REQUEST FOR PROPOSALS (RFP)

Table Mountain National Park
Boulders – African Penguin Sanctuary Facility:
Tourism PPP Opportunity for an Operator to operate and maintain
the curio retail shop with related tourism activities
IMPORTANT NOTICE

This Request for Proposals ("RFP"), incorporating all its attachments, has been produced by South African National Parks ("SANParks"), and gives a selected private party the rights to the commercial use of the Boulders Retail Facility which includes a curio retail with related tourism activities through a public private partnership agreement. The commercial venture offers the bidder the opportunity to provide a curio retail shop that is aligned with a cause related marketing strategy and its link to the cause of the `endangered African Penguin. A secondary opportunity is for the private party to provide an on the go quality and value-for-money food and beverage services to SANParks' customers at the TMNP.

No representation or warranty, express or implied, is made, or responsibility of any kind is or will be accepted, by South African National Parks, with respect to the accuracy and completeness of the RFP, and any liability in connection with the use by any interested party of the information contained in this RFP is hereby disclaimed.

The RFP is provided to the recipient to assist in making its own appraisal of the Public Private Partnership ("PPP") opportunities presented herein and in deciding whether to submit a proposal in connection with the opportunity. However, this RFP is not intended to serve as the basis for an investment decision on the opportunity, and each recipient is expected to make such independent investigation and to obtain such independent advice, as he or she may deem necessary for such a decision.

South African National Parks may amend or replace any information contained in this RFP at any time, without giving any prior notice or providing any reason.

Should this RFP lead to the award of the PPP Projects, the award will only become binding after SANParks and the Potential Bidder have signed the agreement.

October 2018
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1. IMPORTANT GENERAL NOTES

1.1 SANParks request proposals for the commercial use of the Boulders Retail Facility which includes a curio retail shop with related tourism activities through a public private partnership agreement. The commercial venture offers the bidder the opportunity to provide a curio retail shop that is aligned with a cause related marketing strategy and its link to the cause of the `endangered African Penguin. A secondary opportunity is for the private party to provide an on the go quality and value-for-money food and beverage services to SANParks’ customers at the TMNP. This Request for Proposals (RFP) is issued by SANParks in accordance with the guidelines for public private partnerships (PPP) contained in National Treasury’s PPP Toolkit for Tourism, and in compliance with Treasury Regulation 16 issued in terms of the Public Finance Management Act, 1999.

1.2 The regulatory provisions for tourism PPPs can be found on www.ppp.gov.za.

1.3 This RFP overrides all other SANParks communications to bidders about this PPP opportunity.

1.4 No verbal discussion with any staff or advisor of SANParks 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 duly authorised staff of SANParks, circulated to each bidder. Email communications from SANParks to bidders will count as written communications.

1.5 Bidders are responsible for all costs related to their bid. SANParks will not compensate bidders for any costs, regardless of the outcome of the bid.

1.6 SANParks may change the timetable in paragraph 12. It may also make other changes to the RFP, or add to it, or provide clarification, at any time. SANParks may cancel the bid at any time without prior notice, and may disqualify any bidder as provided for in this RFP.

1.7 SANParks will not be responsible for any costs or damages whatsoever if it makes any changes to the bid, cancels the bid, or disqualifies any bidder.
SANParks will not be responsible for any costs or damages whatsoever if it exercises any other rights as described in this RFP or available to it under the laws of the Republic of South Africa.

1.8 The bid is governed by the laws of the Republic of South Africa and this RFP.

2. **THE BOULDERS RETAIL PPP OPPORTUNITY**

Boulders African Penguin Colony, which became part of Table Mountain National Park in 1998, is currently home to approximately 3200 penguins. Boulders is unique in that it is bordered by the ocean on one side and a residential area on the other, making the conservation of not only the Red Data listed African Penguin but also the area within the 1.2 hectares of the park, a challenge. The decline of the African Penguin is directly related not only to the overfishing of the pelagic fish (the penguin’s main food source) by commercial operators but also the constant threat by domestic animals from the surrounding area. See Annexure A: TMNP Park Management Plan pg. 18 for details.

In the Table Mountain National Park Management Plan, the Park also includes Boulders Beach, a Global Important Bird Area for the globally threatened African Penguin (*Spheniscus demersus*) and important breeding area for indicator species such as the African Black Oystercatcher (*Haematopus moquinii*) and Cape Cormorant (*Phalacrocorax capensis*). Boulders is an entry pay point and is one of the main High Intensity Leisure areas in the Park. See Annexure A: TMNP Park Management Plan pg. 43 and 45 for details.

Boulders should not be a general curio shop as one would find in the usual tourist shops; the focus should still remain on the endangered African Penguin and conservation thereof. It would be advantageous that the private bidder maintained the already outsourced suppliers in order to uphold the consistency and quality of products. The private bidder should be considerate on the type and quality of products and services offered at Boulders. SANParks will approve the type of products and services offered by the private bidder. The products should be unique to Boulders with the focus on the endangered African Penguin and SANParks in the past has copyrights on some specialised products offered at Boulders.

The private party should consider providing an information hub at Boulders on SANParks’ behalf. Subleasing or subletting of space/ products and services will not be permitted. Boulders is a high visitor volume site and has a one way in and one way out. Special consideration should be taken not to block any entry or exit points including offices.
Boulders is within 100 meters of the coast line which restricts further development. The space allocated to the private bidder will be as is and further development thereof will not be considered. Please see Annexure B – Concession map, Annexure C - Layout Plan Indicative Zones, Annexure D – Layout Elevations outline. Private bidders need to remain cognisant to the fact that the operations of the shop is upslope from a highly sensitive environment and habitat. Boulders is largely surrounded by a residential area therefore every consideration must be taken to cater to the needs of Boulders neighbours and the direct or indirect impact that commercial use may have on them with regards to deliveries, suppliers etc. at Boulders. Delivery of products or services will need to conform to the specifications set by SANParks with regards to the times of such services/deliveries. The location of storage and the access of delivery of all products will need to be location specific in order not to interfere with the access and operations of SANParks visitors and employees. It is imperative that the endangered African Penguin focus as a part of the retail shop’s feature first and foremost when considering products and services. Operations and services of the curio shop and related tourism activities such as the on the go food and beverage offering, guided penguin talks as well as activities linked to the cause relating marketing strategy should not have a negative impact on the penguins’ habitat or behaviour.

The private bidder should remain retail orientated; all visitor queries and issues must be directed to SANParks staff, especially from a conservation and a law enforcement perceptive. SANParks’ People and Conservation as well as our conservation functions will operate from Boulders. The private bidder will not be required to provide security guarding and cleaning services for the whole area of Boulders. This will fall in the responsibility of SANParks.

The private bidder will need to maintain their operations within the confines of the space allocated to them. Boulder’s is a tourist destination and the capacity to run penguin and environmental related issues must not be impeded in any way. SANParks needs to ensure that the balance between the environmental and tourism requirements is maintained at all times.

Operational hours at Boulders are 8am until 5pm and are open throughout the year, including week days, public holidays and weekends. Internet and telephone connectivity are at the Boulders site, however the private bidder will be responsible for setting up their accounts in this regard.

The following outlines all aspects of the PPP opportunity in the TMNP which will be a 10
year tenure:

2.1 Retail curio shop

The opportunity includes a right to operate a curio shop / retail outlet at Boulders. The African Penguin is the brand to be focussed on in apparel or souvenir stock. South African goods are also preferred. The type of goods to be offered must be outlined in the bid submission. Private bidders are requested to consider plastic free or recycling initiatives to protect the environment through this commercial venture at Boulders. Private bidders are requested to be mindful to support socio economic empowerment programmes and ensure that their suppliers are locally sourced with a focus on the small, medium and micro enterprises. This will be measured on an annual basis through the private bidder’s commitment to their BBBEE scorecard.

