
EZEMVELO KZN WILDLIFE



Request for Expression of Interest

Request for Expression of Interest issued by Ezemvelo KZN Wildlife in respect of
the proposed Commercialisation of property

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1. DISCLAIMER

Ezemvelo KZN Wildlife (herein referred to as “**Institution**”) has issued this Request for Expressions of Interest (‘EOI’). This document (which expression shall include all other information, written or oral, made available during EOI process) is being made available by the Institution to potential Respondents on the condition that it is used solely for the purpose of responding to the EOI.

This document is provided solely for the purpose set out in this notice and is not intended to form any part or basis of any investment decision by Respondents. The recipient should not consider the document as an investment recommendation by the Institution or any of its advisers. Each person to whom this document (and other later related documents) is made available must make his/her own independent assessment of the Project (as hereinafter defined) after making such investigation and taking such professional advice as he/she or it deems necessary. Neither the receipt of this document or any related documents by any person, nor any information contained therein or distributed with them or previously or subsequently communicated to any Respondent or its advisers, is taken as constituting the giving of any advice, investment, legal or otherwise by the institution or its advisers and is given without warranty.

Whilst reasonable care has been taken in preparing this EOI and other documents, they do not purport to be comprehensive and facts must be verified by the user before any reliance is placed upon them. Neither the Institution nor any of its advisers accept any liability or responsibility for the adequacy, accuracy or completeness of any of the information or opinions contained in the EOI or any document issued by the Institution.

No representation or warranty, express or implied, is or will be given by the Institution, or any of its officers, employees, servants, agents or advisers with respect to the information or opinions contained therein, expressly waives any claim(s) it has or may have in respect of such representations or warranties, howsoever arising.

The Institution reserves the right to amend, modify or withdraw this EOI (which terminates on announcement of Respondents, if any) process for the Project at any time and from time to time, without prior notice and without liability to compensate or reimburse any party or person.

The Institution is not obliged to accept any response to this EOI. The Institution reserves the right to reject any or all Responses at any time.

2. INTERPRETATION

2.1 In this EOI, unless inconsistent with or otherwise indicated by the context -

2.1.1 headings, have been inserted for convenience only and should not be taken into account when interpreting this EOI;

2.1.2 any reference to one gender shall include the other gender

2.1.3 words in singular shall include the plural and vice versa

2.1.4 any reference to natural persons shall include legal persons and vice versa

2.1.5 words defined in a specific clause shall have the same meaning in all other clauses of the EOI, unless the contrary is specifically indicated;

2.1.6 any reference to the EOI, schedule or appendix, shall be construed as including a reference to any EOI, schedule or appendix amending or substituting that EOI, schedule or appendix

2.1.7 in the event of any inconsistencies between this EOI or other earlier information published with regard to the Project, the information in this EOI shall prevail; and

2.1.8 this EOI shall be governed by and construed in accordance with laws of the Republic of South Africa.

3. DEFINITIONS

In this EOI, the following words and expressions shall have the meaning assigned to them below and cognate expressions shall have a corresponding meaning, unless inconsistent with the context:

No.	Term	Definition
3.1	“Act”	Public Finance Management Act Number 1 of 1999, as amended
3.2	“BBBEE”	Means Broad Based Black Economic Empowerment in terms of the Broad Based Economic Empowerment Act 2003, as amended.
3.3	“Expression of Interest”	Refers to this document issued to the public only for the purposes or testing and/or gauging market interest and bankability of the Project
3.4	“Institution”	Means Ezemvelo KZN Wildlife established as a parastatal through an Act of Parliament in 1927, as per the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), Ezemvelo is a Schedule 3C “public entity” that functions under the ambit of the NEMA: Protected Areas Act, 2003 (Act 57 of 2003) read concurrently with the Biodiversity Act of 2004
3.5	“Law”	Includes the common, all legislation (National, Provincial, Local and subordinate), regulations, ordinances, proclamations, guidelines and policies applicable in South Africa
3.6	“Property”	Includes any movable or improvements to immovable or intellectual property owned or controlled by the entity or entity under sole or shared control of the entity but excludes immovable property in the form of land.
3.7	“Project”	Means as described in clause 9 of this EOI
3.8	“PPP”	Means Public Private Partnership as defined in terms of Treasury Regulation 16 to the Public Finance Management Act Number 1 of 1999, as amended

