works?

.....



.....

.....

(c) Describe the management structure for the Joint Venture's work under the contract

MANAGEMENT DESIGNATION	FUNCTION /	NAME	PARTNER*

(Fill in "ex Affirmable Joint-Venture Partner" or "ex non-Affirmable Joint-Venture Partner").

10. PERSONNEL

(a) State the approximate number of operative personnel (by trade/function/discipline) needed to perform the Joint Venture work under the Contract.

TRADE/FUNCTION/ DISCIPLINE	NUMBER AFFIRMABLE VENTURE PARTNERS	EX JOINT PARTNERS	NUMBER EX NON- AFFIRMABLE JOINT VENTURE PARTNERS

(Fill in "ex Affirmable Joint-Venture Partner" or "ex non-Affirmable Joint-Venture Partner").



(b) Number of operative personnel to be employed on the Contract who are currently in the employ of partners.

(i) Number currently employed by Affirmable Joint Venture Partners

.....

(ii) Number currently employed by the Joint Venture

.....

(c) Number of operative personnel who are not currently in the employ of the respective partner and will be engaged on the project by the Joint Venture

.....

(d) Name of individual(s) who will be responsible for hiring Joint Venture employees

.....

.....

(e) Name of partner who will be responsible for the preparation of Joint Venture payrolls

.....

11. **CONTROL AND STRUCTURE OF THE JOINT VENTURE**

Briefly describe the manner in which the Joint Venture is structured and controlled.

.....

.....

.....

The undersigned warrants that he/she is duly authorised to sign this Joint Venture Disclosure Form and affirms that the foregoing statements are true and correct and include all material information necessary to identify and explain the terms and operations of the Joint Venture and the intended participation of each partner in the undertaking.



The undersigned further covenants and agrees to provide the Employer with complete and accurate information regarding actual Joint Venture work and the payment therefore, and any proposed changes in any provisions of the Joint Venture agreement, and to permit the audit and examination of the books, records and files of the Joint Venture, or those of each partner relevant to the Joint Venture, by duly authorised representatives of the Employer.

Signature

Duly authorized to sign on behalf of

Name

Address.....

Telephone.....

Date

Signature

Duly authorized to sign on behalf of

Name

Address.....

Telephone.....

Date

Signature

Duly authorized to sign on behalf of



Name

Address.....

Telephone.....

Date

Signature

Duly authorized to sign on behalf of

Name



JOINT VENTURE AGREEMENT

ATTACH JOINT VENTURE AGREEMENT



COMPANY DETAILS

The following company details schedule must be completed to ensure that the prerequisite requirements to bidding are met.

Registered Company Name	
Company Registration Number	
VAT Number	
Bank Name	
Branch Name	
Bank Account Number	
Professional Registration Details	
Professional Indemnity Details	



AUTHORITY TO SIGN BID DOCUMENTS

In the case of a bid being submitted on behalf of a company, close corporation or partnership, evidence must be submitted to ECPTA at the time of submission of the bid that the bid has been signed by persons properly authorized thereto by resolution of the directors or under the articles of the entity.

Please attach proof to the next page.



ATTACH RESOLUTION OF SIGNATORY