2.2 Related tourism activities

As already stated this is a high volume visitor site and visitors attend Boulders due to the endangered African Penguin Colony and their desire to know more about the penguins and also would like to contribute to its cause. Tour guiding, videos, blogs and active website, to name a few are linked to the cause related marketing strategy tools preferred to raise awareness of the African Penguin cause. Cause related marketing strategy is a funding and promotional strategy in which a firm’s sales are linked (and a percentage of the sales revenue is donated) to a charity or other public cause. (http://www.businessdictionary.com/definition/cause-related-marketing.html) The more people hear about the plight of these endangered African penguins the more they spend towards their cause as they feel good that they are supporting a good and meaningful cause. The Private bidder is requested to administer a Penguin fund for the cause of the Endangered African Penguin.

Our People and Conservation unit run School children programmes called Environmental Education for Boulders, however this will now fall in the responsibility of the private operator. The private bidder will have to work with this unit to ensure that this target market continues to visit Boulders.

2.3 On the go food and beverage station

The opportunity comprises that the private bidder provides quality and value add on the go food and beverages for example, coffee, cappuccino, café latte and hot chocolate plus cool drinks and healthy drinks for example smoothies offered to visitors who wish to buy snacks and refreshments. Healthy sorbets and ice cream
cones can also be offered. Please note that paper wrapping should be limited and biodegradable containers i.e. cups are preferred. The private bidder will be responsible for their own waste removal and recycling initiatives.

2.4 Previous Financial Performance of Boulders

Boulders was previously a SANParks run faculty and the decision to outsource it is a strategic one as TMNP would like to focus on its core competency, which is conservation. See table 1 below; Boulders sales per annum, 2007 until 2016.

![SALES Graph]

Table 1 below; Boulders sales per annum, 2007 until 2016

2.5 Any human resources issues

The Private party will be required to employ all their staff into their operation and adhere to our Labour regulations accordingly.

2.6 Guests to Park

In the SANParks annual report of 2016/17, total guests to the park were 3 382 101 and 1528 activities were reported. Table 2 below shows the visitor comparison at 31 March 2018.
Table 2 above shows the visitor comparison at 31 March 2018

<table>
<thead>
<tr>
<th>Visitor Comparisons</th>
<th>TY</th>
<th>LY</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boulders</td>
<td>928,042</td>
<td>847,411</td>
<td>9.5%</td>
</tr>
</tbody>
</table>

Year on Year Growth since 2005 - 06:

| Boulders | 4.5% |
| TMACC    | 3.5% |

<table>
<thead>
<tr>
<th>Lowest</th>
<th>Median</th>
<th>Highest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boulders</td>
<td>481,545</td>
<td>607,487</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AVG</th>
<th>Std Dev</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boulders</td>
<td>635,912</td>
</tr>
</tbody>
</table>

Table 3 above shows the annual visitor comparison from 2006-2018

3. SITE DUE DILIGENCE

A due diligence meeting for the Boulders Retail Facility opportunity will be held on the 11 October 2018 in the Table Mountain National Park. This meeting will start at 11h00 and
will be followed by a site visit. This process is at no cost to bidders.

4. OTHER DUE DILIGENCE

Each bidder will be responsible for its own due diligence investigation of the investment opportunities, environmental compliance requirements, proposed contractual terms and anything else relating to this RFP. Neither SANParks nor any of its staff or advisors makes any suggestions or guarantees, directly or indirectly, about anything affecting this RFP, the tourism opportunity, except for those set out in ‘Annexure 7: Draft tourism PPP agreement’.

5. REQUIRED QUALIFICATIONS TO OPERATE THE BOULDERS RETAIL FACILITY WITH RELATED TOURISM ACTIVITIES

In order to participate in the bidding process, bidders are required to meet the following qualification criteria:

5.1 Financial capacity

6. Given the fact that the project is of a high value and may entail risk to both the preferred bidder and SANParks, it is important that interested parties demonstrate financial strength. In this regard, the minimum asset value of the interested parties for this tourism concession is R 1 million (“1 million Rands”).

7. As the preferred bidder must be a Special Purpose Vehicle (SPV), it must demonstrate financial strength with reference to the asset value of its shareholders in proportion to their shareholding. The interested party must also demonstrate, to SANParks’ satisfaction, that its shareholders are solvent. Audited financial statements, along with a letter confirming that the asset value exceeds the stipulated amount and that the shareholders are solvent, must be provided to illustrate any assertion made by an interested party in this regard.

7.1 Boulders Retail Facility with related tourism activities Proposal

The Boulders retail facility was successfully curio retail shop selling African Penguin branded apparel, artefacts and other stock. SANParks has restored the Boulders Retail Facility as part of this tender so that the successful bidder can benefit from its use over the tenure of this PPP.

The PPP project requires interested parties with at least five (5 years) experience and expertise in the retail, hospitality sector as well as in the tourism industry.
Interested parties are therefore required to provide examples of similar or related projects conducted by the interested parties.

The interested bidder must have either:

7.1.1 Extensive experience of five years in the retail and hospitality sector coupled with registration with the relevant accreditation bodies. Must demonstrate knowledge of the health and safety laws and regulations as well as have the relevant Licenses, or

7.1.2 A minimum of five years' experience in the tourism industry. This criterion may be met with reference to one of the Bidding Company's parent shareholders or partners, provided that the parent involved holds at least 20% of total company equity or interest.

8. WHAT MUST BE INCLUDED IN THE BID AND HOW TO SUBMIT IT

8.1 Bids and all related correspondence and documents must be in English.

8.2 Bidders must submit two envelopes. Mark each envelope clearly Envelope 1 and Envelope 2. Attach the bid cover letter, in the format given in 'Annexure 8: Bid cover sheets', to the front of each envelope.

8.3 Envelope 1 must contain one hard and one electronic copy on a USB of:

- the Bidder Information, in the format given in ANNEXURE 1A: QUALIFICATION SUBMISSIONS;

- the financial information, in the format given in 'Annexure 1B: Financial information'

- a business and operational plan, in the format given in 'Annexure 2: Business and operational plan'

- a development and environmental proposal, in the format given in 'Annexure 3: Development and environmental proposal'

- a completed risk matrix, in the format given in 'Annexure 4: Risk matrix'

- a BEE proposal, in the format given in ‘Annexure 5: BEE proposal’

- a current and valid tax clearance certificate, issued by the South African Revenue
Service (SARS) within the bid date requirements, for each South African member of the bidder.

- a mark-up of the draft PPP agreement, provided in ‘Annexure 7: Draft PPP tourism agreement’, clearly indicating any amendments that the bidder proposes.

- a Performance bond letter of commitment, in the format given in Annexure 8’

8.4 Envelope 2 must contain **one hard and one electronic** copy on a USB of:

- the details of the bidder’s PPP fee offer, in the format in ‘Annexure 6: Draft PPP fee offer’ and the BEE Proposal in format ‘Annexure 9: BEE Proposal’

8.5 All information as stated previously need to be provided in an electronic format in PDF forma on a USB.

8.6 All information provided in the bid must be valid for 90 business days from the bid date.

8.7 Submitting a bid implies that the bidder knows and understands all the terms and conditions set out in this RFP and under the applicable laws of the Republic of South Africa, and that the bidder accepts these terms and conditions.

9. **THE DATE AND PLACE FOR SUBMITTING BIDS**

9.1 Bids must be submitted to the South African National Parks, 643 Leyds Street, Muckleneuk, Pretoria, before 11:00.

9.2 The envelope must be marked for the attention of Wendy Davids and must be submitted on or before 11h00 on the 5 November 2018.