4. ISSUANCE OF THE EXPRESSION OF INTEREST

The Institution issues this EOI as part of the assessment that is currently being undertaken to investigate the possibility of commercialisation of certain identified properties/assets and entering into commercial agreements (leases and/or joint venture etc.) with the private sector. The information gathered from this EOI will assist the Institution in structuring the Project and drafting the procurement documents. Information submitted by a Respondent may be used by the Institution to prepare subsequent tender or similar documents and the Respondent waives any and all proprietary rights it may have in such information in favour of the Institution.

This EOI does not form part of a procurement process and therefore failure to submit a Response shall not disqualify prospective bidders from participating in the competitive bidding if the Project proceeds to procurement phase. Equally, submission of a Response does not imply or guarantee preference or assurance of award of any bid or tender.

5. PURPOSE OF THE EXPRESSION OF INTEREST

5.1 This EOI has been prepared for the following purposes:-

- 5.1.1 to gather information from potential bidders that would assist the Institution in undertaking its assessment;
- 5.1.2 to gather information from prospective bidders on the possible structuring of the Project;
- 5.1.3 to test the viability of commercialising certain portions of land and assets belonging to the Institution;
- 5.1.4 to ascertain the requirements of the potential investors with regard to the participation in the development of the Project;
- 5.1.5 to disseminate information about the Project as contemplated in this EOI; and
- 5.1.5 to give guidance to Bidders on the preparation of their EOI Responses.

The Project will be regulated in terms of the requirements of the Act and any other applicable law.

6. BACKGROUND AND OVERVIEW

The Institution was established as a parastatal through an Act of Parliament in 1927. As per the Public Finance Management Act, Act 1 of 1999 (“PFMA”), the Institution is a Schedule 3C “public entity” that functions under the ambit of the NEMA: Protected Areas Act, 2003 (Act 57 of 2003) read concurrently with the Biodiversity Act of 2004. The primary mandate of the organization is to ensure that the conservation of KwaZulu-Natal’s biodiversity, both within and outside the protected areas is managed effectively, economically and efficiently for the benefit of people.

As far back as in 2006, the KwaZulu-Natal Provincial Treasury (“**Provincial Treasury**”) articulated the need for the Institution to prepare for a lesser dependence on state funding, which would increasingly be aimed at funding the essential conservation requirements. This formed the basis of the Commercialisation Strategy adopted by the Institution with its foundation in the economic theory, which defines the State’s responsibility as one of performing a regulatory function, and intervening in the market place only where there is market failure. The objective was to reduce the dependence on state funding and improve existing operational efficiencies. This does not imply that the Institution has to be independent of the State but rather that the collective funding sources (i.e. state funding, private donations, NGO and international donations, the Institution’s tourism activities and commercialisation) must be able to “sustain” the total business of the Institution. Sustainable tourism development depends on a partnership and balance between the social, technological, economical, the environment and political values and benefits. Hence, should one source of funding be threatened, the Institution must be able to absorb such withdrawal without compromising its sustainability.

7. THE VISION OF THE INSTITUTION

The vision of the Institution is to be the world-renowned leader in the field of biodiversity conservation.

8. THE PROJECT

The Project entails the Institution entering into long term concessions, leases and/or joint ventures with private partners. The following guiding principles will be applied for all the partnership arrangements concluded, where the property or facility belongs to the Institution:

- the assets / Property are to remain in the ownership or custodianship of the Institution at all times;
- there will be “No Retrenchments of Staff” but staff will be transferred to other facilities within the Institution where there are vacancies or where they may be better and meaningfully utilised;
- where there are gate fees / takings, the Institution will ensure local affordability through a two tier system (different gate entry fee for locals and foreign visitors) while promoting and marketing itself to various currency markets;
- community beneficiation would be a priority;
- economic empowerment to local structures will be a standing condition; and
- nothing will be done at the expense of conserved assets.

The Institution has not undertaken a full feasibility study into the commercial viability of the Project nor the suitability of the sites for the Project. The private party may therefore be expected to undertake its own studies and convince the Institution of the suitability and viability of its proposal for the Project identified.

