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City of Joburg Property Company SOC Ltd.

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2017

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2017

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www.jhbproperty.co.za

26 June 2017

Your Ref:
Our Ref: Bila /12 /2016

**BILA CIVIL CONTRACTORS (PTY) LTD
26 BAMBANANI INDUSTRIAL PARK
IVORY PARK
MIDRAND
1685**

Attention: RF Bila

Tel/Direct: +27 (0)11 261 0241
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Email: richard@bila.co.za

Per Hand

LETTER OF AWARD- RFP 12 / 2016 - APPOINTMENT OF A SERVICE PROVIDER FOR THE PROVISION OF A HOLISTIC (EXTENSIVE) FACILITY MAINTENANCE SERVICE AT PHASES 1A, 1B REA VAYA (BUS TRANSIT) STATIONS, NNDINGILIZI INTERCHANGE AND BOOYSENS LAYOVER FOR A CONTRACTED PERIOD OF THREE (3) YEARS ON BEHALF OF CITY OF JOBURG PROPERTY COMPANY SOC LTD (JPC)

Dear Sir

City of Joburg Property Company (SOC) Limited ("JPC"), acting on behalf of the City of Johannesburg ("COJ"), have pleasure in confirming your appointment for the provision of a holistic (extensive) facility maintenance service at phases 1A, 1B Rea Vaya (Bus Transit) stations, Ndingilizzi Interchange and BooySENS Layover for a contracted period of three (3) years on behalf of City of Joburg Property Company SOC LTD (JPC), upon the following terms and conditions:

1. GENERAL CONDITIONS OF APPOINTMENT

This appointment is made in terms of JPC's standard general conditions of appointment. All previous correspondence, which has taken place between JPC and Bila Civil Contractors (Pty) Ltd in connection with this appointment, shall be deemed to be of no force and effect and are replaced by this appointment.

2. SCOPE OF WORK

The scope of work to be performed is as follows:

- To provide facilities maintenance services;
- To ensure compliance to Occupational Health and Safety Standards;
- To enhance stations infrastructure longevity; and



Non-Executive Directors: Patrick Corbin (Chairperson), Prof Aly Karam, Mphethi Morojele, Owen Kemp, Oscar Maseko, Maggie Mojapelo, Nompumelelo Mpofo, Newton Baloyi
Executive Director: H. Botes (CEO)
Finance Director: I. Bhamjee
Company Secretary: C.L. Matthews
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- To ensure efficiency in providing al Rea Vaya stations services.

PLANNED STATIONS MAINTENANCE

- Pest control and Fire hydrant service
- Servicing of stations automated doors, Roller doors, backup power invertors and all other related stations fixtures and fittings

REACTIVE STATIONS MAINTENANCE

- Plumbing and Electrical Emergencies
 - Hazardous infrastructural damages and insurance claims
 - Engineering and procurement methodology and plan
 - Project roll-out plan
- Repairs and maintenance at forty nine (49) phases 1A , 1B Rea Vaya (bus Transit) stations ;
 - Repairs and maintenance at Ndingilizi Interchange and Booyens Layover

BUILDING STRUCTURE AND FABRIC

The Station structure (all elements of the buildings – constructed primarily from concrete, steel and glass), inclusive of structural elements, steel and glass façade, (which includes signage and branding logos), concrete flooring, ceilings and roof structure, bus stopping guides and a platform box (access equipment), equipment room and a single toilet.

MECHANICAL, ELECTRICAL AND PUBLIC HEALTH

The service element of the stations include Fire and Safety equipment, air-conditioning, security systems, , utility management, security systems, external signage public address system, lighting, plumbing and water supply.

The additional service elements include the following:

- Mechanical and electrical components of glass sliding doors and roller shutter doors.
- Standby power supply.

INFRASTRUCTURE

1.1 Building Structure and Fabric

The Station structure (all elements of the buildings – constructed primarily from concrete, steel and glass), inclusive of structural elements, steel and glass façade, (which includes signage and branding logos), concrete flooring, ceilings and roof structure, bus stopping guides and a platform box (access equipment), equipment room and a single toilet.