10. **HOW THE BIDS WILL BE OPENED**

10.1 The bid will be opened by SANParks’ bid secretariat.

10.2 The bid secretariat will separate envelopes 1 and 2 from all the bids. All envelopes 2 will be locked away in the safekeeping of the Regional Financial Officer until they are needed.
11. **INCOMPLETE BIDS**

11.1 The Project Evaluation Committee (PEC), in consultation with its financial and legal advisors, will check Envelope 1 of each bid to see whether the all the documentation that this RFP requires has been submitted correctly.

11.2 If a bid is not complete or something in it is not clear, the PEC 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.

11.3 A bid that is not complete or requires clarification may be disqualified without a request for further information. This is the SANParks’ decision.

12. **HOW THE BIDS WILL BE EVALUATED AND THE PREFERRED BIDDER CHOSEN**

12.1 **Relative weightings of bid submissions and the two-envelope system**

12.1.1 The evaluation of Bid Submissions will take several factors into account, in a scoring methodology that awards points against criteria and quantitative weights.

12.1.2 Functionality will be weighted at 80% of the overall bid score and a minimum threshold of 75% should be achieved.

12.1.3 BEE will be weighted at 20% of the overall bid score (The provisions of the Preferential Procurement Policy Framework Act, 2000 (“PPPFA”) Preferential Procurement Regulations 2017 apply).

12.1.4 The PPP Fee Offers will be opened for all Operators that achieved the minimum threshold of 75% for Functionality

12.2 **How functionality is evaluated and submitted in Envelope 1**

SANParks will evaluate functionality in terms of the elements set out in the functionality scorecard below. This

Details of the format and information required for each element are contained in Annexures 1 to 5.

12.2.1 **Functionality scorecard**
<table>
<thead>
<tr>
<th>Functionality evaluation criteria</th>
<th>Scoring</th>
<th>Maximum subtotal</th>
<th>Maximum total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Financing plan</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Did the bidder estimate/plan enough capital to address operational requirements at the outlet?</td>
<td>Fully = 5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Partially = 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2 Was funding allocated/planned for refurbishment and maintenance?</td>
<td>Fully = 5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Partially = 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.3 Was the capital secured and/or has the bidder displayed an ability to secure the funding and cash flow statement viable?</td>
<td>Fully = 5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Partially = 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.4 Are all members of the bidding company solvent and liquid (verified through a recent auditors report)</td>
<td>Fully = 5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Partially = 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Business and operational and design plan</strong></td>
<td></td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>2.1 Is, or will, the bidder be constituted as an entity as required in the RFP? Are all documents submitted as requested to fulfil entity requirements?</td>
<td>Fully = 4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Partially = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.2 Did the bidder meet requirements to proof track record in terms of number of outlets, operational manual and ability cater for both local and international market? Two references from supplier and customer as evidence?</td>
<td>Excellent = 4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Acceptable = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Poor = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.3 Did the bidder show ability to grow the business i.t.o sales, customers and customer satisfaction with evidence thereof?</td>
<td>Fully = 4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Partially = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.4 Did the bidder have logistic experience to source supplies efficiently and effectively</td>
<td>Fully = 2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Partially = 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.5 Did the bidder’s planned operating standards and staffing qualifications meet those specified in the RFP? Is there a project plan as to how staff will be incorporated into operations?</td>
<td>Excellent = 4</td>
<td>4</td>
<td></td>
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<tr>
<td></td>
<td>Acceptable = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Poor = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.6 Did the bidder’s marketing and product branding plans comply with the RFP specifications?</td>
<td>Fully = 2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Partially = 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Functionality evaluation criteria</td>
<td>Scoring</td>
<td>Maximum subtotal</td>
<td>Maximum total</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------</td>
<td>------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>2.7 Is the menu in line with the RFP? Was a design plan submitted?</td>
<td>Fully = 2</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Partially = 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.8 Are there adequate plans for health, safety and medical/emergency evacuation?</td>
<td>Yes = 4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Partially = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.9 Does the bidder show evidence of their retail and cause related marketing strategy to increase, sales and stock replenishments?</td>
<td>Yes = 4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Partially = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Development and environment proposal</td>
<td></td>
<td></td>
<td>30</td>
</tr>
<tr>
<td>3.1 Has the bidder understood and planned for all the environmental impacts?</td>
<td>Fully = 4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Partially = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not at all = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.2 Is the planned number of visitors and staff and operator’s vehicles within the limits given in the RFP?</td>
<td>Yes = 4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Partially = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.3 Are waste management plans within the RFP specifications?</td>
<td>Yes = 4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Partially = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.4 Did the bidder show that they understand our access policy to their concession area?</td>
<td>Yes = 4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Partially = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.5 Is there commitment to abide by the SANParks rules/regulations/environmental guidelines/codes of conduct?</td>
<td>Yes = 4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Partially = 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No = 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Risk matrix</td>
<td></td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>Does the bidder commit to the RFP’s required risk allocation for the project?</td>
<td>Fully = 10</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Adequately = 5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unacceptably = 0</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>5 BEE Proposal</td>
<td>BEE is scored out of 100 points. A bidder must</td>
<td></td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Fully = 20</td>
<td></td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Functionality evaluation criteria

<table>
<thead>
<tr>
<th>Scoring</th>
<th>Maximum subtotal</th>
<th>Maximum total</th>
</tr>
</thead>
<tbody>
<tr>
<td>score 65% or more for BEE or the bid may be disqualified. This is SANParks' decision</td>
<td>Adequately = 10</td>
<td>Unacceptably = 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total functionality points</th>
<th>100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum threshold</td>
<td>75</td>
</tr>
</tbody>
</table>

#### 12.2.2 The functionality of a bid is scored out of 100 points. A bidder must score 75% or more for functionality or the bid will be disqualified.

### 13. Envelope 2: Opening of Financial and BEE Envelopes

#### 13.1 How BEE is evaluated

SANParks will evaluate the Operator’s BEE proposal (details of the format and information required are in Annexure 9 – BEE Proposal and will allocate scores according to the methodology and weightings in Annexure 9.

#### 13.1.1 How the PPP fee offer is evaluated

13.1.1.1 If a bidder meets the minimum thresholds for both functionality and BEE, SANParks will evaluate the bidder’s PPP fee offer.

13.1.1.2 Under the PPP agreement, the PPP fee income to SANParks shall be, as per the schedule set out in ‘Annexure 6: The PPP fee offer’, whichever is higher of:

13.1.1.3 The minimum PPP fee for the Boulders Retail Facility, which is as follows:

<table>
<thead>
<tr>
<th>Boulders PPP Minimum Fees Excl. VAT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Per Annum</strong></td>
</tr>
<tr>
<td>Year 1</td>
</tr>
<tr>
<td>Year 2</td>
</tr>
<tr>
<td>Year 3</td>
</tr>
</tbody>
</table>
13.1.1.4 The variable PPP fee (a flat percentage of gross revenue earned by the Potential Bidder in each project year).

13.1.1.5 A PPP fee offer that does not conform to the requirements of ‘Annexure 6: The PPP offer’ will disqualify the bid.

13.1.1.6 The points for the PPP fee offer are calculated using the prescribed price formula in the regulations to the PPPFA. The maximum points will be awarded to the qualified bidder which makes the highest PPP fee offer and the remaining points being allocated pro rata to the remaining qualified bidders.

13.1.1.7 The PPP fee proposal is scored out of 100 points.

13.2 The overall score

13.2.1 SANParks retains the right not to award the Bid in the unlikely event that only one Bid is received and the PPP Fee Offer does not meet SANParks’ minimum requirements.

13.2.2 The final score for bidders who achieved the minimum threshold of 75% will be as follows:

13.2.2.1 BBBEE - 20% of the overall bid score (The provisions of the Preferential Procurement Policy Framework Act, 2000 (“PPPFA”) Preferential Procurement Regulations 2017 apply).