9. PROJECT FUNDING OPTIONS

The Institution does not currently have any funding which may be required as initial capital investment in order to construct, upgrade or rehabilitate the assets and will be evaluating suggestions from the Respondents on how these can be funded. The Institution does not wish to prescribe a funding method that each potential bidder may explore. The Institution, through this EOI, seeks to exhaust the entire available alternatives (including development funding institutions) that will produce the most desirable outcomes including the funding of the Project as long as it delivers value for money for the Institution.

The prospective Respondents may suggest in their response to the EOI on how the Project is to be funded and how such proposed funding method will deliver value for money for the Institution while the bidder can earn economic gains in the process.

10. THE PROJECT SITES

Prospective Respondents are welcome to express their interest in any of Ezemvelo KZN Wildlife Owned facilities.

11. INFORMATION REQUIRED

Contact Details

- Name of a person submitting EOI
- Company name
- Position in company
- Contact details
 - Postal address
 - Telephone
 - Facsimile (Fax)
 - Cell phone
 - E-Mail

Company's profile and experience in the construction and facilities management industries

- Name and current locations of current operations
- Market segment(s)
- Number of years in operation
- Annual turnover per year for the past three years (if possible)
- Relevant Project(s)
- Memberships/ Affiliations

Interest in the opportunity of Commercialisation of Ezemvelo KZN Wildlife Assets

At a high level, please respond to the following: -

- Fully describe the type, scale and market segment of the operation you are interested in.
- Are you interested as an investor or operator or both?
- What level of capital investment would you be prepared to consider?
- What do you think is the expected revenue to be generated in the commercial operation?
- Suggest how the local communities would or could be involved in this Project?
- What type of project structure would you envisage for this Project?

- What type of financing model would you envisage for this Project?
- What are risks you foresee in this Project and how you plan to mitigate them?
- What risks would you not be prepared to accept?
- How do you plan to market this development?
- How would the development promote the mandate of the Institution?
- What specific conditions would encourage you to bid?
- Stakeholder engagement and participation
- Are there any factors which could adversely impact on the financial ability to successfully implement this Project?

12. WHAT TO SUBMIT, WHERE AND WHEN

13. Consortia, companies and persons interested in this opportunity should submit their information in sealed envelope addressed to the Supply Chain Unit and must be placed in the bid box.

14. This envelop should be endorsed with the following:

15. **Bid Number:** EKZNW 07/2018

16. **Description:** Expression of Interest for Investment Partners for Upgrading/Commercialisation of Various Tourism Facilities.

17. **Closing Date:** 14 September 2018 at 11:00 am

Name/ Institution	Ezemvelo KZN Wildlife
Physical Address	1 Peter Brown Drive Town Bush Valley Pietermaritzburg 3202
Technical Enquiries	
Contact Person	Mr Thabiso Dube
Telephone	033 845 1649
E-Mail	Thabiso.dube@kznwildlife.com

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder²):

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

¹“State” means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²“Shareholder” means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

.....
.....
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

.....
.....
.....

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:

.....
.....
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.

.....
.....
.....

2.10 Are you, or any person connected with the bidder, **YES/NO**
 aware of any relationship (family, friend, other) between
 any other bidder and any person employed by the state
 who may be involved with the evaluation and or adjudication
 of this bid?

2.10.1 If so, furnish particulars.

2.11 Do you or any of the directors / trustees / shareholders / members **YES/NO**
 of the company have any interest in any other related companies
 whether or not they are bidding for this contract?

2.11.1 If so, furnish particulars:

3 Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

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

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have-
 - a. abused the institution's supply chain management system;
 - b. committed fraud or any other improper conduct in relation to such system; or
 - c. failed to perform on any previous contract.
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	<p>Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector?</p> <p>(Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury's website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	<p>Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		

4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		

SBD 8

CERTIFICATION

I, THE UNDERSIGNED (FULL NAME).....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.

I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Standard Bidding Document (SBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. 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 consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service 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 bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid;
or
 - (f) bidding with the intention not to win the bid.
8. 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 products or services to which this bid invitation relates.
9. 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.
10. 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.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder