



Question and Answer Document

– Bidders Conference

**In respect of the PPP Opportunities in the Golden Gate Highlands
National Park**



Attended 05 October 2021

1. Clarity on how and when the performance bond is payable?

Ans: *The Bid bond is replaced by a Performance Bond once the project becomes operational. Bidders must pay the Bid Bond at the time of submitting the bid and will be refundable to all unsuccessful bidders. Bonds can be paid to SANParks in one of two ways – either by a letter of guarantee as issued by the bidders bankers or a deposit into SANParks bank account to the value of the Performance Bond (the latter is non-interest bearing) – See section 10 page 51 of 51 of the Request for Proposal*

2. Is it acceptable to provide evidence of experience of a barrister or a chef who works in a tourism operated restaurant, rather than partnering with another company?

Ans: *Any shareholder to the SPV needs to conform to the technical requirements of 2 years' experience and hold a minimum of 30% equity in the SPV. See Section 3 (Business, Operational and Design) page 31 of 51 article 23.1.5. It is also a qualification requirement that the SPV (partnering companies) demonstrate at least 2 years industry experience for both the Curio and Kiosk (see page 25 of 51) article 20.4.2*

3. Letter waiving rights to restrain the tender- what is it?

Ans: *It is a letter from the Bidder confirming that the Bidder and each of its members has permanently waived any right it may have to seek and obtain a writ of injunction or prohibition or restraining order against SANParks to prevent or restrain the Tender or any proceedings related to it. The Bidder can use the exact wording contained in the RFP and submit the signed to SANParks on their letterhead.*

4. Do you provide furniture for the coffee shop and shelves for the curio?

Ans: *No, the appointed operator shall be responsible for provision of all operational facilities with the exception of Point of Sale systems that SANParks will provide.*

5. Are there any exceptions to the 2 years' experience and financial statements rule?

Ans: *No see article 20.4.2 of the RFP*

6. What happens if both companies forming a joint venture or partnership have one year operating experience and financial statements? Can you add our experiences like you are going to add the Revenues?

Ans: *The minimum requirements should be met. Alternatively, the bid runs the risk of being disqualified – see article 20.2 Financial Requirements page 24 of 51 RFP*

7. What happens if one company in the joint venture has one year experience in the core business of running a coffee shop and kiosk and the other company just has tourism experience of more than 2 years?

Ans: *See response above*

8. What if 2 Free State small companies, one (100% Black owned, less than two years experience) and one in Clarens (White owned, more than 2 years) create a joint venture. How will this affect the BBEE status and subsequent qualification of the bid?

Ans: *A joint venture B-BBEE certificate must be submitted for evaluation of the Bidder's existing B-BBEE rating (see article 15.2.2.3) page 17 of 51 RFP. The partner meeting the tourism experience requirements must hold at least 30% of the total equity in the proposed SPV that will undertake this PPP opportunity. See Section 20.4.1, page 25 of 51 of the RFP.*

9. Free State company with less than two years experience creates a joint venture with a company outside the Free State?

Ans: *As long as the two years qualification requirements are met. Being located within the Free State is not a requirement of bidding. Section 217 of the Constitution prevails.*

10. What if one of the companies (the main bidder with experience less than two years) has more than one R100 000 revenue per annum but the compliance partner/ other company forming the joint venture has less than R100 000 revenue. Will the combined revenue be considered or will the revenue of the partner company that is less than R100k disqualify the bid?

Ans: *The combined annual revenue of the joint venture, in relation to their shareholding in the SPV, must not be less than R100 000 per annum but must not exceed R2.5 million per annum. See Section 20.1 of the RFP, page 24 of 51.*

11. What does Tourism Experience really entail, do we have to have experience operating directly in the tourism industry? Or can we give you explanation of how our company has directly impacted the tourism industry in our township as one of the recognized Tourist Attractions/Destinations in the Municipality?

Ans; *Demonstrate that the proposed SPV has two years' experience (been operational) in the kiosk/coffee shop*

12. We don't have a BEE Certificate and opted to use a Sworn Affidavit-B-BBEE Tourism Exempt Micro Enterprise, there are 2 versions, the normal one and the amended one. which one are we supposed to use?

Ans; *The EME sworn affidavit template is available from the National Department of Tourism's website:*

<https://www.tourism.gov.za/bbbee/relateddocuments/EME%20Affidavit.pdf>

13. If one wants to visit again at the Kiosk centre, and the Spa area, who do we contact?

Ans; Contact the Project Officer (Banele Malie via email)

14. License to sell alcohol?

Ans; No sales for on-site consumption or off-site consumption of alcohol is permitted at the facilities.

15. The SPV that needs to be formed, can the foundation also be used in this regard? The Foundation in this regard, won't have the financials since it hasn't operated and the only financials we will have, is with the old company which comes with Technical part of it.

Ans: A Foundation is a charitable organisation that gets its funds from its funders. Should the Foundation not have financials, they will not comply to the requirements of the tender

16. In the case where there is no JV in place, does one also still required to open a new SPV company, in somehow lost.

Ans: See article 3.1 of RFP page 7 of 51 – SPV could be single company, JV or trust. Most importantly the SPV must meet the qualification requirements as proclaimed in section 1A and 1B of the RFP. The SPV does not need to be registered when submitting the bid, only after successful award and prior to signature of the PPP Agreement.

17. If one is awarded this project, does SANPARKS provide you with accommodation or you are expected to source yours?

Ans: No – (see article 6.2.6.8 of the information memorandum page 25 of 94)

18. Is it still necessary to register a new company/SPV even though you will be bidding alone, you have the experience and the money? Bidding as an existing company with a sole director?

Ans: refer to question 16 of this Question and Answer document

19. If the project is going to be self-funded by the partnerships/SPV we formed, how do we prove this? Let's say I have the money on my personal capacity and not on the business I run.

Ans: (See article 20.1.2 of the RFP page 24 of 51) audited or independently reviewed financial statements or statement of assets with confirmation of ownership, certified by qualified auditor along with letter confirming that the asset value exceeds the stipulated amount

20. If we are 2 partners/ companies that form an SPV and then we get a 3rd partner who has money on a personal basis, is it necessary for the 3rd person to provide their financials too?

Ans: See Section 20.2.2 of RFP, page 24 of 51. 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 audited or independently reviewed financial statements or a statement of assets.

Please note that individuals may not constitute a SPV, only legal entities. See Section 3.3 of the RFP, page 7 of 51.

21. My current business is based in a different province but I will be forming an SPV with a local, does this affect our scoring? Or the important address is 1 on the new JV/CIPC Reg documents?

Ans: No, this will not affect the scoring. Answer to question 9 of this Question and Answer document.

22. Should the private entities forming the SPV both be registered on the CSD or Will the SPV once incorporated (and awarded the bid) should be registered on the CSD?

Ans: No _ SPVs formed for purposes of PPP need not be registered on the CSD

**NB: THE ANSWERS ABOVE ARE SOURCED FROM THE TENDER DOCUMENTS
– THEREFORE YOU ARE ENCOURAGED TO READ WITH UNDERSTANDING**