



## **REQUEST FOR QUOTATION (RFQ) PROCUREMENT OF GOODS AND SERVICES**

### **DESCRIPTION OF WORK:**

**APPOINTMENT OF A SERVICE PROVIDER TO FACILITATE ESTABLISHMENT OF A SPECIAL PURPOSE VEHICLE (SPV) FOR THE EKANDUSTRIA CROSS-BORDER INDUSTRIAL PARK BY UNDERTAKING ALL THE NECESSARY LEGAL, GOVERNANCE, OPERATIONAL AND INSTITUTIONAL MODELING, FINANCIAL STRUCTURING AND STAKEHOLDER ENGAGEMENT GROUNDWORK**

**RFQ / RFP NUMBER: RFQ00840-25/26**

**CLOSING Date: 10 February 2026**  
**Time: 12:00**

**Compulsory Site Visit:**

Yes

No

### **DETAILS OF RESPONDENT**

**Name of bidder:** \_\_\_\_\_

**CSD Registration Number:** MAAA - \_\_\_\_\_

## 1. GENERAL CONDITIONS OF THE RFP:

- 1.1. The 80/20 evaluation criteria for requirements with a Rand value of up to R50 000 000.00 (all applicable taxes included) will be used for this bid.
- 1.2. The value of this bid is estimated not to exceed R1 000 000.00 (all applicable taxes included).
- 1.3. Submit proof of **Central Suppliers Database** registration.
- 1.4. Fully comply with the scope of work / service or (**Attached Scope of work / service**).
- 1.5. Submit valid proposal with company details including price, company address, registration number, VAT number (if applicable) and pricing schedule
- 1.6. Complete the attached declaration forms (**SBD 4 & 6.1**)
- 1.7. This bid will be evaluated on functionality.

## 2. SCOPE OF WORK / SERVICE(S)

No.	Item Description
1	FACILITATE ESTABLISHMENT OF A SPECIAL PURPOSE VEHICLE (SPV) FOR THE EKANDUSTRIA CROSS-BORDER INDUSTRIAL PARK.

## SECTION 2: TERMS OF REFERENCE

### 1. BACKGROUND

The Mpumalanga Economic Growth Agency (MEGA), acting on behalf of the Mpumalanga Provincial Government and in collaboration with intergovernmental partners including the Gauteng Department of Economic Development (GDED), the City of Tshwane Metropolitan Municipality (CoT), the Gauteng Growth and Development Agency (GGDA), the Mpumalanga Department of Economic Development and Tourism (DEDTMP), and the Department of Trade, Industry and Competition (DtiC), intend to implement the revitalisation of the **Ekandustria Cross-Border Industrial Park** jointly.

The initiative is governed by a signed **Intergovernmental Relations (IGR) Agreement**, which commits the parties to cooperative governance, infrastructure development, investment facilitation, tenant management, and inclusive economic participation through the establishment of a **Special Purpose Vehicle (SPV)**.

Ekandustria is positioned as a **catalytic industrial node** within a township-based industrial estate portfolio and is aligned with:

- the **Township Economic Development Act (TEDA)**,
- national industrialisation priorities,
- and potential designation as a **Strategic Integrated Project (SIP)** under the **Infrastructure Development Act**.

The establishment of a legally compliant, operationally functional, and institutionally credible SPV is therefore a **critical implementation milestone**.

### 2. OBJECTIVE OF THE RFQ

MEGA hereby invites suitably qualified and experienced service providers to submit quotations for the end-to-end establishment of the Ekandustria SPV, including its:

- legal incorporation,
- governance and shareholder architecture,
- financial and institutional structuring,
- and structured stakeholder engagement.

The SPV will operate across provincial and municipal jurisdictions, requiring demonstrable expertise in intergovernmental and public-sector commercial environments.

