

PART A EXPRESSION OF INTEREST SBD1

YOU ARE HEREBY INVITED TO EXPRESS INTEREST FOR REQUIREMENTS OF THE DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED

BID NUMBER:	RFR/PSA/OEM/EOI	CLOSING DATE:	07/ 07/ 2025	CLOSING TIME:	23h55
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DESCRIPTION:	EXPRESSION OF INTEREST FROM ORIGINAL EQUIPMENT MANUFACTURERS, OR ITS AUTHORISED/ ACCREDITED DISTRIBUTOR, FOR THE DESIGN, MANUFACTURE, INSTALLATION & COMMISSIONING OF CONTAINERIZED PSA OXYGEN PLANTS
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THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

BID RESPONSE DOCUMENTS MAY BE SUBMITTED AT:

Tender Box folder for RFP via Microsoft One Drive (Refer to E1.1)

FOR ATTENTION: Noma Rakoma PROCUREMENT & TENDER OFFICER

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:					
		TCS PIN:		AND/OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)		
		<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)		
		<input type="checkbox"/>	A REGISTERED AUDITOR		
		NAME:			

[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]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY:	DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED		
CONTACT PERSON:	Refer to E1.1	CONTACT PERSON:	Refer to E1.1
TELEPHONE NUMBER:		TELEPHONE NUMBER:	Refer to E1.1
FACSIMILE NUMBER:		FACSIMILE NUMBER:	Refer to E1.1
E-MAIL ADDRESS:		E-MAIL ADDRESS:	Refer to E1.1



The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption.
Report any incidents of Fraud and Corruption to Whistle Blowers on any of the following:

TollFree : 0800 20 49 33
Email : dbsa@whistleblowing.co.za
Free Post : Free Post KZN 665 | Musgrave | 4062
SMS : 33490

PART B	TERMS AND CONDITIONS FOR BIDDING	SBD1
1. BID SUBMISSION:		
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT LOCATION AS STIPULATED IN E1.1. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR ONLINE</p> <p>1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.</p> <p>1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022 (PPR2022), AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT. REFER TO LAST PAGE FOR APPLICABLE CONTRACT FORM.</p>		
2. TAX COMPLIANCE REQUIREMENTS		
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>		
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS		
<p>3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</p>		

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

PART 1 OF 3

THE TENDER

TENDER NO.: RFR/PSA/OEM/EOI

DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED

Client: NATIONAL DEPARTMENT OF HEALTH

Implementing Agent: Development Bank of Southern Africa Limited 1258 Lever Road Midrand Johannesburg Gauteng 1685 Contact: As per E1.1	Project Manager: To be confirmed post Contracting 1258 Lever Road Midrand Johannesburg Gauteng 1685 Contact: As per E1.1
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E1.1 NOTICE AND INVITATION TO SUBMIT AN EXPRESSION OF INTEREST

The Development Bank of Southern Africa Limited (DBSA) invites tenders for **RFR/PSA/OEM/EOI : EXPRESSION OF INTEREST FROM ORIGINAL EQUIPMENT MANUFACTURERS, OR ITS AUTHORISED/ ACCREDITED DISTRIBUTOR, FOR THE DESIGN, MANUFACTURE, INSTALLATION & COMMISSIONING OF CONTAINERIZED PSA OXYGEN PLANTS.**

For this project a Two-Phase procurement procedure will be adopted:

PHASE 1: EXPRESSION OF INTEREST (EOI)

The first phase will be based on information submitted with this EOI document.

Tenderers who wish to qualify to be issued with a Phase 2 tender document must:

- Meet all stipulated criteria as defined in the applicable evaluation stages.

An Optional Tender Brief is scheduled as detailed on page 7

PHASE 2: REQUEST FOR PRICE (RFP)

The Tender Documents for Phase 2 will only be supplied to the shortlisted/qualifying bidders after the EOI process.

This document will contain pricing data, price schedules, the agreement, contract data, and specifications.

Bidders may be assessed on a combination of Functional, Price & Preference, Risk and Other Objective Criteria, to conclude in a recommendation for award.

The Tender Document and Supporting Documents are as published and to be sourced as detailed in the applicable media.

TENDER REQUIREMENTS		
SPECIALISATION	Minimum CIDB GRADING required:	N/A N/A or higher
	Professional Service:	Original Equipment Manufacturer, or its Authorised/ Accredited Distributor of PSA Oxygen Plant

KEY ACTIVITIES AND DATES

TENDER BRIEF	Method:	Online (MS Teams)	
	Location:	Online Link: Join the meeting now	
		Physical: N/A	
	Date:	Online: 13/ 06/ 2025	Physical: N/A
	Time:	Online: 13h00	Physical: N/A

Instructions for TENDER BRIEF:

A. If ONLINE:


- i. Access published link (Microsoft Teams).
 - Ensure platform is accessible, through prior testing.
- ii. Stipulate *Company Name, Email, Contact Number and Attendee Name* in chat box, as proof of attendance. Failure to action will have a bidder be deemed not in attendance.
- iii. The DBSA will initiate presentation and tender discussion.
- iv. Some briefs may not allow bidders to ask verbal questions, due to quantity of attendees.
 - Irrespective of this, bidders are required to issue any questions in writing, only to the stipulated email address under E1.1 Tender Notice and Invitation to Tender.

B. If PHYSICAL:

- i. Access physical location as stipulated under E1.1 Tender Notice and Invitation to Tender.
- ii. Attendees will be required to populate and sign the Tender Brief Attendance Register, as proof of attendance. Failure to action will have a bidder be deemed not in attendance.
- iii. The DBSA will initiate presentation and tender discussion.
- iv. Some briefs may not allow bidders to ask verbal questions, due to quantity of attendees.
 - Irrespective of this, bidders are required to issue any questions in writing, only to the stipulated email address under E1.1 Tender Notice and Invitation to Tender.

BIDDER QUERIES	May only be addressed to the Procurement & Tender Officer:	Noma Rakoma NomaScm@dbsa.org
	The cut-off date for tender queries is:	19/ 06/ 2025 at 12h00
	Bidders to submit written questions / clarifications . <ul style="list-style-type: none"> • Each bidder is encouraged to submit one (01) consolidated questions/ clarifications email. • No questions will be entertained post the stipulated date. 	
RESPONSE TO QUERIES	Date for query response:	20/ 06/ 2025 at 16h30
	DBSA to respond to written questions/ clarifications posed by bidders not prior to this date. <ul style="list-style-type: none"> • Such consolidated response will be issued via email to all invitees (or attendees where a compulsory brief is applicable). 	

ADDENDA NOTIFICATIONS <i>(It is the bidders responsibility to ensure all addenda are taken into consideration prior to tender closure)</i>	<u>OPEN TENDER</u>	
	<ul style="list-style-type: none"> • Optional Tender Brief: <ul style="list-style-type: none"> ○ The DBSA will publish addenda via the DBSA tender website. • Mandatory Tender Brief: <ul style="list-style-type: none"> ○ The DBSA will only issue addenda directly to the email address of the brief attendee. 	
	<u>CLOSED TENDER</u>	
	<ul style="list-style-type: none"> • Optional Tender Brief: <ul style="list-style-type: none"> ○ The DBSA will publish addenda via the DBSA tender website. 	