13.2.2.2 The PPP Fee Offers – 80% of the overall bid score.

13.2.2.3 SANParks shall calculate the scores of each bid to calculate an overall bid score.

13.2.2.4 The bidder that receives the highest overall bid score will be declared the preferred bidder; and the bidder that receives the second highest overall bid score will be declared the reserve bidder.
13.2.2.5 Final Scores will be subject to approval by the Bid Adjudication Committee of SANParks.

14. FINALISING THE PPP AGREEMENT

14.1 SANParks will negotiate the marked-up PPP agreement submitted by the preferred bidder.

14.2 If SANParks and the preferred bidder fail to come to agreement on the PPP agreement within six weeks, SANParks may withdraw the appointment as preferred bidder and begin negotiations with the reserve bidder.

15. EXECUTION OF PPP AGREEMENT AND HANDOVER OF FACILITY

15.1 There will be a handover period ("Handover Period"), commencing on 15 January 2019 and ending on 30 January 2019, the Operation Commencement Date. During the Handover Period, the Winning Bidder shall be entitled to station its representatives at the Boulders retail facility, to work jointly with the current operator, in good faith, to arrive at practical ways to affect an orderly Handover.

15.2 During the Handover Period the Winning Bidder will make detailed plans for the takeover of operations, procure the required Performance Bond, and take other such measures as necessary to take over the Boulders Retail Facility and make effective the PPP Agreement.

15.3 During the due diligence process, SANParks will disclose to Bidders the site-specific operational issues that, to the knowledge of SANParks, will require resolution during the Handover Period.

15.4 Bidders will include, in their Bid Submissions, pre-signed copies of the PPP Agreement. However, it is recognised that certain operational issues i.e. Stock Schedules, will not be resolved until the Winning Bidder and SANParks have concluded the site-specific discussions during the Handover Period. Final stock schedules will be signed by the Winning Bidder and SANParks on Operation Commencement Date and the PPP Agreement will be supplemented with such schedules.

15.5 During the Handover Period, no fees shall be payable by the Winning Bidder (except in the instance where the winning bidder and the current operator are...
the same operator in which case payment of fees will continue without an
interruption due to handover). All fees and rental payments to SANParks, as set
out in the PPP Agreement, shall be adhered to as per the Operation
Commencement Date.

15.6 During the Handover Period, the current operator shall retain responsibility for
the operations, and expenses, of the Boulders Retail Facility.

15.7 On the Operation Commencement Date, at end of the Handover Period, the
Winning Bidder shall assume full responsibility for the operations, employees
and expenses of the Boulders Retail Facility as per the PPP Agreement.

15.8 During the Handover Period, and thereafter, there shall be no suspension or
disruption of service at the SANParks' Boulders Retail Facility.

16. **BID BOND**

16.1 At the time of submitting its Bid, each Bidder must submit a single Bid Bond
("Bid Bond") payable to SANParks for the amount of R 396 000 (Three hundred
and Ninety Six Thousand Rand) in the format prescribed in Annexure 8.

16.2 The posting of the Bid Bond is for the purpose of ensuring that the all Bidders
present valid and serious bids, and that the Winning Bidder subsequently
executes the PPP Agreement.

16.3 Bid Bonds must be valid for a period of 180 Business Days from the Bid Date.
The Bid Bonds of all Bidders other than the Winning Bidder shall be returned to
them following Signature by SANParks of the PPP Agreement.

16.4 Any of the following shall be grounds for the forfeiture of a Bidder’s Bid Bond:

16.4.1 Any material misrepresentation made by the Bidder in its Bid
Submission, or any other information and documentation submitted by
it under this RFP;

16.4.2 The withdrawal or modification of its Bid during the period of validity;

16.4.3 Failure by the Winning Bidder to assume operations of the Boulders
Retail Facility at the end of the Handover Period.

16.5 The Bid Bond shall be callable upon first demand by SANParks in the event that
one or more of the circumstances described at Article 13.4 above has occurred. Forfeiture of the Bid Bond shall not preclude SANParks from pursuing any other remedies it may have against the Bidder under the laws of South Africa.

17. BID TIMETABLE

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Treasury Exemption</td>
<td>6 Sept -18</td>
</tr>
<tr>
<td>Public Advertisements</td>
<td>6 Oct -18</td>
</tr>
<tr>
<td>Due Diligence Site Visits</td>
<td>11 Oct-18</td>
</tr>
<tr>
<td>Bid Submission Date</td>
<td>5 Nov-18</td>
</tr>
<tr>
<td>Bid Evaluation</td>
<td>7 Nov-18</td>
</tr>
<tr>
<td>Bid Adjudication</td>
<td>30 Nov-18</td>
</tr>
<tr>
<td>Announcement of Preferred and reserve bidder</td>
<td>Dec-18</td>
</tr>
<tr>
<td>Negotiations</td>
<td>Jan -19</td>
</tr>
<tr>
<td>Signature of PPP Agreement</td>
<td>Feb -19</td>
</tr>
</tbody>
</table>

18. ANNEXURE 1A: QUALIFICATION SUBMISSIONS

18.1 Financial Requirements

18.1.1 The Submitting Company shall submit the following economic and financial documentation:

18.1.2 Audited financial statements corresponding to the last two (2) years;

18.1.3 Annual reports for the last two (2) years;
18.1.4 If the qualification criteria are being met by reference to any other companies, whether current or intended Shareholders or partners, then these companies must submit the same information.

18.1.5 If the financial criteria are being met by companies which are privately held, and do not produce audited statements, or by private individuals, then these companies or individuals must produce a statement of assets, with confirmation of ownership, certified by a qualified auditor.

18.2 Tourism, Hospitality and Retail Track Record

18.2.1 The qualifying tourism, hospitality and retail Operator(s) or individuals, shareholders or partners, of each Submitting Company, who are being used to meet the criteria regarding tourism and hospitality experience or the generation of turnover, must provide a general description of the Tourism facilities and services they have operated, including, (i) the number of years in active existence; (ii) the number of operational outlets; and (iii) the number of restaurant seats in its portfolio (iv) indicate their current geographic outlet distribution (vi) ability to attract and serve both local and international markets.

18.2.2 In the event that the Submitting Company is satisfying the requirements under this Section by using the qualifications of a Partner, Shareholder or parent, these indicators must also be certified in the above-mentioned manner. Additionally, each of the members of the Partnership, or the Shareholder or subsidiary as the case may be, must demonstrate that such Shareholder, parent or partner is willing and able to support the technical operations of the Submitting Company for the PPP Project.
19. **ANNEXURE 1B: FINANCIAL INFORMATION**

Bidders must provide the following information.

19.1 **The financing plan**

Indicate how much capital will be needed, where it will come from (own capital, grants, loans) and the expected amount and terms (interest rate, repayment period, security) of any proposed loans. Specify whether the necessary financing has been secured, and provide appropriate proof.

19.2 **A recent auditor’s report confirming that all the members of the bidder are solvent and liquid**

If a member of the bidder does not produce audited financial statements, it must produce a notarised statement of assets.

19.3 **A simplified cash flow forecast (net of VAT) for the 10 year term of the PPP agreement.**

**Suggested format for the cash flow forecast**

<table>
<thead>
<tr>
<th>Cash inflows</th>
<th>Start-up R’000</th>
<th>Year 1 R’000</th>
<th>Year 2 R’000</th>
<th>Year 3 R’000</th>
<th>Year 4 R’000</th>
<th>Year 5 R’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owners’ capital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loans received</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants received</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash from sales and other operating revenue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash from other sources</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total cash inflow (A)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Cash outflows**

<table>
<thead>
<tr>
<th>Cash outflows</th>
<th>Start-up R’000</th>
<th>Year 1 R’000</th>
<th>Year 2 R’000</th>
<th>Year 3 R’000</th>
<th>Year 4 R’000</th>
<th>Year 5 R’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project costs and start-up expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries, wages and staff costs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other operating costs and expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loan repayments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement of equipment and vehicles</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total cash outflow (B)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Net cash flow**

\[A - B]\ before PPP fees and tax
20. ANNEXURE 2: BUSINESS AND OPERATIONAL PLAN

Bidders should provide the following information, with back-up evidence wherever possible.