### 3. SCOPE OF WORK

The appointed service provider shall be required to deliver, at minimum, the following:

#### 3.1 Legal Structuring and Incorporation Facilitation

- Advise on the optimal **legal form and jurisdiction** of the SPV.
- Draft and finalise:
  - Memorandum of Incorporation (MOI),
  - Shareholders' Agreement,
  - Reserved Matters Schedule,
  - Board and committee frameworks.
- Ensure alignment with:
  - Companies Act, 71 of 2008,
  - PFMA and Treasury Regulations (where applicable),

- King IV Code on Corporate Governance,
- the signed Intergovernmental Relations Agreement.
- Provide **formal legal opinions** on:
  - expropriation with compensation and set-off against historic municipal debt (Section 25 of the Constitution);
  - the applicability of **intergovernmental dispute-resolution mechanisms** under the Intergovernmental Relations Framework Act.

### 3.2 Governance Model Design

- Design a governance model ensuring **fair and balanced representation** of:
  - MEGA / Mpumalanga Province,
  - CoT,
  - Gauteng / GGDA,
  - with provision for independent directors where appropriate.
- Draft:
  - Board Charter,
  - Delegation of Authority Framework,
  - Committee structures (Audit & Risk, Social & Ethics, etc.),
  - Decision-making and deadlock-resolution mechanisms.

### 3.3 Operational and Institutional Model

- Develop an SPV operating model covering:
  - tenant management and leasing,
  - infrastructure and asset maintenance,
  - utility resale (water, electricity, renewable energy),
  - investment facilitation,
  - revenue collection and debt recovery (including legacy debt).
- Provide guidance on **interim operational arrangements** prior to full capitalisation.

### 3.4 Financial Structuring and Sustainability

- Develop a blended financial model incorporating:
  - long-term rental income projections,
  - renewable energy (IPP/solar) revenue streams,
  - utility resale margins,
  - grants, guarantees, or development finance.
- Provide a financing and investor-readiness blueprint aligned with institutions such as:
  - IDC,
  - SEFA,
  - TEPF,
  - Commercial and strategic investors.

### 3.5 Stakeholder Engagement and Alignment

- Develop and implement a **comprehensive stakeholder engagement strategy**, including:
  - intergovernmental partners,
  - tenants and industry bodies,
  - SMMEs and cooperatives,
  - local communities and organised labour where applicable.
- Facilitate workshops, consultations, and alignment sessions.
- Provide recommendations for **ongoing stakeholder participation** within the SPV governance framework.

## **4. DELIVERABLES**

The successful service provider shall be required to deliver the following:

### **4.1 Phase 1: Legal structure and registration**

A comprehensive report with supporting evidence of the constitution of a legal structure which should be substantiated by evidence of registration of the SPV with the Companies Intellectual Properties Commission (CIPC).

This should also include evidence of the following key aspects of the registration:

- (a) Evidence of an active bank account,
- (b) Registration with the South African Revenue Services (SARS),
- (c) Constitution of a Board of directors (independent non-executive directors), in consultation with the founding partners as per the intergovernmental relations (IGR) agreement,
- (d) A final and signed memorandum of incorporation (MOI) which should have been adopted by the Board of the SPV,
- (e) Shareholder's agreement, and
- (f) Recommendations on the approach to expropriation with compensation and set-off against historic municipal debt (Section 25 of the Constitution) to ensure mutual adoption and understanding between all parties involved and prevent deadlocks and/or disputes to the operationalization of the SPV.

### **4.2 Phase 2: Establishment of Ekandustria-SPV**

A comprehensive second phase report detailing, at a minimum:

- (a) Evidence of a Board charter,
- (b) Appointment of a Company secretary
- (c) Board committees in compliance with the Companies Act and the King IV Code on corporate governance
- (c) Executive structure

### **4.3 Phase 3: Operationalization of Ekandustria-SPV**

A detailed progress report containing, at a minimum:

- (a) SPV operating model,
- (b) Evidence of stakeholder engagements conducted which should include minutes of meetings; reports; lease agreements; payment arrangements with debtors with outstanding accounts, community forum acknowledgements; creditor arrangements, etc,
- (c) Asset transfer from old MEGA-Ekandustria division and a needs analysis report for additional assets where deemed necessary.
- (d) Financial forecasts focusing on income projections, cash flow projections using industry benchmarks such as discounted cash flow method and expenditure management strategies.
- (e) Signed agreements with funders/investors and a Board-approved revenue enhancement strategy.