	<p align="center">PART 1 OF 3</p> <p align="center">TENDERING PROCEDURES</p>	<p>TENDER NO.: RFR/PSA/OEM/EOI</p> <p>EXPRESSION OF INTEREST FROM ORIGINAL EQUIPMENT MANUFACTURERS, OR ITS AUTHORISED/ ACCREDITED DISTRIBUTOR, FOR THE DESIGN, MANUFACTURE, INSTALLATION & COMMISSIONING OF CONTAINERIZED PSA OXYGEN PLANTS</p>
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	<ul style="list-style-type: none"> • Mandatory Tender Brief: <ul style="list-style-type: none"> ○ The DBSA will only issue addenda directly to the email address of the brief attendee.
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<p>TENDER SUBMISSION REQUEST</p>	Bidders to <u>request</u> Tender Submission Link by latest this date:	<p align="center">04/ 07/ 2025 at 14h00</p>
	<ul style="list-style-type: none"> • Request may <u>only be issued to the email address</u> as stipulated under T1.1 Tender Notice and Invitation to Tender. • Any requests post this date will not be accepted, since this date is the required advertisement lead time. 	
<p>TENDER CLOSE & SUBMISSION</p>	<p>Date:</p>	<p>07/ 07/ 2025</p>
	<p>Time:</p>	<p>23h55</p>
	<p>Method:</p>	<p>Online (MS OneDrive)</p>
	<p>Location:</p>	<p>Microsoft OneDrive Link as issued for specific RFP</p>
	<p>Tenders may only be submitted on the tender documentation that has been issued. Telegraphic, telephonic, telex, facsimile and late tenders will not be accepted. Tenderers should ensure that Bids are delivered timeously and to the correct address (reflected on the cover of this document). If the bid is late, or not submitted in the designated tender link, it will not be considered for evaluation.</p>	

Instructions for TENDER SUBMISSION:

- i. All bidders are required to request a Tender submission Link before the deadline stipulated under E1.1 Tender Notice and Invitation to Tender (KEY DATES AND ACTIVITIES).
 - Only bidders who requested a Tender submission Link as per above, will receive the link to submit a bid.
 - Ensure platform is functional, through prior testing.
- ii. Bidders are required to click on the Tender Submission Link to initiate submission.
- iii. Bidders are required to ensure the documents as correctly named as prescribed.
- iv. Bidders are to ensure the documents being loaded are correct and accurate – once they are loaded, they cannot be accessed again, edited or deleted.
- v. Only Files can be loaded, not folders.
- vi. As such, Folders with all its required content should be created on the Bidders PC, **then be converted to either a Compressed or Zipped Folder.**
- vii. This will allow Bidders to easily load the whole Compressed/Zipped Folder as a file format to the Tender Submission Link.
- viii. Once documents have been loaded, the Bidder will receive a confirmation email of the upload, which should be kept as proof.
- ix. Bidders are requested to not create and submit excessively large files, but rather to break it up into its stipulated components.
- x. Uploading of submission must be in the structure and order as prescribed in this tender and **MUST BE LABELLED CORRECTLY.**

E.1.2 SUBMISSION DATA

The conditions for calling for expressions of interest are the Standard Conditions for Calling for Expressions of Interest as contained in in Annex D of the Construction Industry Development Board Standard for Uniformity in Engineering and Construction Works Contracts, published in Government Gazette No. 42622, dated 8 August 2019 and SANS 10845-4.

The Standard Conditions for Calling for Expressions of Interest make several references to the Submission Data and shall have precedence in the interpretation of any ambiguity or inconsistency between the Submission Data and the Standard Conditions for Calling for Expressions of Interest. Each item of data given below is cross-referenced to the clause in the Standard Conditions for Calling for Expressions of Interest to which it mainly applies.

The following variations, amendments and additions to the Standard Conditions of Tender as set out in the Tender Data below shall apply to this tender:

Clause number	Tender Data
3.1	The employer for this Contract is Development Bank of Southern Africa.
3.2	<p>The Tender Documents issued by the Employer comprise the following documents:</p> <p>Part E1: Tendering procedures (Part 1 of 3) E1.1 - Tender notice and invitation to tender E1.2 - Tender data</p> <p>Part E2: Returnables documents (Part 2 of 3) E2.1 - Returnable Documents</p> <p>Part E3: Project Information (Part 3 of 3)</p>
3.3	The submission data and additional requirements contained in the submission schedules that are included in the returnable documents are deemed to be part of these conditions for the calling for expressions of interest.
3.4	<p><u>The Employer is:</u></p> <p>Name: Development Bank of Southern Africa Limited</p> <p>Address: 1258 Lever Road, Headway Hill, Midrand, Gauteng, 1685</p> <p>Tel: (011) 313 3911</p> <p>Attention is drawn to the fact that verbal information, given by the Employer's agent during site visits/clarification meetings or at any other time prior to the award of the Contract, will not be regarded as binding on the Employer. Only information issued formally by the Employer in writing to Respondents will be regarded as amending the Expression of Interest documents.</p>
3.4	The language of communications is English.
4.1	<p>The following tenderers who are registered with the CIDB, or are capable of being so registered prior to the evaluation of submissions, are eligible to have their tenders evaluated:</p> <p>a) contractors who have a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) and 25(7A) of the Construction Industry Development Board Regulations, for a 9 CE class or higher of construction work; and</p> <p>b) submit an offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with the employer</p> <p>c) the tenderer is registered on the National Treasury Central Supplier Data Base (https://secure.csd.gov.za)</p>

	<p>d) the tenderer accepts that documents that have correction fluid on them will be deemed non-responsive and the documents must remain intact</p> <p>e) tenderers adhere to the pre-qualification criteria stated in the tender document, if any.</p> <p>Joint ventures are eligible to submit tenders provided that:</p> <p>1) the entity is registered as a JV,;</p> <p>2) every member of the joint venture is registered with the CIDB in the CE class of work;</p> <p>3) the lead partner has a contractor grading designation in the 9 CE class or higher of construction work; and</p> <p>4) the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a 9 CE class or higher of construction work or a value determined in accordance with Regulation 25 (1B) and 25(7A) of the Construction Industry Development Regulations</p> <p>5) The members / parties have signed a joint venture agreement.</p> <p>6) A consolidated B-BBEE verification certificate in the name of the joint venture must be submitted in order to qualify for the preference points.</p>
4.5	<p>The arrangements for a Tender Brief is as stated in the Tender Notice and Invitation to Tender E1.1</p> <p>Tenderers must sign the attendance register in the name of the tendering entity/ indicate attendance via online platform by communicating full details of attendee. (In case of a JV, at least one JV member must be present). Addenda will be issued to and tenders will be received only from those tendering entities appearing on the attendance list.</p>
4.7	<p>The employer's details and address for delivery of Expression of Interests and identification details that are to be shown on each tender offer package are:</p> <p>Location of tender Folder: Refer to E1.1</p> <p>Physical address: Refer to E1.1</p> <p>Identification details: Tenderers full name</p>
4.9	<p>Telephonic, telegraphic, telex, facsimile or e-mailed tender offers will not be accepted.</p>
4.9	<p>The closing time for submission of tender offers is as stated in the Notice and Invitation to Submit an Expression of Interest (E1.1).</p>
5.3	<p>Tenders will not be opened in public. Tenders will be opened the day after the closing time (23:55hrs Telkom Time) for receipt of tenders as stated in the Tender Notice and Invitation to Tender, or as stated in any Addendum extending the closing date.</p>
5.9	<p>The procedure for the evaluation of responsive tenders is as per below selected Method.</p> <p>Evaluation will be as per stages modified to comply with the Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2022.</p> <p>Stage 1: Responsiveness</p> <p>Stage 2: Risk Analysis Other Objective Criteria</p>
	<p><u>Stage 1: Responsiveness Evaluation</u></p> <p>The Tenderer should be able to provide all the relevant information required in the Supplier Information Form (SIF) which will include but not limited criteria selected in below table.</p> <p>A. Tenderers who do not adhering to those criteria listed as PRE-QUALIFIER, will be <u>disqualified immediately</u>;</p>