20.1 Special purpose vehicle constitutional information

While bidders are not required to form a special purpose vehicle (SPV) for the purpose of bidding, the preferred bidder will have to do so to enter into the PPP agreement. Bidders must therefore demonstrate that they have an appropriate plan to create an SPV by providing as much of the following information as possible:

20.1.1 Bidder’s name, address, telephones and fax numbers, and the trading name if this is different from the registered name

20.1.2 Proposed directors of the SPV and their responsibilities

20.1.3 Place of registration (if applicable) and registration number (if applicable)

20.1.4 Memorandum and articles (or equivalent constitutive documents) (if applicable)

20.1.5 Shareholders’ agreement (if applicable)

20.1.6 Direct shareholder(s) and their percentage shareholding or other beneficial interest or participation (if there is more than one class or share or funding, give the percentages to be held by each).

20.2 Rationale, background and capacity

20.2.1 The bidder’s should adequately show their ability to run a retail outlet and with related tourism activities. The bidder’s should also show their ability run a on the go food and beverage station before? Proof of track record – with two reference letters each from supplier and customer stating on a letterhead how long they have been working with the bidder and their experience.

20.2.2 The bidder should display an ability to optimally use existing structures, setting and unique selling features to grow and expand the business by indicating the following: involvement in running a business that showed growth in customers over last two years, staff over the last two years
and achieving a high customer satisfaction rate (80%) of quality. The bidder to substantiate with evident these as mentioned above.

20.2.3 Indicate number of operational outlets

20.2.4 Current geographical outlet distribution.

20.2.5 Current operational manual

20.2.6 Supply chain information showing logistical strengths to source quality food and beverages and other products required for functions purposes.

20.2.7 Proposed organisational and staffing structures, including:
Management policies, Measures to transfer knowledge and expertise, Labour plan, including details of numbers of permanent and part-time staff that will be employed, staff recruitment policies, and employment policies

20.2.8 Memberships and registrations (list any awards, accolades or rate

20.2.9 Curriculum vitae of shareholders, directors, management and staff

20.3 Refurbishment Style

The core mandate of SANParks is conservation and this is reflected in the tourism PPP offering in this tender. The tourism PPP product as a whole should complement the surroundings and hence the refurbishment style should align with this. The bidder should display their ability to decorate the curio retail shop and link the shop with a cause related marketing strategy accordingly. The related tourism activities areas should also fit into the context of the park including cause related marketing activities as well as an on the go food and beverage station. Experience in this regard will be an added benefit. The private bidder will not be required to provide security guarding and cleaning services for the whole area of Boulders as this will be SANParks’ responsibility.

20.4 Operational Vision, Plan and Service Standards for the Boulders Retail Opportunity Proposal

The following section outlines the operational plan of the retail shop which is aligned to the cause related marketing strategy, stating the different related tourism activities that he bidder would like to offer and how it will be offered. The bidder will outline the on the go food and beverage station offered and provide details of the information
hub’s services that they would provide to their visitors.

It aims to obtain insight into the service standards that the operator will set and maintain:

20.4.1 Retail Operations aligned with a cause related marketing strategy

The opportunity includes a curio and souvenir retail that uses the African Penguin as its focused brand on apparel and products offered. The Potential Bidder should display their ability to manage stock levels optimally and to operate a retail opportunity. The bidder should also show how they would increase sales over the tenure by elaborating on their marketing efforts and stock description as well as customer service offering as well as décor and layout of the store.

The cause related marketing strategy relates to the private bidder’s ability to demonstrate the cause of the endangered African Penguin via promotional material, décor, signage, tour guiding, books and other marketing as well as communications methods. Under Section 2 above, the PPP, opportunity details should be included in the Bid Submission. Also, see Annexure E- the Record of Decision for Boulders.

20.4.2 Related Tourism Activities

The bidder should indicate which activities they would embark on as set out in the tender. The bidder should provide SANParks with detailed plan to indicate their implementation requirements will be. SANParks will work with the successful bidder in ensuring that these activities are in line with SANParks legislative requirements. In Section 2 above, details of the related tourism activities should be included in the Bid Submission.

20.4.3 Menu adaptability

The Potential Bidder should display their ability to present a menu for food and beverages that is quality and value for money for both local and international customers of SANParks. The following is imperative:

20.4.3.1 Display a menu layout that was focused on a specific area or group

20.4.3.2 Unique experiences

20.5 Menu

20.5.1 Food Philosophy – values/commitment freshness and uniqueness
20.5.2 Value for Money

20.5.3 Variety – vegetarian/non vegetarian, choice of meats, choice of courses, Health Options, Halaal etc.

20.5.4 Beverage Service

20.6 Delivery Standards

20.6.1 Coffee & Tea, etc. – Procedure, secondary storage lives

20.6.2 Staffing levels – Waiters / Managers per Guest Ratio

20.6.3 Shift Handover procedures – Briefing / De briefing

20.7 Customer Service

20.7.1 Guest feedback mechanism

20.7.2 Guest complaints procedure

20.7.3 Telephone Etiquette

20.8 Human Resources Processes

20.8.1 Project plan to detail how staff will be phased into operations

20.8.2 Training – Induction, career-pathing

20.8.3 Incentives & Bonuses (Equity, Bonus etc.)

20.8.4 Disciplinary Procedures

20.8.5 Staff Transport

20.8.6 HIV Aids Policy

20.9 Proposed Health & Safety

20.9.1 Hygiene Policies

20.9.2 Hygiene audits

20.9.2.1 Minimum of 2 hygiene inspections per year
20.9.2.2 The following minimum requirements to be included in the hygiene inspections:

20.9.2.2.1 Undertaking to address areas outlined in the hygiene report

20.9.2.2.2 SANParks' hygiene requirements: SANParks requires a score of at least 75% on the hygiene audit total quality index

20.9.2.2.3 The Private Party should subscribe to the following:

20.9.2.2.4 That actions be taken and implemented to prevent pathogens to be detected on food samples.

20.9.2.2.5 That Temperature monitoring is critical, including, receiving temp monitoring, fridges/freezers, cold display, cooking and hot holding, control of thawing, internal calibration of thermometers and corrective action for temperatures out of specification.

20.9.2.2.6 That all facilities will have a certificate of acceptability (R918).

20.9.2.2.7 That a cleaning programmes including Cleaning Schedule and cleaning checklist will be introduced / in existence for the retail premises specifically

20.9.2.2.8 That staff will be trained in hygiene practices

20.9.2.2.9 That hand washing facilities and proper cleaning chemicals will be available

20.9.2.2.10 That food areas will be zoned as per food type

20.9.2.2.11 That pest control measures such as screening, closure of windows/doors will be implemented

20.9.3 Emergency evacuation plans

20.9.4 Waste Management / Recycling i.e. Oil

20.10 Maintenance schedule

A planned maintenance schedule and project plan that outlines the maintenance
spent per financial year is required in order to ensure confidence in terms of the product on offer. This will be viewed as part of the capital expenditure and will become a contractual obligation. The potential bidder must take responsibility for retail building’s maintenance, both exterior and interior. The cleaning of the ablutions, security guarding and bulk infrastructure will be the SANParks’ responsibility within its concession area.

20.11 Operational Procedure

20.11.1 Guest Payment, Cash-up and Banking procedures

20.11.2 Procurement Policies

20.11.3 Current IT Operating Systems

20.11.4 Procurement Policies – Supply Chain

20.12 Proposed Distribution Channels

20.12.1 Stock storage and rotation procedures

20.12.2 Stock control measures

20.13 Market analysis

20.13.1 The bidder’s track record in and knowledge of the market, including existing relationships with tour operators and the travel trade (include references)

20.13.2 Target market (geographical, income, nature of activity, and so on)

20.13.3 Marketing channels

20.13.4 Product branding plans

20.13.5 Time taken to establish market

20.13.6 Cause related marketing strategic plan to be included

20.13.7 Pricing range

20.13.8 Competitive analysis

20.14 Design
20.14.1 A draft Design Plan that indicates the planned theme of the interior of the retail facility. These should include sketch drawings showing the overall appearance, including plans for the internal and external décor, soft furnishings and signage.

20.14.2 The bidder should submit a conceptual plan to indicate the related tourism activities as it relates to the cause related marketing strategy that they will operate during the concession period and detail of how they will go about managing and implementing it.

21. **ANNEXURE 3: DEVELOPMENT AND ENVIRONMENTAL PROPOSAL**

Bidders should provide the following information, with back-up evidence wherever possible. Bidders need to budget for environmental, heritage, services and specialists thereof if required.

21.1 **Legislative Requirements**

21.1.1 Confirmation that Legislative Requirements is understood and will be complied with;

21.1.2 Confirmation that any EIA requirements where applicable are understood and will be complied with; and

21.1.3 Acknowledgement that the Environmental Specifications could be amended from time to time and in particular to address any legal review findings underwritten in the OMP.

21.1.4 Therefore bidders need to budget for environmental, heritage, services and specialists thereof.

21.2 **SANParks Internal Requirements**

21.2.1 Acknowledgement that Bidder will comply with SANParks’ Internal Requirements including but not limited to:

21.2.1.1 Undertaking of a due diligence legal assessment;

21.2.1.2 Compilation of an action plan to address findings of legal assessment;

21.2.1.3 Compilation of a risk analysis to inform the Operational Management Plan;

21.2.1.4 Compilation of a Operation Management Plan (OMP); and
21.2.1.5 Undertaking of audits of OMP and address findings.

21.2.1.6 Code of Conduct

21.2.1.7 Confirmation that the Code of Conduct understood and will be complied with.

21.3 **Environmental Specifications**

21.3.1 Confirmation that Legislative Requirements is understood and will be complied with; and

21.3.2 Acknowledgement that Environmental Specification could be amended from time to time and in particular to address the legal review findings underwritten in the OMP.

21.4 **Staff accommodation and safety**

21.4.1 **Give** an estimate of the total number of staff, including number to be accommodated on site (including family members) and off site; and

21.4.2 Safety, emergency and rescue procedures.

21.5 **Visual impacts**

21.5.1 Describe building materials to be used (where applicable) for all structures;

21.5.2 Describe efforts to minimise the visual impacts of the development, including lighting; and

21.5.3 Provide locations of lightning arrestors and radio masts (where applicable) and how the visual impacts of these will be minimised.

21.6 **Water**

21.6.1 Identify water source(s);

21.6.2 Estimate total extraction requirement; and

21.6.3 Describe intended water conservation and recycling measures in design and operation.

21.7 **Waste management - Liquid wastes**
21.7.1 Provide a liquid waste management plan for the operation of the Boulders Retail Facility;

21.7.2 Detail the proposed wastewater management system capable of ensuring that liquid wastes meet or exceed South African water quality regulations prior to discharge or reuse, including an estimate of the approximate volume of wastewater the project will produce daily and a description of the method of disposal, treatment and recycling the bidder intends to install;

21.7.3 Confirm that monthly wastewater monitoring will be undertaken and these reports made available to SANParks; and

21.7.4 Confirm that fuels, solvents and other liquid wastes will be stored in vessels equipped with secondary containment structures, removed from the Protected Area, and disposed of in compliance with national, local and SANParks requirements.

21.8 Waste Management - Solid wastes

21.8.1 Provide a solid waste management plan detailing the packaging that will be used for the operation of the Boulders Retail Facility;

21.8.2 Estimate volumes of solid waste, by different waste categories, that the Boulders Retail Facility is expected to generate;

21.8.3 Describe the operator’s proposed methods for storage of solid wastes, disposing of and/or recycling solid wastes; and

21.8.4 Acknowledge that landfills are not permitted.

21.9 Noxious Fumes

21.9.1 Describe the proposed methods to minimise the level of smoke and noxious fumes.

21.10 Fire management

21.10.1 Acknowledge that the operator may not control natural fires occurring in the Protected Area, except in the immediate surrounds of the Boulders Retail Facility or to save human life or property.
21.10.2 Agree to subject final designs and safety specifications of all structures to a fire safety audit carried out by a qualified fire safety expert.

22. **ACCESS**

22.1 **Bidders acknowledgements**

Bidders should acknowledge that the specifications related to Access are understood and will be complied with; and

22.2 **Bulk infrastructure**

The operator will be expected to pay a fee for the utilities and will be billed ever month. There is sufficient water, electricity and sewerage capacity on site. SANParks plans to install metres for water and electricity and successful bidder would therefore be billed accordingly or will be responsible for direct payment to municipality.

22.3 **Commitments**

SANParks manages the land, marine protected area, property and current assets at these sites as part of a declared National Park in terms of the National Environment: Protected Areas Act (No. 57 of 2003) and Integrated Coastal Management Act 24 of 2008 (ICMA, 24 of 2008). As part of SANParks, it has the legal right to enter PPPs at these locations as stipulated above.

Acknowledge that the bidder must comply at all times with SANParks environmental guidelines, code of conduct and regulations which may change from time to time. These will be supplied by SANParks with time.
23. **ANNEXURE 4: RISK MATRIX**

<table>
<thead>
<tr>
<th>Type of risk</th>
<th>General description of risk</th>
<th>Project-specific risk</th>
<th>Mitigation measures</th>
<th>Allocation of risk (institution / Potential Bidder / shared)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financing</td>
<td>The required capital for capex and opex may not be able to be raised; loans may not be able to be repaid; tax obligations may not have been fully taken into account or may change; fluctuating inflation, interest rates, and currencies may affect assumptions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting infrastructure</td>
<td>Supporting infrastructure may be inadequate to sustain the enterprise</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td>Utilities may not be fully available or may cause delays</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environment and heritage</td>
<td>Liability for losses caused by environmental or heritage damage or delays</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>The costs of maintenance to required standards may vary from projections or maintenance may not be carried out</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations</td>
<td>Any factors (other than force majeure) that may impact on operations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market, demand, volume</td>
<td>The demand for the product may be less than projected</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Political</td>
<td>Unforeseeable conduct by any government institution may adversely affect the project, or the government may expropriate Potential Bidder assets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Force majeure</td>
<td>Unexpected events beyond either party's control</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

24. **ANNEXURE 5: BEE PROPOSAL**

Bidders should provide the following information, with back-up evidence wherever possible.

24.1 **Commitments**

Make commitments in the 'bid offered' column in the BEE scorecard below. These will become binding in the PPP agreement.

24.2 **Scores**

Insert scores in the far right-hand column of the BEE scorecard below. SANParks will confirm the scoring on the basis of supporting information provided. It would be
advisable that the bidder may use an accredited BEE rating agency for this purpose.

24.3 Supporting information

24.3.1 Bidders are responsible for providing information to support their scores.

24.3.2 Provide names, BEE credentials and contact details of black shareholders, black managers and black women managers.

24.3.3 Where possible, provide these details for black enterprises or black people targeted for subcontracting and procurement.

24.3.4 Give the anticipated number of construction and operating jobs.

24.4 Definitions

In this Section any term, defined in the Broad-based Black Economic Empowerment Act, No. 53 of 2003 ("BEE Act"), or in terms of any Codes of Good Practice issued in terms of Section 9 of the BEE Act, when used in the scorecard below shall have the same meaning as there defined, save where such meaning may be in conflict with the provisions of the Tourism BEE Charter and Scorecard, in which case the provisions of the Tourism BEE Charter and Scorecard will prevail.

The following terms, as used herein, shall have the following meanings:

24.4.1 "Black Empowered SMME" means a small, medium or micro enterprise (with a turnover of up to R10 million per annum) which has between 25 percent and 50 per cent direct ownership and management by Black People;

24.4.2 "Black Owned SMME" means a small, medium or micro enterprise (with a turnover of up to R10 million per annum) which has more than 50 per cent direct ownership and management by black people;

24.4.3 “Black People” is as defined in the BEE Act, save that it is limited to South African citizens. In other words, Black People are Africans, Coloureds and Indians who are South African citizens. For avoidance of doubt, this term does not include juristic persons or any form of enterprise other than a sole proprietor.

24.4.4 "Black Person" means any such citizen;

24.4.5 “Black Women” means female Black People;
24.4.6 "Board Representation" refers to membership by Black People of the duly constituted board of directors (or equivalent structure) of an enterprise and is calculated upon the basis of the percentage that black directors hold to the total number of directors of that enterprise;

24.4.7 "Community Trust" means the a trust registered in terms of the Trust Property Control Act;

24.4.8 "Direct Ownership" means ownership of an equity interest in an enterprise where such equity interest comprises:

   24.4.8.1 the right to participate in the voting rights in that enterprise;
   24.4.8.2 the right to receive unencumbered economic interest (such as dividends) flowing to the shareholders of that enterprise; and
   24.4.8.3 Broad-based BEE schemes, employee share option schemes (ESOPs) and other employee share schemes, where the beneficiaries have the unconditional right to receive economic benefits and the capacity to elect and remove trustees, are specifically recognised as direct ownership. The flow-through principle will be applied to determine the level of black ownership represented by the employee share option scheme;
   24.4.8.4 Direct ownership is measured as being the lower of the level of black participation in voting rights and black participation in the unencumbered economic interest of an enterprise, measured using the flow-through principle;

24.4.9 “Discretionary Procurement” includes all amounts expended by an enterprise subject to measurement. Discretionary procurement excludes:

   24.4.9.1 employment related expenditure;
   24.4.9.2 procurement from public utilities and natural monopolies; and
   24.4.9.3 facilitated procurement by travel agencies or other travel distribution providers where the choice of service providers remains with the consumer.

24.4.10 "Employees with no prior working experience" refers to those employees who have no formal employment experience prior to joining an enterprise in tourism. Formal employment does not include learnerships, traineeships or short-
24.4.11 "Enterprise Development" may take a variety of forms, including:

24.4.11.1 direct investment in Black Owned and Black Empowered SMMEs;

24.4.11.2 joint ventures with Black Owned and Black Empowered SMMEs that result in "substantive" skills transfer;

24.4.11.3 support and funding for the grading of emerging tourism companies, as well as providing mentorship, business relationships and linkages which, in turn, provide business opportunities to these enterprises; and

24.4.11.4 twinning initiatives with Black Owned and Black Empowered SMMEs which result in cost savings or revenue generation for those SMMEs;

24.4.12 "Executive Representation" refers to the participation by Black People in the senior non-board level management of an enterprise and more specifically, targets management levels which influence the strategic and operational management of an enterprise. Participation is measured upon the basis of the percentage that black executive managers hold to the total number of executive managers of that enterprise;

24.4.13 "Learnership" refers to learnerships as defined in the Skills Development Act, No. 97 of 1998, amended in 2003;

24.4.14 "Local" means the geographic area being within a 50 km kilometre radius of the Project Site or Park;

24.4.15 "Local Community Trust Ownership" means Equity in the Private Party which must, as a mandatory provision of the Project, be acquired by a Local Community Trust;

24.4.16 "Management" refers to all senior and middle management who do not form part of the executive management of the board of directors of the Private Party;

24.4.17 "Ownership" refers to equity participation and the ability to exercise rights and obligations, including voting rights and the rights to the flow of economic benefits, which accrue under such ownership;

24.4.18 "Preferential Procurement" refers to all spend with BEE compliant suppliers,
to be calculated as follows:

24.4.18.1 one Rand (R1) for every one Rand (R1) spent with Excellent BEE Contributors, Good BEE Contributors, BEE Compliant SMMEs and Black Women Owned BEE Contributors; and

24.4.18.2 fifty cents (50c) for every one Rand (R1) spent with Satisfactory BEE Contributors;

all of which terms are defined as follows:

24.4.18.3 an Excellent BEE Contributor means a company which has scored in excess of 90 percent on a BEE scorecard under a scorecard governing that company's sector or a BEE scorecard issued in the Codes of Good Practice and under the BEE Act;

24.4.18.4 a Good BEE Contributor means a company which has scored in excess of 65 percent, but less than 90 percent, on a BEE scorecard under a scorecard governing that company's sector or a BEE scorecard issued in the Codes of Good Practice and under the BEE Act;

24.4.18.5 a Satisfactory BEE Contributor means a company which has scored in excess of 40 percent but less than 65 percent, on a BEE scorecard under a scorecard governing that company's sector or a BEE scorecard issued in the Codes of Good Practice and under the BEE Act;

24.4.18.6 a Limited BEE Contributor means a company which has scored less than 40 percent, on a BEE scorecard under a scorecard governing that company's sector or a BEE scorecard issued in the Codes of Good Practice and under the BEE Act;

24.4.18.7 a BEE Compliant SMME means a small, medium or micro enterprise (with a turnover of up to R10 million per annum) which is either an Excellent, Good or Satisfactory Contributor to BEE; and

24.4.18.8 a Black Women Owned BEE Contributor is a company which is more than 30 percent owned by black women and which is also an Excellent, Good or Satisfactory contributor to BEE;

24.4.19 "Skills Development Spend" refers to investment in skills development
initiatives through both external training providers and the quantifiable costs of accredited internal training programmes. Internal training spend does not include the opportunity cost of employees attending the skills development initiatives;

24.4.20 "Supervisory" refers to the junior management and professional staff;

24.4.21 "TOMSA (Tourism Marketing South Africa) Levy Collectors" refers to tourism enterprises who are registered to raise funds on behalf of the trust;

24.4.22 "Total Employee Time" refers to the total working hours calculated as the product of the total number of employees and their standard working hours;

24.4.23 "Total Staff" refers to all employees and/or contractors, excluding those accounted for under Strategic Representation, from whom the tourism enterprise is responsible for the collection and payment of applicable employee tax. The intention of the scorecard below is to include temporary staff in the definition of total staff, since tourism is an industry that relies heavily on temporary, casual and seasonal staff.

24.5 2014 Milestones and Targets

24.5.1 The Potential Bidder shall ensure that the SPV/s, from the date of signature of the PPP Agreement to the termination of the contract, comply with the commitments and undertakings set out in the following table and score at least a Good BEE Contributor score for every SPV that falls within the Bid Package that are bidded for:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2014 Weightings</th>
<th>2014 MILESTONES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014 Weighting</td>
<td>Indicators to measure BEE achievement</td>
</tr>
<tr>
<td></td>
<td>Sub-weighting</td>
<td>Target</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2014 Milestone</td>
</tr>
<tr>
<td>Ownership</td>
<td>20%</td>
<td>Percentage share of economic benefits as reflected by direct shareholding by black people</td>
</tr>
<tr>
<td></td>
<td>13%</td>
<td>7.0% Local Community trust ownership</td>
</tr>
<tr>
<td>Strategic representation</td>
<td>12%</td>
<td>Black people as a percentage of board of directors</td>
</tr>
<tr>
<td></td>
<td>2.5%</td>
<td>Black women as a percentage of board of directors</td>
</tr>
<tr>
<td>Indicator</td>
<td>2014 Weightings</td>
<td>2014 MILESTONES</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weighting</td>
<td>Sub-weighting</td>
</tr>
<tr>
<td></td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Employment equity</td>
<td>12%</td>
<td>1.0%</td>
</tr>
<tr>
<td></td>
<td>1.0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.0%</td>
<td></td>
</tr>
<tr>
<td>Skills development</td>
<td>18%</td>
<td>4.5%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4.5%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4.5%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4.5%</td>
</tr>
<tr>
<td>Preferential procurement</td>
<td>18%</td>
<td>12.0%</td>
</tr>
</tbody>
</table>
### Indicators to measure BEE achievement

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2014 Weightings</th>
<th>2014 MILESTONES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weighting</td>
<td>Sub-weighting</td>
</tr>
<tr>
<td></td>
<td>Indicator</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>SAFS</td>
<td>6.0%</td>
</tr>
<tr>
<td>Enterprise development</td>
<td>10%</td>
<td>5.0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5.0%</td>
</tr>
<tr>
<td></td>
<td>Social</td>
<td>6.0%</td>
</tr>
<tr>
<td></td>
<td>development</td>
<td>1.0%</td>
</tr>
<tr>
<td></td>
<td>and industry</td>
<td>3.0%</td>
</tr>
<tr>
<td></td>
<td>specific</td>
<td>Total points</td>
</tr>
</tbody>
</table>

#### 24.6 Milestones and Targets Post-2018

24.6.1 The BEE Milestones and Targets for the duration of the PPP Term and in particular for the end of the PPP Term shall be determined by the restructured editions of the Tourism Charter and Scorecard as gazetted from time to time.

24.6.2 The Tourism BEE Charter was developed to be in line with the Department of Trade and Industry’s first phase of the Codes of Good Practice. Once the Codes of Good Practice has been gazetted, the Tourism Charter will be guided of how best it can be aligned to the final draft Codes of Good Practice.
24.6.3 The milestones and targets of the Tourism BEE Charter and Scorecard could thus be amended from time to time and the provisions of this Section and PPP Agreement would be modified accordingly. The Potential Bidder would receive notification of such amendments and be provided with a satisfactory remedy period to address the amendments.

24.7 **External BEE Verification**

24.7.1 The Potential Bidder shall appoint a reputable external verification agency to determine the SPV/s BEE status and a copy of such an independent verification certificate shall be provided to SANParks within 15 (fifteen days) after the end of each Project Year.

24.7.2 The BEE Verification Certificate will categorise the SPV/s according to their contribution to BEE.

24.7.3 The Potential Bidder shall be obliged in terms of the PPP Agreement to ensure that the SPV/s, at a minimum, complies with the category of a Good BEE Contributor for each Project Year.

24.7.4 In the event of default by the SPV/s Potential Bidder to comply with this provisions and the default is not remedied before the expiry of the period referred to in the notice by SANParks, SANParks will have the right to terminate the PPP Agreement with immediate effect by written notice to the Potential Bidder.
25. **ANNEXURE 6: THE PPP FEE OFFER**

**Important note to bidders**

Information about the PPP fee offer must be contained in Envelope 2 and is not to be submitted in Envelope 1 with the functionality and BEE proposals.

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:

To:

South African National Parks, 643 Leyds Street, Muckleneuk, Pretoria,

[Name of bidder] hereby commits to pay to SANParks the higher of:

(a) the minimum PPP fee and

(b) the variable PPP fee, expressed as a flat percentage of aggregate gross revenue as defined in the PPP agreement.

The minimum PPP fee is as follows:

<table>
<thead>
<tr>
<th>MINIMUM PPP FEE FOR BOULDERs PPP EXCL VAT</th>
<th>Per Annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>396,000.00</td>
</tr>
<tr>
<td>Year 2</td>
<td>419,760.00</td>
</tr>
<tr>
<td>Year 3</td>
<td>444,945.60</td>
</tr>
</tbody>
</table>

The variable PPP fee bid by [name of bidder] is [percentage] % of gross revenue.

[Name of bidder] hereby warrants that the committed minimum PPP fee and the variable PPP fee shall be included in the PPP agreement, if accepted by SANParks.

For indicative purposes only, our projection of fees payable to SANParks is:
<table>
<thead>
<tr>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross revenue (net of VAT)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage of gross revenue due as variable PPP fee (same for each year)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PPP fee due</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum PPP fee or variable PPP fee, whichever is greater</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

Signature: _____________________

Name: _____________________  Title: _____________________
26. **ANNEXURE 7: DRAFT TOURISM PPP AGREEMENT**

The draft PPP agreements are not attached hereto but will be made available to bidders.
27. **ANNEXURE 8 - ACCEPTABLE WORDING OF BID AND DEVELOPMENT BOND**

To: South African National Parks

[Name of bidder] (“the bidder”) is to submit to you a bid to enter into PPP agreement with SANParks for the purpose of the Boulders Retail Facility;

And you require the bidder to include in the bid a bid bond for R\[amount of bid bond\] (Three Hundred and Ninety Six Thousand Rand);

And we have agreed to give you such a bid bond.

We hereby irrevocably and unconditionally undertake to pay you, upon your first written demand and without objection or argument, the sum of R [amount of bid bond], upon any or all of the following occurrences:

- any material misrepresentation made by the bidder in its bid submission or any other information and documentation submitted by it under the request for qualifications or the request for proposals;
- the withdrawal or modification of its bid during the period of bid validity;
- failure by the preferred bidder to furnish the required performance bond under the PPP agreement in accordance with the provisions of the PPP agreement.

This bid bond shall be valid until [date 180 business days after the bid date].

This bid bond shall be governed by the laws of the Republic of South Africa.

**SIGNATURE AND SEAL**

Name of bank__________________

Address____________________

Date____________________
28. ANNEXURE 9: BEE PROPOSAL


28.2 The following table shall be used to calculate the score out of 20 for B-BBEE

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant Contributor</td>
<td>0</td>
</tr>
</tbody>
</table>

28.3 A tenderer must submit proof of its B-BBEE status level of contributor. A tenderer failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified, but may only score points out of 80 for price; and scores 0 points out of 20 for B-BBEE.
29. **ANNEXURE 10: BID COVER SHEETS**

Cover sheets which include the following information must be attached to each envelope:

Bid for the commercial use of the Boulders Retail Opportunity at the Table Mountain National Park through a PPP agreement

**ENVELOPE 1: FUNCTIONALITY, PERFORMANCE BOND AND MARKED-UP DRAFT PPP AGREEMENT**

Name of bidder:
Postal address:
Street address:
Telephone:
Cell phone:
Fax:
Contact person:
Email address:
Signature of bidder:
Date:
Capacity in which bid is signed:

Signature of this document means that the bidder accepts the terms and conditions of this bid. Failure by the bidder to sign this form may disqualify the bid.
Bid for the commercial use of the Boulders Retail Opportunity Facility at the Table Mountain National Park through a PPP agreement

<table>
<thead>
<tr>
<th>ENVELOPE 2: PPP FEE OFFER and BEE Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of bidder:</td>
</tr>
<tr>
<td>Postal address:</td>
</tr>
<tr>
<td>Street address:</td>
</tr>
<tr>
<td>Telephone:</td>
</tr>
<tr>
<td>Cell phone:</td>
</tr>
<tr>
<td>Fax:</td>
</tr>
<tr>
<td>Contact person:</td>
</tr>
<tr>
<td>Email address:</td>
</tr>
<tr>
<td>Signature of bidder:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Capacity in which it is signed:</td>
</tr>
</tbody>
</table>

*Signature of this document means that the bidder accepts the terms and conditions of this bid. Failure by the bidder to sign this form may disqualify the bid.*