#### **4.4 Phase 4: Stabilisation of Ekandustria-SPV**

The service provider is required to submit a close-out report to allow for a handover of the fully-functional SPV to the executive management team.

### **5. ACCESS TO INFORMATION**

MEGA shall provide the successful service provider with the necessary access to enable the effective execution of the establishment of the SPV, including:

- 5.1 Unrestricted access to all relevant information and records, including but not limited to financial records, asset registers, system records, and any other documentation deemed relevant to the project.
- 5.2 Access to all relevant officials, employees, and any other persons required for the purpose of obtaining more detailed understanding of the Ekandustria area.
- 5.3 Full cooperation and support from MEGA's Finance, Properties and Infrastructure and Legal Services functions.

### **6. CONFIDENTIALITY AND OWNERSHIP OF WORK**

- 6.1 All information obtained, accessed, or generated during the execution of this assignment shall be treated as strictly confidential. The appointed service provider shall comply with the Protection of Personal Information Act (POPIA) and all other applicable data protection, information security, and privacy legislation.
- 6.2 All documents, reports, working papers, data, and any other deliverables produced under this assignment shall remain the exclusive property of MEGA until upon finalisation of the establishment of the SPV as an independent entity.
- 6.4 The appointed service provider shall not use, reproduce, publish, or disclose any information or deliverables arising from this assignment without the prior written consent of MEGA.

### **7. TIMEFRAMES**

The final close-out report, including all deliverables outlined in Section 4, shall be submitted **within 6 (six) months of appointment**, or as otherwise mutually agreed in writing with MEGA, considering the complexity of issues arising from the project.

## 8. EVALUATION

The following evaluation process will be followed to evaluate the bids received:

Stage	Description	Applicable
1	Mandatory Requirements Evaluation	Yes
2	Functionality Requirements Evaluation	Yes
3	Price and Specific Goals	Yes

### 8.1 Mandatory Documents to be Submitted:

No.	Description
1	Company profile and statutory registration documents
2	Evidence of at least <b>three (3) comparable assignments</b>
3	CVs of key personnel
4	Detailed methodology, workplan, and timeline
5	Fully inclusive cost proposal (VAT inclusive)
6	<b>CSD Registration Detailed Report</b>

### 8.2 Details of Mandatory Requirements

	Comply	Do not comply
<b>Membership with professional bodies</b>  Certificates of membership with the relevant bodies for each member of the committed key personnel		
Team leader		
Project Manager or equivalent		
Senior Legal counsel or equivalent		
Senior Finance specialist or equivalent with experience in similar projects		
Legal Specialist		
Finance specialist		
<b>Evidence:</b> Committed key personnel proof of valid membership or confirmation letter by the relevant professional bodies, must be in line with any professional bodies listed below: <ul style="list-style-type: none"><li>• The Law Society of South Africa (LSSA)</li><li>• The South African Institute of Chartered Accountants (SAICA)/ Chartered Financial Analyst (CFA) Institute</li><li>• The Property Practitioners Regulatory Authority (PPRA)</li><li>• South African Council for the Property Valuers Profession (SACPVP)</li></ul>		

### 8.3 Functionality Requirements

Assessment of Functionality will be based on the evaluation criteria noted in the table below. Each of the evaluation criteria in the table will carry a weighting as indicated, and the bidder will be required to score a **minimum of 70 points (out of 100 points)**, i.e. 70%, for Functionality to qualify to be evaluated on Price and Specific Goals.

Criterion	Weight
Demonstrated experience in SPV / institutional structuring	20%
Track record in intergovernmental, municipal & commercial law	30%
Qualifications and experience of proposed team	15%
Methodology and implementation approach	35%
<b>Total</b>	<b>100%</b>

### 8.4 Evaluation on the Price and Specific Goals

The following preference point systems are applicable to all bids:

- The 80/20 system for requirements with a Rand value of up to R1 000 000 (all applicable taxes included).
- The 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

	POINTS
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	
Enterprise owned by Black people	4
Enterprise owned by Women	4
Enterprise owned by Youth	4
Enterprise owned by Disabled	4
Enterprise owned by SMME's-QSE and EME	4
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

#### Value of Bid

The value of this bid is estimated **not to exceed R1 000 000.00 (all applicable taxes included)** and therefore the **80/20 system shall be applicable**.

## 9. PRICING SCHEDULE

Pricing to be based on the deliverables outlined in **paragraph 4**.

No	Description	Price
7.1	Legal structure and registration	
7.2	Establishment of Ekandustria-SPV	
7.3	Operationalization of Ekandustria - SPV	
7.4	Stabilisation of Ekandustria - SPV	
<b>TOTAL</b>		

## 10. PREPARATION OF THE BID

### Language of documents

The bid and all correspondence and documents related to the bid exchanged by the interested parties and MEGA shall be written in English.

## 11. TERMS AND CONDITIONS

- MEGA reserves the **right not to award** this RFP or to award it **in whole or in part**.
- Late submissions will not be considered.**
- All intellectual property arising from the assignment shall vest in MEGA and/or the SPV.
- The successful bidder will be required to sign a **confidentiality and non-disclosure agreement**.

## 12. SUBMISSION OF THE BID

All bids must be scanned and submitted through the email address below:

[scm@mega.gov.za](mailto:scm@mega.gov.za)

## 13. ENQUIRIES

All enquiries must be submitted in writing to:

Mr Sibusiso Lekhuleni

Email: [Sibusiso.lekhuleni@mega.gov.za](mailto:Sibusiso.lekhuleni@mega.gov.za)

### Late submissions

Bids are late if they are received after closing time and date.

**MEGA will not consider any late bid(s).**

### Referencing:

- RFQ Number. (must be on the subject line on email)**

## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

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

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

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> 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.

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<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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 consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where 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

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<sup>2</sup> 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.

**SBD4**

1, 2 and 3 ABOVE IS CORRECT.

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

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of bidder

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

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

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

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**1. GENERAL CONDITIONS**

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

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

1.2 **To be completed by the organ of state**

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

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

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

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	
Enterprise owned by Black people	4
Enterprise owned by Women	4
Enterprise owned by Youth	4
Enterprise owned by Disabled	4
Enterprise owned by SMME's-QSE and EME	4
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 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:

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$ or		$Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. **POINTS AWARDED FOR PRICE**

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

<b>80/20</b>	<b>or</b>	<b>90/10</b>
$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$ or		$Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

**4. POINTS AWARDED FOR SPECIFIC GOALS**

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
  - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

*(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.)*

<b>The specific goals allocated points in terms of this tender</b>	<b>Number of points allocated (90/10 system) (To be completed by the organ of state)</b>	<b>Number of points allocated (80/20 system) (To be completed by the organ of state)</b>	<b>Number of points claimed (90/10 system) (To be completed by the tenderer)</b>	<b>Number of points claimed (80/20 system) (To be completed by the tenderer)</b>
Enterprise owned by Black people	N/A	4	N/A	
Enterprise owned by Women	N/A	4	N/A	
Enterprise owned by Youth	N/A	4	N/A	
Enterprise owned by Disabled	N/A	4	N/A	
Enterprise owned by SMME's-QSE and EME	N/A	4	N/A	

#### **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 proprietor
- 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:** .....

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