Responsiveness Criteria		Prequalifying Criteria																					
1	None	Pre-Qualifier																					
<p>B. Tenderers who do not adhere to the response time indicated for clarification inquiries by the Employer will be deemed non-responsive and not be evaluated further.</p> <table> <tr> <th colspan="2">Responsiveness Criteria</th><th>Clarification Time</th></tr> <tr> <td>1</td><td>Returnable Documents completed and signed (E2.1.1 – E2.1.9)</td><td>48 hours</td></tr> <tr> <td>2</td><td>Evidence of OEM's, or its Authorised/ Accredited Distributors, valid SAHPRA License for the Manufacture of PSA Oxygen Plants (E2.1.10)</td><td>48 hours</td></tr> <tr> <td>3</td><td>Signed Agreement to the Statement of Technical Compliance (E2.1.11)</td><td>48 hours</td></tr> <tr> <td>4</td><td>Methodology for meeting Project Programme Timelines (E2.1.12)</td><td>48 hours</td></tr> <tr> <td>5</td><td>Evidence of Company Experience in PSA Oxygen Plant Installation and Maintenance (E2.1.13)</td><td>48 hours</td></tr> <tr> <td>6</td><td>Evidence of Professionally Registered Resources in the Installation and Maintenance of PSA Oxygen Plant (E2.1.14)</td><td>48 hours</td></tr> </table>			Responsiveness Criteria		Clarification Time	1	Returnable Documents completed and signed (E2.1.1 – E2.1.9)	48 hours	2	Evidence of OEM's, or its Authorised/ Accredited Distributors, valid SAHPRA License for the Manufacture of PSA Oxygen Plants (E2.1.10)	48 hours	3	Signed Agreement to the Statement of Technical Compliance (E2.1.11)	48 hours	4	Methodology for meeting Project Programme Timelines (E2.1.12)	48 hours	5	Evidence of Company Experience in PSA Oxygen Plant Installation and Maintenance (E2.1.13)	48 hours	6	Evidence of Professionally Registered Resources in the Installation and Maintenance of PSA Oxygen Plant (E2.1.14)	48 hours
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5.10	<p><u>Stage 2 : Functional Evaluation</u></p> <p>a. Not Applicable</p>																						
	<p><u>Stage 3 : Objective Criteria & Risk Analysis</u></p> <p>The Tenderers will additionally be reviewed against the following points listed as “Other Objective Criteria” in terms of the PPR2022, in order to ascertain suitability for award – we reserve the right to clarify any aspects listed hereunder where applicable.</p> <ol style="list-style-type: none"> No misrepresentation in the tender information submitted. The tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector; and The tenderer has completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the employer or potentially compromise the tender process and persons in the employ of the state are permitted to submit tenders or participate in the contract. Convicted by a court of law for fraud and corruption. Removed from a contract between them and any organ of state on account of failure to perform on or comply with the contract. Any bidder who has had a tender award terminated by the DBSA for non-performance during the 18 months preceding the closing date of this EOI will not be eligible for shortlisting under this EOI. In addition, any bidder who has received a written notice of non-performance in the twelve-month period preceding the shortlisting of this EOI, may in the discretion of the DBSA, be excluded from recommendation for further awards until the non-performance, or the circumstance giving rise to the non-performance, has been remedied to the satisfaction of the DBSA. PEP Check and Procure Check to be initiated and if negative, may result in exclusion. Online verification of the Professional Registration Documents will be actioned only to confirm the authenticity of the document. The DBSA reserves the right to request a bidder to provide formal documented evidence within 48hrs 																						

- (independent from bidder; e.g. employer), to prove authenticity of the documents and its content, failing which will result in bid being deemed non-responsive. Such evidence must include a contactable reference via email and telephone.
- x. A check against any other requirement as stipulated in the **Additional Conditions of Tender**.

The Additional Conditions of this Eol are:

- i. The process aims to generate a shortlist list of Original Equipment Manufacturers (OEM's), or its Authorised/ Accredited Distributor, of Containerized PSA Oxygen Plants, to invited bids from for future use.
- ii. Entities that are OEM's, or its Authorised/ Accredited Distributor, and meet the product specification and standards requirements, will be shortlisted for invitation via RFP for the design, manufacture, delivery and installation for Pressurised Swing Adsorption (PSA) Oxygen Plants in several hospitals across the country.
- iii. Only OEM's, or its Authorised/ Accredited Distributor as a separate entity, may tender and may not create a JV with each other or with others entities (subcontracting with other firms where relevant is allowed, in ensuring all EOI requirements are met, **but they may not form part of the tendering entity**).
- iv. To be shortlisted, tenderers must meet all stipulated criteria as defined in the EOI.
- v. The DBSA reserves the right to decrease or increase the required quantum of PSA Equipment sets as stipulated in the EOI.
- vi. Where an international OEM's local Authorised/ Accredited Distributor submits a tender, it specifically, must be SAHPRA registered – in line with the Stage 1, Responsiveness criteria.
- vii. Where an international OEM's local Authorised/ Accredited Distributor submits a tender, the Tenderer will be required to evidence that the OEM as the manufacturer of the PSA Plant, aligns to the strict ISO standards as defined in the Eol – in line with the Stage 1, Responsiveness criteria.
- viii. Where an international OEM's local Authorised/ Accredited Distributor submits a tender, the Tenderer will be required to evidence that the Authorised Distributor relationship has been in effect for at least 12 months before tender closure.
- ix. Irrespective of who the tendering entity is, the DBSA reserves the right to action the same Risk Analysis and Other Objective Criteria assessments, on both the tenderer and its subcontractor/s or similar.
- x. Tenderers may provide information from either itself only, or based on a combination of information of its subcontractors and itself, to support and evidence the required criteria stipulated in the Eol.

The following will only apply to the shortlisted OEM's once invited to take part in the tender process and may be amended as required:

The Additional Conditions of Tender are:

- i. DBSA reserves the right to award the full scope to one bidder, or split the scope to several bidders.
- ii. The offer of award will be informed by the best Value for Money, Risk Allocation, and Risk Profile of the bidder.
- iii. *Value for Money* = Improved total cost.
- iv. *Risk Allocation* = Considering the manufacturing capacity and delivery timelines to meet the deadline.
- v. *Risk Profile* = Considering the profiles of entities, such as Procure Check, PEP Checks and Directorship, to name a few.
- vi. The DBSA reserves the right to disqualify a tenderer with unrealistic price offers, in line with CIDB prescripts.
- vii. The DBSA reserves the right to negotiate to ensure the value for money principle is not compromised.
- viii. The DBSA reserves the right to award the scope in full or part thereof, subject to budget availability.
- ix. In the event of a partial award, the DBSA reserves the right for items excluded from the award, to be retendered in a new tender process.
- x. Tenderer is required to adhere to the Pricing Instructions as detailed, failing which will result in the offer being deemed non-compliant. Where noted that a cost item was not priced, clarification will be issued to clarify the reason, without allowing any costs to be amended or included.

	<ul style="list-style-type: none"> xi. Workmen's Compensation Registration (COIDA) xii. Unemployment Insurance Fund (UIF) – Registration Certificate (Act 4 of 2002) xiii. Tax Requirement xiv. Registration Certificates / Agreements / Identity Documents xv. Bidders (OEM's) who decide to source additional PSA Oxygen Equipment sets from the National or International market to alleviate their manufacturing timelines, must ensure the Tender Specifications are met in full and are accompanied by evidence of the National/ International Regulatory Body registration for Medical Devices.
	<p><u>Additional Conditions of Contract are:</u></p> <ul style="list-style-type: none"> i. The contract duration is 40 Months from the date of site handover. ii. New PSA Plant: 4 Months for Design, Manufacturing, Installation & Commissioning. iii. Maintenance Period: 36 Months after Practical Completion. iv. Upon allocation of works, applicants are to ensure that they have adequate resources to undertake the work under stringent timeframes. v. Upon allocating works, the bidders are required to consider the role of the other professionals who might be involved in the project. vi. Advance Payments are subject to valid and compliant Advance Payment Guarantees.

The following documents are relevant to this Expression of Interest and/ or to the proceeding Tender and Tenderers are advised to obtain their own copies thereof:

#	Document
1	Standardized Specifications for Civil Engineering Construction SANS 1200
2	Code of Practice for the application of the National Building Regulations" SABS 0400-1990
3	The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, Edition 23(latest edition) including the Code of Practice: Managing exposure to SARS-CoV-2 in the workplace.
4	Safety, Health, Environmental and Quality Policy for Construction and Maintenance Programmes
5	The conditions of tender are the Standard Conditions of Tender as contained in Annexure C of the cidb Standard for Uniformity in Construction Procurement in Board Notice 423 of 2019 as published in Government Gazette No.42622 of 8 August 2019 (See www.cidb.org.za), which contains references to the Tender Data for details that apply specifically to the Tender.
6	In addition, Tenderers are advised, in their own interest, to obtain their own copies of the following acts, regulations and standards referred to in this document as they are essential for the Tenderer to get acquainted with the basics of construction management, the implementation of preferential construction procurement policies and participation of targeted enterprise and labour.
6.1	The Construction Industry Development Board Act No 38 of 2000 and the Regulations in terms of the cidb Act 38/2000, Government Gazette Notice No 42622 of 10 August 2019
6.2	SANS 1921:2004 Construction and Management:
6.2.1	Part 1 : General Engineering and Construction Works;
6.2.2	Part 2 : Accommodation of Traffic on Public Roads occupied by the Contractor;
6.2.3	Part 3 : Structural Steelwork;
6.2.4	Part 5 : Earthworks Activities which are to be performed by hand.
6.3	Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) and its Regulations as published in the Government Gazette No. 40553 of 2022

PART 2 OF 3

RETURNABLE DOCUMENTS

COMPILATION INSTRUCTIONS

Tenderers are to refer to the table of contents, for applicability of Returnables. to ensure that all information in the Tender Document is read, completed, and signed in full by the Tenderer.

- 1) All forms must be properly completed and signed as required and the document shall not be taken apart or altered in any way whatsoever.
- 2) With reference to the above, it is however required that:
 - Any attachments and/or supporting documents to be annexed to these Returnables, **must be compiled in a separate file, and indexed in the same format as the Returnables Checklist.**
- 3) Any Returnables not selected as applicable, is irrelevant to this tender process and do not need to be completed.
- 4) Tenderers must ensure each of the listed Returnables are populated and signed in full.
- 5) All forms must be duly completed as required.



The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption. Report any incidents of Fraud and Corruption to Whistle Blowers on any of the following:

TollFree : 0800 20 49 33
Email : dbsa@whistleblowing.co.za
Free Post : Free Post KZN 665 | Musgrave | 4062
SMS : 33490

PART E2.1.1: CERTIFICATE OF AUTHORITY FOR SIGNATORY

Indicate the status of the Tenderer by ticking the appropriate box hereunder. The Tenderer must complete the certificate set out below for the relevant category.

(I) COMPANY	(II) CLOSE CORPORATION	(III) PARTNERSHIP	(IV) JOINT VENTURE	(V) SOLE PROPRIETOR

Signatories for Companies, Close Corporations, Partnerships, Joint Ventures or Sole Proprietors must establish their authority thereto by attaching a copy of the relevant resolution of their Board of Directors, Members or Partners duly signed and dated. Examples are shown below if tenderer want to create own form.

(I) CERTIFICATE FOR COMPANY

I, chairperson of the Board of Directors/
Company Secretary of, hereby confirm that by
resolution of the Board (copy attached) taken on 20....., Mr/Ms
....., acting in the capacity of,
was authorized to sign all documents in connection with the Tender and any contract resulting from it,
on behalf of the company.

Chairman:, or;

Company Secretary:.....

As Witness: 1.

2.

Date:

(II) **CERTIFICATE FOR CLOSE CORPORATION**

We, the undersigned, being the key members in the business trading as
.....hereby authorise Mr/Ms.....
acting in the capacity of
to sign all documents in connection with the Tender and any contract resulting from it, on our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Note: This certificate is to be completed and signed by all the key members upon whom rests the directions of the affairs of the Close Corporation as a whole.

(III) CERTIFICATE FOR PARTNERSHIP

We, the undersigned, being the key members in the business trading as
.....hereby authorise Mr/Ms.....
acting in the capacity of
to sign all documents in connection with the Tender and any contract resulting from it, on our behalf.

NAME	ADDRESS	SIGNATURE	DATE
Lead partner			

Note: This certificate is to be completed and signed by all the key members upon whom rests the direction of the affairs of Partnership as a whole.

(IV) CERTIFICATE FOR SOLE PROPRIETOR

I, hereby confirm that I am the sole owner of
the business trading as

Signature of Sole Owner:

As Witnesses:

1.

2.

Date:

(V) CERTIFICATE JOINT VENTURE

We, the undersigned, being the key members in the business trading as
.....hereby authorise Mr/Ms.....
acting in the capacity of
to sign all documents in connection with the Tender and any contract resulting from it, on our behalf.

This authorization is evidenced by the attached power of attorney signed by legally authorized signatories of all the partners to the Joint Venture.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead Partner		Signature
		Name
		Designation
CIDB Registration No.		
Lead Partner		Signature
		Name
		Designation
CIDB Registration No.		
Lead Partner		Signature
		Name
		Designation
CIDB Registration No.		

Note: This certificate is to be completed and signed by all the key partners upon whom rests the direction of the affairs of the Joint Venture as a whole.

PART E2.1.2: RECORD OF ADDENDA TO EXPRESSION OF INTEREST

I/We confirm that the following communications amending the Expression of Interest (Eoi) documents, received from the Employer or his representative before the closing date of submission of this Eoi offer, have been considered in this Eoi offer.

ADD NO.	DATE	TITLE OR DETAILS
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

(Signature)

(Date)

PART E2.1.3: DECLARATION OF DEFAULT AND TERMINATION

It is a condition of this tender that bidders declare all project, default and/ or terminations in full with the DBSA within the last 5 years.

This declaration MUST be signed, whether any declaration is applicable or not.

If no declaration is applicable, tenderers MUST either strikethrough or indicate Not Applicable.

The DBSA will disqualify the tenderers bid, should this declaration prove to be false.

NAME OF PUBLIC ENTITY	PROJECT DESCRIPTION & VALUE	DATE OF AWARD	DOCUMENTED DEFAULT AND/ OR TERMINATION

❖ Bidders may recreate the above table and submit if insufficient space is available
(This Declaration must however be signed in full).

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this
Returnable and confirm that the information provided is accurate and complete.

(Signature)

(Date)

PART E2.1.4: BIDDER'S DISCLOSURE – SBD 4

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.

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.

- 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 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

PART E2.1.5: SERVICE PROVIDER CODE OF CONDUCT

DBSA aims to achieve the best value for money when buying or selling goods and obtaining services. This however must be done in an open and fair manner that supports and drives a competitive economy. Underpinning our process are several acts and policies that any service provider dealing with DBSA must understand and support. These are:

- The DBSA Procurement Policy – A guide for Tenderers;
- Section 217 of the Constitution of the Republic of South Africa, 1996 - the five pillars of Public Procurement and Supply Chain Management: fair, equitable, transparent, competitive, and cost effective;
- The Public Finance Management Act, Act 1 of 1999 (PFMA);
- The Broad Based Black Economic Empowerment Act, Act 53 of 2003 (B-BBEE);
- The Companies Act, Act 71 of 2008;
- The Prevention and Combating of Corrupt Activities Act, Act 12 of 2004 (PRECCA);
- The Protected Disclosures Act, Act 26 of 2000;
- The Construction Industry Development Board Act, Act 38 of 2000 (CIDB Act);
- The Preferential Procurement Policy Framework Act, Act 5 of 2000; and
- The Protection of Personal Information Act 4 of 2013 ("POPIA"), regulates the processing, management, storage, and protection of personal information in order to protect an individual's right to privacy. Please refer to the DBSA website for the Privacy Statement (Contractors, Consultants and Service Providers).

The Privacy Statement sets out:

- Information which we may collect from you.
- How we collect information.
- How we may use, transfer and disclose your information.

The DBSA takes your privacy and the protection of your personal information very seriously, and we will only use your personal information in accordance with the Privacy Statement and applicable laws. We have implemented reasonable technical and operational measures to keep your personal information secure. It is important that you read the Privacy Statement carefully before submitting any personal information to the DBSA.

By submitting any personal information or documentation requested or any other information that may be requested pursuant to this RFP, you provide consent to the processing of your personal information as set out in the Privacy Statement. You also consent that any information, either written or verbal, may be made available to third parties strictly for the purpose of oversight to this tenders' appointment. Further, you declare that you have obtained all consents required by the POPIA or any other applicable laws.

Thus, you hereby indemnify and hold the DBSA harmless from any loss, damages or injury that you may incur as a result of any unintentional disclosures of your personal information to unauthorized persons or the provision of incorrect or incomplete personal information to the DBSA.

This code of conduct has been included in this contract to formally appraise DBSA Service providers of DBSA's expectations regarding behaviour and conduct of its Service providers. The tenderer will share this code of conduct with its subcontractor(s) prior to submitting the tender and ensure adherence to it by the subcontractor(s).

Prohibition of Bribes, Kickbacks, Unlawful Payments, and Other Corrupt Practices

DBSA's aim is to become a world class, profitable and sustainable organisation. As such, our transformation is focused on adopting a performance culture and to adopt behaviours that will enable this transformation.

1. DBSA will not participate in corrupt practices in any form or guise. Therefore, it expects its service providers to act in the same manner.

- DBSA and its employees will adhere the laws of this country and keep accurate business records that reflect actual transactions with, and payments to, our service providers.
- DBSA Employees must not accept or request, agree or promise to accept, money, or anything of value, or any form of gratification, either directly or indirectly, from service providers or anyone linked to them in return for a benefit or other advantage to accrue to a service provider or other linked 3rd party;
- Employees may not receive anything that is intended to:
 - In an irregular or untoward manner, influence their judgement or conduct to ensure a specific or pre-conceived desired outcome of a sourcing activity;
 - In an irregular or untoward manner, win or retain business or influence any act or decision of any person involved in sourcing decisions; or
 - Gain an improper advantage.
- There may be times when a service provider is confronted with fraudulent or corrupt behaviour of DBSA employees. We expect our Service providers to use our "Tip-offs Anonymous" Hot line to report these acts – 0800 204 933 or email dbsa@tip-offs.com.

2. DBSA is firmly committed to the concept of free and competitive enterprise.

- Service providers are expected to comply with all applicable laws and regulations regarding fair competition and antitrust practices.
- DBSA does not engage with non-value adding agents or representatives solely for the purpose of increasing BBBEE spend (fronting).

3. DBSA's relationship with service providers requires us to clearly define requirements, to exchange information and share mutual benefits.

- Generally, service providers have their own business standards and regulations. Although DBSA cannot control the actions of our service providers, we will not tolerate any illegal activities. These include, but are not limited to:
 - Misrepresentation of their product (origin of manufacture, specifications, intellectual property rights, etc.);
 - Collusion in whatever form that is intended to influence procurement decisions;
 - Failure to disclose accurate information required during the sourcing activity (ownership, financial situation, BBBEE status, etc.);
 - Corrupt activities listed above; and
 - Harassment, intimidation, or other aggressive actions towards DBSA employees.
- Service providers will be evaluated and approved before any materials, components, products, or services are purchased from them. A rigorous due diligence is conducted, and the service provider is expected to participate in an honest and straight forward manner.
- Service providers must record and report facts accurately, honestly, and objectively. Financial records must be accurate in all material respects.

4. Conflicts of Interest

A conflict of interest arises when personal interests or activities influence (or appear to influence) the ability to act in the best interests of DBSA.

- Doing business with family members or close associates.
- Having a financial or beneficial interest in another company in our industry or environment

Where possible, contracts will be negotiated to include the above in the terms of such contracts. To the extent such terms are not included in contractual obligations and any of the above code is breached, then DBSA reserves its right to review doing business with these service providers.

I, _____ of _____,
(Authorised Signatory) (Company Name)

hereby acknowledge having read, understood, and agree to the terms and conditions set out in the "DBSA Service Provider Code of Conduct."

(Signature)

(Date)

PART E2.1.6: Eoi DECLARATION FORM

We do hereby certify that:

1. DBSA has supplied and we have received appropriate responses to any/all questions (as applicable) which were submitted by ourselves for bid clarification purposes;
2. we have received all information we deemed necessary for the completion of this Expression of Interest (Eoi);
3. at no stage have we received additional information relating to the subject matter of this Eoi from DBSA sources, other than information formally received from the designated DBSA contact(s) as nominated in the Eoi documents;
4. we are satisfied, insofar as our company is concerned, that the processes and procedures adopted by DBSA in issuing this Eoi and the requirements requested from bidders in responding to this Eoi have been conducted in a fair and transparent manner; and
5. furthermore, we acknowledge that a direct relationship exists between a family member and/or an owner / member / director / partner / shareholder (unlisted companies) of our company and an employee or board member of the DBSA as indicated below: *[Respondent to indicate if this section is not applicable]*

FULL NAME OF OWNER/MEMBER/DIRECTOR/ PARTNER/SHAREHOLDER:

ADDRESS:

Indicate nature of relationship with DBSA:

[Failure to furnish complete and accurate information in this regard may lead to the disqualification of your response and may preclude a Respondent from doing future business with DBSA]

We declare, to the extent that we are aware or become aware of any relationship between ourselves and DBSA (other than any existing and appropriate business relationship with DBSA) which could unfairly advantage our company in the forthcoming adjudication process, we shall notify DBSA immediately in writing of such circumstances.

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

(Signature)

(Date)

PART E2.1.7: ENTERPRISE QUESTIONNAIRE

The following particulars must be furnished. In the case of a joint venture, separate enterprise questionnaires in respect of each partner must be completed and submitted.

Section 1: Name of enterprise:

Section 2: VAT registration number, if any:

Section 3: CIDB registration number, if any:

Section 4: Particulars of sole proprietors and partners in partnerships

Name	Identity number	Personal income tax number

* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners.

Section 5: Particulars of companies and close corporations

Company registration number

Close corporation number

reference number

Section 6: Record in the service of the state

Indicate by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months in the service of any of the following:

- | | |
|--|---|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Province | <input type="checkbox"/> an employee of Parliament or a provincial legislature |
| <input type="checkbox"/> a member of the board of directors of any municipal entity | |
| <input type="checkbox"/> an official of any municipality or municipal entity | |

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder, or stakeholder	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

*insert separate page if necessary.

Section 7: Record of spouses, children, and parents in the service of the state

Indicate by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently or has been within the last 12 months been in the service of any of the following:

- | | |
|--|---|
| <input type="checkbox"/> a member of any municipal council | <input type="checkbox"/> an employee of any provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) |
| <input type="checkbox"/> a member of any provincial legislature | <input type="checkbox"/> a member of an accounting authority of any national or provincial public entity |
| <input type="checkbox"/> a member of the National Assembly or the National Council of Province | <input type="checkbox"/> an employee of Parliament or a provincial legislature |
| <input type="checkbox"/> a member of the board of directors of any municipal entity | |
| <input type="checkbox"/> an official of any municipality or municipal entity | |

Name of spouse, child, or parent	Name of institution, public office, board or organ of state and position held	Status of service (tick appropriate column)	
		Current	Within last 12 months

*insert separate page if necessary.

The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director, or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act, No 12 of 2004;
- iii) confirms that no partner, member, director, or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked, or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the information submitted are true and accurate.

(Signature)

(Date)

PART E2.1.8: CERTIFICATE OF ACQUAINTANCE WITH EOI DOCUMENT

I/we do hereby certify that I/we acquainted myself/ourselves with all the documentation comprising this EOI and all conditions contained therein, as laid down by DBSA for the carrying out of the proposed supply/service/works for which I/we submitted my/our Proposal.

2. I/we furthermore agree that DBSA shall recognise no claim from me/us for relief based on an allegation that I/we overlooked any EOI/contract condition or failed to take it into account for the purpose of calculating my/our offered prices or otherwise.
3. I/we understand that the accompanying Tender will be disqualified if this Certificate is found not to be true and complete in every respect.
4. For the purposes of this Certificate and the accompanying Tender, I/we understand that the word "competitor" shall include any individual or organisation, other than the Tenderer, whether affiliated with the Tenderer, who:
 - a) has been requested to submit a Tender in response to this Tender invitation;
 - b) could potentially submit a Tender in response to this Tender invitation, based on their qualifications, abilities, or experience; and
 - c) provides the same Services as the Tenderer and/or is in the same line of business as the Tenderer.
5. The Tenderer has arrived at the accompanying Tender independently from, and without consultation, communication, agreement, or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive tendering.
6. In particular, without limiting the generality of paragraph 5 above, there has been no consultation, communication, agreement, or arrangement with any competitor regarding:
 - a) prices;
 - b) geographical area where Services will be rendered [market allocation]
 - c) methods, factors, or formulas used to calculate prices;
 - d) the intention or decision to submit or not to submit, a Tender;
 - e) the submission of a Tender which does not meet the specifications and conditions of the EOI; or

f) tendering with the intention not winning the Tender.

7. In addition, there have been no consultations, communications, agreements, or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the Services to which this EoI relates.
8. The terms of the accompanying Tender have not been, and will not be, disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official Tender opening or of the awarding of the contract.
9. I/We am/are aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to tenders and contracts, Tenders 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 South African Police Services, or National Prosecuting Authority [NPA] for criminal investigation and/or may be restricted from conducting business with the public sector for a period not exceeding 10 [ten] years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I, _____ of _____,
(Authorised Signatory) (Company Name)

hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable

(Signature)

(Date)

PART E2.1.9: SBD6.1: BROAD BASED BLACK EMPOWERMENT STATUS LEVEL CERTIFICATE

**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 (Tick applicable Threshold– **Estimated for Phase 2**):

- a) The applicable preference point system for this tender is the **90/10** preference point system: ☒
- b) The applicable preference point system for this tender is the **80/20** preference point system: ☐
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received: ☐

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 (namely, BBBEE status level of contributor).