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(Signature)



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1.2 Mechanical, Electrical and Public Health

The service element of the stations include Fire and Safety equipment, air-conditioning, security systems, , utility management, security systems , external signage public address system, lighting, plumbing and water supply.

The additional service elements include the following:

- Mechanical and electrical components of glass sliding doors and roller shutter doors.
- Standby power supply

1.3 Stations

There are a total of forty nine (49) Rea Vaya stations that will form part of the required service. Which 30 are Rea Vaya Phase 1A stations from Thokoza Park to Ellis Park East including Hillbrow Bath house station and 18 are Rea Vaya Phase 1B stations from Harrison Street all the way to Noordgesig Extension station .There are four (4) types of stations which vary in size from approximately 100m² to 500m²(Width). All the stations are of a 'modular' design and contain common elements for each type.

Completed stations are located along an approximately 35 km radius of Rea Vaya trunk route, at approximately 500 m intervals, between Bertrams in Johannesburg, through the Johannesburg CBD, to Thokoza Park in Soweto as Rea Vaya Phase 1A.

The Phase 1B is from Noordgesig Extension to Parktown inclusive of three (3) CBD stations from Harrison to Park Station and commences at the intersection of the Soweto Highway and New Canada Road, in Noordgesig,(Soweto), and proceeds along : New Canada Road, Commando Road, Fuel Road, Harmony Street, Kingsway Road, and Empire Road to the intersection of Empire and Victoria Road in Parktown. From this point the 1B corridor proceeds to meet the existing Phase 1A corridor in the Jhb CBD via Joubert St. Ext. to the Metro Centre in Braamfontein, and then via Rissik and Harrison Streets to the CBD.

2.3.1 Transport Interchange Facility

The Rea Vaya Interchange (Ndinglizi) also forms part of the stations maintenance contract and is situated in Dobsonville next to Dorothy Nyembe park. The facility is equipped with trading stall, Office Area, Ticketing Booth and a Park and Ride facility across the road. Below is a summary of required and comprehensive list of sites where services will be required:

Schedule No.	Preventive Planned Maintenance	Frequency
1	Building Refurbishment Maintenance	Monthly
2	Pest Control and Fire Extinguishers	Quarterly



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3	Stations and Bus Sensors	Daily
4	Stations Doors and Roller Doors	Daily
5	Heating and Ventilation Air Con.	Monthly
Schedule No.	Unplanned Reactive Maintenance	Frequency
5	Lock Smith Services	As and when required
6	Backup Power Maintenance and fuelling	As and when required
8	Plumbing and Electrical Emergencies	As and when required
9	Stations fittings and fixtures damage	As and when required
10	Infestation and eradication emergencies	As and when required

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Handwritten signatures: H.B. and C.L.M.



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PHASE 1 A STATIONS			
No.	Code	Station Name	Station Address
1	SC009	Thokoza Park Station	Chris Hani & Ntuli St.
2	SC008	Lake View Station	Chris Hani & Roodeport Rd.
3	SC007	Klipspruit Valley Station	Klipspruit Valley Rd & Chris Hani
4	SC005	Boomtown Station	Mooki & Sofasonke St.
5	SC003/4	Orlando Police Station	Mooki btwn Mashupa & Rathebe St.
6	SC002	Orlando Stadium	Mooki btwn Martha Louw & Mofokeng
7	SA001	Westgate Station	Pat Mbatha & Anderson St.
8	SA002	Mavumbi Station	Pat Mbatha btwn Mentz & Fraser St.
9	SA003	Basothong Station	Booyens Reserve at Pedestrian Over Brodge
10	SA005	Diepkloof Station	Soweto H way & Immink St.
11	SA006	Ghost Town	Diepkloof Overbride Soweto H way
12	SA004a	Soccer City Station	Soweto H/way Soccer City Subway
13	SA004b	Narsrec Hub Northside Station	Nasrec Station
14	SA004C	Nasrec Hub Southside Station	Nasrec Station
15	SA008	Noordgesig Station	Soweto H way and Hermanus St.
16	CBD2A	Chancellor House Station Eastbound	Albertina Sisulu & Ntemi Piliso St.
17	CBD2B	Chancellor House Station Westbound	Commissioner & Ntemi Piliso
18	CBD3A	Library Gardens Station Eastbound	Albertina Sisulu & Rissik St.
19	CBD3B	Library Gardens Station Westbound	Commissioner & Rissik St.
20	CBD4A	Carlton Station Eastbound	Abertina Sisulu & Troye St.
21	CBD4B	Carlton Station Westbound	Commissioner & Troye St.