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as selected:

Tick applicable Threshold– Estimated for Phase 2 : <input type="checkbox"/> <input checked="" type="checkbox"/>		
	POINTS	POINTS
PRICE	80	90
SPECIFIC GOALS	20	10
Total points for Price and SPECIFIC GOALS	100	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 OR 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: 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)	Number of points claimed (80/20 system) (To be completed by the tenderer)	Number of points allocated (90/10 system)	Number of points claimed (90/10 system) (To be completed by the tenderer)
1	20	n/a	10	n/a
2	18	n/a	9	n/a
3	14	n/a	6	n/a
4	12	n/a	5	n/a
5	8	n/a	4	n/a
6	6	n/a	3	n/a
7	4	n/a	2	n/a
8	2	n/a	1	n/a
Non-compliant contributor	0	n/a	0	n/a

(Note: Bidders are required to submit their BBBEE certificates or sworn affidavits (in the case of EMEs/QSEs) in order to be eligible to claim points)

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:

.....

.....

.....

PART E2.1.10: PROOF OF REGISTRATION WITH SAHPRA

IT IS A CONDITION OF THIS EOI THAT THE TENDERER MUST BE REGISTERED WITH SAHPRA AT EOI CLOSURE AND FURTHER;

THE SUCCESSFUL TENDERER POST THE EOI STAGE, MUST BE IN COMPLIANT STANDING WITH SAHPRA PRIOR TO CONDITIONAL APPOINTMENT.

The Tenderer shall attach hereto its:

- i. Valid SAHPRA License for the Manufacture, Distribution, Import and Export of medical devices
 - a. Tenderer to indicate how its SAHPRA license confirms it for the manufacturing of PSA Oxygen Plants.
 - i. This will also be used to verify whether the bidder is an OEM as required.

Failure to submit the above will result in the **invalidation/ disqualification** of the EOI submission as per the stipulated criteria in the Responsiveness Evaluation.

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood, and agree to the terms and conditions set out in this Returnable and warrant that the documents submitted are true and accurate copies of the originals.

(Signature)

(Date)

PART E2.1.12: METHODOLOGY FOR MEETING PROJECT PROGRAMME TIMELINES

The Tenderer is required to demonstrate to the Employer that he has sufficient current capacity to carry out the work as detailed in the Part **Project Information** and that it has the capacity and plans in place to meet the required delivery schedule as required. To this end, the following must be provided by the Tenderer: Methodology.

The methodology should cover the following matters:

- i. Capacity to design, manufacture, supply and install PSA Oxygen plants on various sites nationally.
 - o This should include the necessary Site Preparation and Construction Works required to receive and install the PSA Oxygen Plants (refer to **Annexure A**)
- ii. Time-lines for the maximum number of plants that can be produced and installed within a four (4) month period (from date of award).
- iii. The methodology should be in the form of a narrative covering the above points and a Schedule or Gantt Chart clearly demonstrating activities and durations.

Note to tenderers: the schedule must be based on a 4-month total duration for the Design, Manufacture, Installation & Commissioning Of Containerized PSA Oxygen Plants.

The following will only apply to the shortlisted OEM's once invited to take part in the tender process and may be amended as required:

The successful Tenderer (after the subsequent tender process) shall be required to submit a detailed programme within **3 days** after the commencement date.

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood and agree to the terms and conditions set out in this Returnable and warrant that the information submitted are true and accurate.

(Signature)

(Date)

**PART E2.1.13: EVIDENCE OF COMPANY EXPERIENCE IN PSA OXYGEN PLANT
INSTALLATION AND MAINTENANCE**

The Tenderer needs to indicate its **Previous Experience** in the completion of similar projects for the Design, Manufacture, Installation & Commissioning of Containerized PSA Oxygen Plants.

For this purpose, tenderers are required to populate the table below with accurate information for review.

- The table below may be used to include the statement, or a separate document may be attached and referred to in this returnable.

Project Description	Project Value	Project Completion Date

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood and agree to the terms and conditions set out in this Returnable and warrant that the information submitted are true and accurate.

(Signature)

(Date)

**PART E2.1.14: EVIDENCE OF PROFESSIONALLY REGISTERED RESOURCES TO ACTION
INSTALLATION AND MAINTENANCE**

The Tenderer needs to indicate its previous experience in the **Installation and Maintenance** of similar projects for the Design, Manufacture, Installation & Commissioning of Containerized PSA Oxygen Plants.

For this purpose, tenderers are required to have competent resources available to action and approve the Installation and Maintenance.

Tenderers are to populate the table below with accurate information for review of such availability.

Resource Name/s	SAQCC Reg #

I, _____ of _____,
(Authorised Signatory) (Company Name)

Hereby acknowledge having read, understood and agree to the terms and conditions set out in this Returnable and warrant that the information submitted are true and accurate.

(Signature)

(Date)

PART 3 OF 3

E3 : PROJECT INFORMATION

E3: INDICATIVE SCOPE OF WORK

1. BACKGROUND INFORMATION AND OVERALL OBJECTIVE

The purpose of the project is to design, manufacture, install and commission of PSA Oxygen Plants which will be used to self-generate oxygen to provide life support to identified hospitals within various regions .

This Eol process aims to generate a shortlist list of Original Equipment Manufacturers (OEM's) of Containerized PSA Oxygen Plants, to be invited for future tender/s.

Entities that are OEM's and meet the product specification and standards requirements, will be shortlisted for invitation via a separate tender (RFP) for the design, manufacture, installation and commissioning of Pressurised Swing Adsorption (PSA) Oxygen Plants in several hospitals across the country.

Only OEM's may tender and may not create a JV (OEM's may subcontract with other firms where relevant, in ensuring all EOI requirements are met, but they may not form part of the tendering entity).

To be shortlisted, tenderers must meet all stipulated criteria as defined in the EOI.

The DBSA reserves the right to decrease or increase the required quantum of PSA Equipment sets as stipulated in the EOI.

The information submitted through the Eol by the eventual successful bidder during the subsequent tender process will be included in the Contract Data.

2. HIGH-LEVEL PROJECT REQUIREMENTS

2.1. Objectives

The primary objective of the employer is to appoint one or multiple OEM's, or its Authorisedd/ Accredited Distributor, to provide a comprehensive service in the in respect of the tender to be advertised.

The DBSA reserves the right to award the full scope to one bidder, or split the scope to several bidders.

The scope includes but not limited to the following:

- i. Construction of containerized PSA oxygen generation plant plinths;
- ii. Delivery of containerized PSA oxygen generation plant to the various sites;
- iii. Providing power to the containerized oxygen generation plants;
- iv. Connecting the hospital oxygen main supply to the PSA oxygen generation plant;

- v. Maintenance of the oxygen generation plants for a period of 36 months.
- vi. Training of end-users and maintenance personnel.
- vii. Site Preparation and Construction Works required to receive and install the PSA Oxygen Plant.

The PSA oxygen generator plants shall produce high purity medical grade oxygen (93% ± 3%) from ambient air. The plant design will be in accordance to WHO guideline, global fund guideline and statutory standard guidelines.

The medical PSA oxygen generator plant shall be designed to produce medical grade oxygen in accordance to the calculated oxygen demand at each facility, 24 hours, 7 days a week. The plant shall be provided with a booster compressor c/w cylinder manifold to fill empty cylinders.

2.2. Location of the Works and PSA Plant Quantity

The project will be carried out across the following provinces, with the estimated quantity of PSA Oxygen Plants.

Province	Quantity of Sites	Quantity of Equipment Sets
KZN	15	16
LP & MP	14	17
NC & NW	14	16
EC & FS	13	13
GP	4	5
TOTAL	60	67

- Estimate quantities

2.3. Contract Duration and Related Timelines

Upon allocation, the stringent timelines must be met.

- i. The contract duration: 40 Months from the date of site handover.
- ii. New PSA Plant: 04 Months for Design, Manufacture, Installation & Commissioning.
- iii. Maintenance Period: 36 Months after Practical Completion.

2.4. Training of Personnel

After reaching practical completion of each installation, the service provider shall submit a set of Operating and Maintenance Manuals.

The service provider shall ensure that the designated maintenance staff are trained on how the plant operate and the maintenance thereof. Continued training shall be included in the scope of maintenance work for the duration of the 36-month Contract.

The Operating and Maintenance Manuals, as approved by the Engineer, shall be used as a basis of routine preventative maintenance. The service provider shall perform all routine preventative and corrective maintenance as described in the Operating and Maintenance Manuals.

2.5. Approach to Maintenance and Upkeep

2.5.1. Maintenance Requirements

The Service Provider shall maintain the complete PSA Oxygen Plant System installation for the 36-month Contract period. Maintenance implies and shall include monthly routine preventative maintenance, corrective maintenance, as well as breakdown maintenance on all components of the specified installations.

The Service Provider shall ensure that sufficient personnel shall be assigned to properly perform the Services and that its personnel who carry out the Services have the requisite qualification, knowledge, and skills.

After reaching practical completion of each installation, the Service Provider shall submit a set of Operating and Maintenance Manuals. The Service Provider shall ensure that the designated maintenance staff are trained on how the plant operate and the maintenance thereof. Continued training shall be included in the scope of maintenance work for the duration of the 36-month Contract.

The Operating and Maintenance Manuals, as approved by the Engineer, shall be used as a basis of routine preventative maintenance. The Service Provider shall perform all routine preventative and corrective maintenance as described in the Operating and Maintenance Manuals.

2.5.2. Commencement Of Maintenance Period

Maintenance will start immediately after practical completion of new PSA Oxygen Plant System installation

2.5.3. Corrective Maintenance: Definition

This entails regular observation of the equipment, identifying pending breakdowns, maladjustment or anomalies of equipment, units or parts of installations and subsequent action to restore installations to the original functional condition as specified.

2.5.4. Breakdown Maintenance: Definition

This entails repair and/or replacement of defective equipment, units or parts of installations following a breakdown that leaves the installation inoperable or unsafe, and subsequent action to restore installations to the original functional condition as specified, within the maximum down-time allowed.

2.5.5. Site Maintenance Record Keeping

The Service Provider shall provide and maintain hard-cover A4 maintenance files for each installation for the duration of the Contract. All schedules, checklists, breakdown reports,

preventative maintenance records, component replacement records and quarterly reports shall be filed, together with information regarding repairs exceeding the Service Provider's liability. Site maintenance records shall be submitted at each monthly meeting

2.5.6. Supply of Labour, Equipment and Material

Labour: Competent personnel that have been trained by the OEM (Original Equipment Manufacturer).

Equipment: All tools and equipment required for maintenance work shall be supplied by the Service Provider at his cost.

Material: All material, spare parts, components, equipment, and appurtenances necessary for the complete maintenance of each installation shall be supplied and installed by the Service Provider at his cost, to a maximum value per part/subassembly as specified in the Special Conditions of Contract for exceeding Service Provider's Liability.

2.5.7. Maintenance Control

Maintenance quality control shall be the responsibility of the Service Provider. The Service Provider shall introduce a maintenance control plan to ensure that preventative, corrective and breakdown maintenance are performed as described in the operating and maintenance manuals.

2.5.8. Maintenance Control Plan

The maintenance control plan will be based on the Service Provider's preliminary maintenance control plan, and will be extended to provide for:

- Scheduled routine preventative maintenance actions.
- Monthly meetings with DBSA, the User Client, Service Provider and Engineer.
- Reports to be submitted after every routine inspection.
- Procedures to address complaints and logged breakdowns.

- Quarterly reports, summarizing all inspections, together with inspection data such as nature of test, names of persons carrying out tests and inspection results. Detail of repairs and replacements, together with testing of repaired equipment shall also be reflected in this report, and
- Assistance by the Engineer with decisions regarding material, equipment and other recommendations.

The codes of practice as set out in ISO 10006 and ISO 9004 for quality systems and management shall be used as a guideline for compiling a maintenance control plan. ISO accreditation is not a requirement in terms of this Contract.

2.5.9. Communication

The maintenance control plan will provide, after agreement between the Service Provider and the Engineer, for the following communication and complaint logging procedure:

- The Service Provider shall establish a telephone and or cellular telephone connection to ensure that he can be reached at any time.
- The Service Provider shall primarily be responsible for determining the items requiring preventative, corrective and breakdown maintenance, and shall communicate this information directly to his maintenance workforce.
- Should the Engineer or operating personnel of the User Client determine or suspect that preventative, corrective or breakdown maintenance is required, a call shall be logged through the call centre to reach the Service Provider as soon as possible.
- All complaints of the User Client shall be reported to the Engineer, as set out in the maintenance control plan, and the Engineer shall issue instructions to the Service Provider. After the Service Provider has attended to the complaint, the Engineer will provide feedback to the call centre both telephonically and via fax.

2.5.10. Performance Measurement

The Service Provider's performance shall be measured against the following parameters:

Special testing of an installation

The Engineer may at any time inspect any part of the entire installation. During Maintenance work, the Engineer shall at his discretion order special tests to be carried out on complete installations, at intervals of not less than four months, to verify the satisfactory functional condition of the installation.

The Service Provider shall provide all equipment, tools and instruments required for testing.

Maximum maintenance down-time

After a complaint has been logged and forwarded to the Service Provider, the Service Provider shall be expected to minimize the maintenance down-time until the system component is fully operational to the satisfaction of the Engineer. The Service Provider must respond to each breakdown by sending a competent technician to site to evaluate the breakdown and estimate the realistic time that will be required to repair the work and give feed back to the engineer.

Should the Service Provider not respond within the maximum down-time, the Engineer may arrange, at the cost of the Service Provider, for the necessary repair work to be done by others.

Should the actual down-time exceed the maximum down-time the Service Provider shall be liable to a payment reduction for the difference between actual down-time and maximum downtime. This is reflected in the table below:

Required Maintenance	Maximum Downtime Required	Payment Reduction if Exceeded
Emergency Breakdown	24 hours	R/day to be determined at tender stage
Ordinary Breakdown	72 hours	R/day to be determined at tender stage

"**Maximum down-time**" shall mean the period of time allowed to repair a breakdown, and "actual down-time" shall mean the measured period from the instant when the breakdown was logged with the Service Provider until the installation has been repaired to its functional specification.

"**Ordinary Maintenance Repairs**" shall imply all breakdown maintenance repair work required other than immediate response or emergency maintenance repairs.

"**Emergency Breakdown**" shall mean all breakdown resulting in PSA Oxygen Plant system not functional and back up Oxygen.