B.C.A



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22	CBD27A	Fashion Square Station Northbound	Troye & Pritchard St.
23	CBD27B	Fashion Square Station Southbound	Mooi & Pritchard St.
24	CBD13	JHB Art Gallery Station	Edith Cavel & Noord
25	CBD25	Hillbrow Bath House Station	Edith Cavel & Kotze
26	CBD14A	Old Synagogue Eastbound	Smit & Claim St.
27	CBD14B	Old Synagogue Westbound	Wolmarans & Claim St.
28	CBD15	Doornfontein Campus Station	Saratoga Ave btwn Sherwell St. Joe Slovo Dr.
29	CBD16	Ellis Park North Station	Charlton Terrace & Van Beek St.
30	CBD17	Ellis Park East Station	Bertrams & Thames Rd

PHASE 1 B STATIONS

No	Code	Station Name	Station Address
1	CBD24A	Joburg Theatre Station	Loveday Street
2	CBD24B	Constitutional Hill Station	Joubert Street
3	CBD21	Park Station	Rissik Street Park Rail Station
4	CBD20A	Rissik Station	Rissik North of Kerk Street
5	CBD20B	Harrison Station	Harrison Street South of Kerk Street
6	NF001	Park Town Station	Hillside Road
7	NF003	Wits Campus Station	Wits West Campus Empire Rd
8	NF004	Milpark Station	Owl Street
9	NF005	SABC Media Station	SABC Media Park – Empire Rd
10	NF006	Campus Square Station	UJ Campus Square – Empire Rd

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11	NF007	UJ Kingsway Station	UJ Rossmore Campus Kingsway St.
12	NF008	Helen Joseph Station	Empire Road After Kingsway
13	NF010	Westbury Stations	Bernard Isaac School
14	NF012	Coronation Station	Fulton Road
15	NF013	Industria West	Maraisburg Road
16	NF014	Bosmont Station	Highgate
17	NF015	New Canada Station	Adjacent to New Canada Rail Station
18	NF017	Noordgesig Extension	Station Road Noordgesig
Transport Interchange			
1	IN001	Ndingilizi Transport Interchange	Dobsonville Next to Dorothy Nyembe
2	LF001	Booyens Lay Off	Pat Mabatha next to Mavumbi Station

1.4 Buses

The maintenance, repair and or replacement of the corresponding equipment on the buses that operate in conjunction with the equipment on the stations. i.e. the door reading/opening equipment/mechanisms forms part of this tender. The current bus fleet comprises of 143 buses for Rea Vaya Phase 1A and 134 for Phase 1B buses and will include additional Phase 1 C buses. The maintenance of Phase 1 C buses will be an addendum to the contract as and when required depending on the operationalisation of the fleet.

HELP DESK SYSTEM

Bila Civil Contractors (Pty) Ltd is expected to provide a help desk system to receive and manage reactive maintenance calls that will come directly from the REA VAYA helpdesk. This system should also provide information for management reporting.

The REA VAYA method for reporting FM calls is that the stations report all calls to the REA VAYA help desk. The reason for this is that there are a number of FM service areas where the successful bidder is not involved (such as ITS, security and cleaning) as those services are excluded from this



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tender – These exclusions therefore require the REA VAYA help desk to contact service providers other than the successful bidder for this tender.

However the REA VAYA help desk will be fully appraised of the roles and responsibilities of the various service providers and will re-route the calls received by the REA VAYA help desk to the correct respondents.

The REA VAYA help desk functions 24/7/365 and it would therefore be expected that the successful bidder will provide a help desk that functions on the same basis.

The successful bidder be require to compile a detailed asset/inventory list that will form the data base of the help desk system to accurately manage and inform both reactive calls and planned preventative maintenance schedules..

The successful tender must recognise that they will at times work in conjunction with other contractors on the same site.

BACKUP GENERATORS

Each station is supplied with on-site back up batteries which have the capability to run the station for approximately 4 to 6 hours during a power failure. However, the successful bidder will be required to provide 3 (three) additional mobile backup generators on trailers to meet demand beyond this 4 to 6 hour window. The cost for providing backup generators and trailers should be included in the price of this tender.

The power requirements for the larger stations are 9 kVA. Tenderers must ensure that the backup generators must be rated at 20 kVA and must be able to take the full load in one-step.

All backup generators must be equipped with an electronic regulator.

The output sine wave must be suitable for UPS applications

The connector plug on the backup generator must always be similar and equal to the **Legrand Cat no 587 05 connector plug** that can be plugged into the surface mounted socket (at the station) which is always a Legrand cat no 587 45.

METER READINGS

Bila Civil Contractors (Pty) Ltd is required to take water and electricity meter readings at each station on a regular monthly basis and provide these readings to REA VAYA on a defined date /day to be agreed.



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SCOPE OF WORK (detailed breakdown)

Repairs and maintenance of the stations in forty (49) sites, Ndingilizi Interchange and Booyens Layover:

1. Maintenance of the fire protection systems
2. Building fabric maintenance (Operational and repairs)
3. Building maintenance (Programmed refurbishment and repair)
4. Equipment maintenance (Operational and repair)
5. Equipment maintenance (Programmed refurbishment and repair)
6. Heating Ventilation Air Conditioners (Operational and repair)
7. HVAC (Programmed refurbishment and repair) with air monitoring
8. Standby emergency power: back up power (refer to 4 above)
9. Provide Handyman services
10. Maintain faulty Stations signage and erect
11. Develop a station door maintenance register and components service
12. Provide the service to replace all broken stations glass facets
13. Maintenance and replacements of 277 bus-station door interface sensors
14. Provide services of all electrical fittings and fixtures
15. Provide service to maintain and service all stations roller doors
16. Provide services of all mechanical related fittings and fixtures
17. Provide a scheduled for preventative maintenance a month prior
18. Provide Pest Control services and inspections in line with the legislation
19. Provide Pest control infestation and eradication programme monthly
20. Resolve and attend all pest control incidents as they are reported
21. Provide report monthly on Pest control programmes and actions
22. Ensure all chemicals are handled in compliance with OHS Act requirements

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23. Maintain full record of all Pest control inspections, monitoring and treatment
24. Use environmentally friendly chemicals that have no secondary effect
25. Provide locksmith call out services and maintain all drop safe
26. Provide trained and skilled staff in achieving all contract specifications
27. Provide all project staff with appropriate Uniform and safety equipment
28. Ensure full compliance with OHS Act standards and advise accordingly
29. Adhere to internal all policies and procedures
30. Maintain a technical library on site
31. Respond to all emergency call outs
32. Provide a business continuity and disaster recovery management plan
33. Provide a risk assessment for all tasks
34. Record and Report all water and electricity meter readings
35. Prepare Helpdesk centre procedures
36. Complete and file Job Cards for all tasks completed monthly for submissions
37. Provide trained and qualified resource to operate helpdesk
38. Log all FM emergency calls and escalate to appropriate service provider
39. Communicate updates to customers with appropriate information
40. Ensure the helpdesk system is operational at all times
41. Provide maintenance and repairs for plumbing and drainage installations
42. Scheduled planned maintenance on plumbing and drainage installations
43. Respond to all plumbing emergencies within 15 minutes
44. Provide afterhours planned maintenance service
45. Provide the servicing of all backup generators at the stations
46. Provide three additional 20 KVA mobile generators for lengthy power outages

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47. Provide backup power method of statement on how it will be conducted
48. Ensure planned maintenance of the stations invertors
49. Provide trained and qualified technicians to service invertors
50. Generator connector to be equal Legrand Cat 587 05 connector at all times
51. Provide a service to monitor and top up fuel, oil and water on all generators
52. Maintain and complete a comprehensive asset register for all fixed assets
53. Provide a service to monitor and replace stations under floor batteries
54. Replace all stations handrails and platforms when required
55. Submit monthly reports on all services rendered
56. Provide Locksmith services;
57. Provide a method statement detailing how work will be carried out;
58. Provide a service to maintain all drop safes;
59. Provide a facilities management monthly report containing all detail as agreed with the client;
60. Submit monthly information of outstanding invoices and statement of account;
61. Provide sufficient, suitably trained resources to fulfil the requirements of each service. Staff must be trained not only in the necessary technical skills but also to portray excellent customer service techniques. Staff must be equipped and dressed in the appropriate uniforms for the tasks they will carry out;
62. Provide a chemical management service. Manage all chemicals used to provide the services in strict adherence to legislation;
63. Provide Safety, Health, Environmental and quality management services. Ensure compliance with all provisions of the OHS Act and provide advise;
64. Provide an environmental management service and adhere to client's environmental policies and procedures;
65. Provide and maintain a technical library on site;

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66. Provide an emergency call-out service;
67. Prepare a business continuity and disaster recovery management plan to encompass all services to the client and implement;
68. Provide an emergency planning service. At all times adhere to the client's emergency planning requirements;
69. Provide risk assessment for all tasks;
70. Record and report all metre readings for the facility which should include, water and electricity
71. Establish and operate a Help desk. The help desk functions 24/7/365;
72. Prepare a help desk centre procedure for client approval;
73. Ensure that the help desk system produces PPM, ad hoc and emergency job cards;
74. Provide suitable trained and qualified resource to operate the help desk;
75. Answer all calls to the help desk within 5 rings and issue reference / tracking number to customer;
76. Log all emergency calls and escalate to FM personnel or service providers as appropriate;
77. Communicate updates to customers with appropriate information;
78. Update help desk system continuously as information is received;
79. Ensure that all PPM schedules are captured on the system;
80. Provide agreed reports from the FM help desk;
81. Cooperate with client and/or independent customer satisfaction survey process;
82. Provide a maintenance and repair service for plumbing and drainage installation;
83. Provide a PPM schedule and a method statement to the client for maintenance to the plumbing and drainage installations;
84. Provide a 24 hour unplanned / reactive maintenance service;

EXCLUSIONS FROM THIS CONTRACT

REA VAYA have elected to retain the services of a number of existing suppliers and contractors who will independently maintain and support their products and services. The elements and services that are excluded from this contract are:

- cash collections,
- security,
- cleaning ,
- station staffing
- ITS (Intelligent Transport System)



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- VMS (Variable Message Signage System)
- CCTV (Closed Circuit TV [entire system])
- Control Room (Total installation)
- Communication infrastructure (Telephones/Hearing handsets)
- APTMS (Advanced public transport management equipment [hardware and software])
- AFC Automatic fare collection (ticketing system)
- Ticketing Equipment & Turnstiles
- Probe Data (Electronic computer systems)
- Automatic Voice Annunciation Equipment
- Current contracts

INSURANCE

In addition to any insurance required to be held by Bila Civil Contractors (Pty) Ltd in terms of the Compensation for Occupational Injuries and Diseases Act (30/1993) the company must be fully insured against all accidents, loss or damage arising out of the execution of any work, including all third party risks.

Bila Civil Contractors (Pty) Ltd hereby indemnifies and shall keep JPC indemnified throughout the existence of the Contract against all claims by third parties, the Tenderer's own employees or employees of sub-contractors to the tenderer resulting from the operations carried out by the Tenderer under this Contract.

Certificate with COID registration number from the Compensation Commissioner certifying that Bila Civil Contractors (Pty) Ltd is in good standing with the Fund, must be furnished by the Tenderer within twenty-one days of the date of notification of acceptance of tender.

Bila Civil Contractors (Pty) Ltd will be required to sign an agreement on which he ensures JPC that all work is performed in terms of the Occupational Health and Safety Act as well as to the requirements of JPC. This agreement is available from the Building Manager and must be signed before commencing with any work.

BILA



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Executive Director: H. Botes (CEO)
Finance Director: I. Bhamjee
Company Secretary: C.L. Matthews
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Registration Number: 2000/017147/07



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Bila Civil Contractors (Pty) Ltd shall provide satisfactory proof of all insurances.

Bila Civil Contractors (Pty) Ltd shall be required to make good, at his own cost, any damage of whatever nature caused to any JPC facility arising from his operations under this Contract.

3. TIME FRAMES

Bila Civil Contractors (Pty) Ltd shall commence with the work on **01 July 2017** and complete on or before **30 June 2020**.

You are to advise timeously of any difficulties that you may be experiencing in carrying out any of the deliverables. Any changes to the specified timeframes may only be implemented if authorised in writing by JPC.

4. PAYMENT TO BILA CIVIL CONTRACTORS (PTY) LTD

- 4.1 As full compensation to **Bila Civil Contractors (Pty) Ltd** for full and complete execution of the works and services rendered and in compliance with all the terms and conditions of this agreement. JPC shall pay Bila Civil Contractors an amount of **R32 320 663.00 (Thirty Two Million Three Hundred and Twenty Thousand Six Hundred and Sixty Three Rand), Including VAT**
- 4.2 Payments shall be effected against Service Provider invoice within Thirty (30) days after invoice and statements.
- 4.3 The tax invoice shall contain at least the following information:
- Project Number and Description
 - Project address where services were rendered and works executed
 - Monthly payments for the amount on the invoice if applicable
 - Vat Numbers
- 4.4 Invoices must be submitted to:

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JPC will not be liable for any additional costs incurred by Bila civil Contractors (Pty Ltd through whatever cause, unless JPC has specifically instructed the Service Provider to incur such costs due to a substantial and material change to the scope of the project which has been caused by an act of omission on JPC' part.

GENERAL CONDITIONS OF APPOINTMENT

1. **Appointment in Force and Authorized Signatories:** This appointment is considered to have come into force immediately after all the necessary signatures have been appended.
2. **Independent Contractor:** The consultant is appointed as an independent contractor and no contract of agency and/or employment is created. Save as may be expressly authorized by JPC from time to time in writing, the consultant shall not hold itself out to be the agent of JPC and/or commit JPC to any contract or obligation of whatever nature.
3. **Alterations:** Should circumstances arise which call for modifications of the appointment, these may be made by mutual consent given in writing. Proposals in this respect from one party shall be given due consideration by the other party.
4. **Assignment:** The Consultant shall not without the prior written consent of JPC, cede or assign any of the benefits and obligations under this appointment.
5. **Sub-Contracts:** Any sub-contracts or modifications or termination thereof relating to the performance of the services by the Consultant shall be made only with the prior written consent of JPC.
6. **Compliance with Laws, By-laws and Ordinance:** The consultant shall comply strictly with every applicable law, by-law and ordinance including every regulation, code of conduct or other directive to which the consultant may be subject in its professional capacity. In this regard, the consultant's particular attention is drawn to the requirements of the Occupational Health and Safety Act (OHSA) and its regulations as well as to the Financial Intelligence Centre Act (FICA).
7. **Insurance:** The consultant shall at its own cost and expense maintain professional indemnity insurance and public liability insurance with an insurer approved of by JPC in an amount and for duration as specified in the letter of appointment to which these general conditions of appointment relate.
8. **Postponement and Termination:** JPC may give written notice to the Consultant at any time of its intention to abandon the services, in whole or in part, or to terminate this appointment. The effective termination date of this appointment shall not be less than thirty (30) days after receipt of such notice, or such other shorter or longer periods as may be agreed between the parties. Upon receipt of such notice, the Consultant shall take immediate steps to bring the services to a close and to reduce expenditure to a minimum. Upon termination of the appointment the consultant shall deliver to JPC the originals of all documents in the possession of the consultant relating to and/or in connection with the appointment in both hard copy and (insofar applicable) electronic format.



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9. **Force Majeure:** The Consultant shall promptly notify JPC, in writing, of any situation or event arising from circumstances beyond its control and which he could not reasonably foresee, which makes it impossible for the Consultant to carry out in whole or in part, his obligations under this appointment. Upon the occurrence of such a situation or event, the services shall be deemed to be postponed for a period of time equal to the delay caused by the Force Majeure and a reasonable period not exceeding two weeks.
10. **Claims for Default:** Any claims for damages arising out of default and termination, shall be agreed between JPC and the Consultant, or failing agreement, shall be referred to arbitration in accordance with clause 20.
11. **Rights and Liabilities of Parties:** Termination of this appointment for whatever reason shall not prejudice or affect the accrued rights or claims and liabilities of either party to this appointment.
12. **Confidentiality:** The consultant shall maintain all information relating to the appointment in the strictest confidence.
13. **Indemnity:** The consultant indemnifies JPC and holds JPC harmless against any loss or damage that may be suffered by JPC (including and without limiting the generality of the foregoing any claim that may be brought or threatened against JPC by any third party) arising from or by reason of the failure by the consultant to comply with its obligation in terms hereof.
14. **Skill, Care and Diligence:** The Consultant shall exercise all reasonable skill, care and diligence in the performance of the services under the appointment and shall carry out all his responsibilities in accordance with recognised professional standards. If any documentation prepared or submitted by the consultant to JPC is approved by JPC such approval shall not limit the professional liability of the consultant in respect thereof. The consultant shall remain professionally liable in respect of such documentation notwithstanding the approval thereof by JPC.
15. **Faithful Advisor:** The Consultant shall, in all professional matters, act as a faithful advisor to JPC and, in so far as his duties are discretionary, act fairly as between JPC and third parties.
16. **Indirect Payments:** The remuneration of the Consultant charged to JPC, shall constitute his only remuneration in connection with the appointment and neither he nor his personnel shall accept any trade commission, discount, allowance or indirect payment or other consideration with or in relation to the appointment or to the discharge of his obligations thereunder.
17. **Royalties:** The Consultant shall not have the benefit, whether directly or indirectly, of any royalty on or of any gratuity or commission in respect of any patented article or process used on or for the purposes of the appointment, unless it is agreed to by JPC in writing that he may.
18. **Ownership of Equipment, Materials, Supplies and Facilities:** Equipment, materials, supplies and facilities furnished to the Consultant by JPC or purchased by the Consultant with funds wholly supplied or reimbursed by JPC shall be the property of JPC and shall be so marked. Upon completion or termination of the services under this appointment, the Consultant shall furnish to JPC, inventories of the equipment and materials referred to above as it then remains and dispose of same as directed by JPC



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19. **Copyright:** All copyright in and to all documents, plans, designs and other material of whatever nature prepared or produced by the consultant in the course and scope of its appointment shall be and remain vested in JPC for which purpose the consultant cedes to JPC all such copyright.
20. **Settlement of Disputes:**
- a. Any dispute or difference arising out of this appointment, including those considered as such by only one of the parties, shall be finally settled by Arbitration.
 - b. Such arbitration shall be conducted in accordance with the provisions of the Arbitration Act (Act No. 42 of 1965, as amended from time to time), provided that:
 - i. The arbitration proceedings shall take place at Johannesburg.
 - ii. It shall not be compulsory to strictly apply the requirements of the law of procedure or procedure of the usual rules of evidence.
 - iii. The arbitrator shall be a practicing senior advocate as appointed by the chairman of the Johannesburg Bar Council.
 - iv. The arbitrator shall be entitled to call for the evidence of specialists as required by the nature of the dispute.
 - v. The decision of the arbitrator shall be final and binding on both parties and may be made an order of a competent court
 - c. Unless otherwise requested by JPC, the implementation of the project shall, despite the submissions of a dispute to arbitration, in no manner be suspended or in any way delayed by the consultant.

21. EVENTS OF DEFAULT AND CONSEQUENCES

21.1 An event of default on the part of the Service Provider shall occur if:

21.1.1 the Service Provider defaults in the performance of any of its obligations of in terms of or arising from this agreement, and fails to remedy such default within 07 (Seven) days of receipt of a written notice from JPC calling upon it to remedy such default;

21.1.2 the Service Provider continuously fails to perform or under performs any obligation/s in terms of or arising from this agreement, including but not limited to the rendering of services at appropriate service levels, which non-performance or under performance shall be consistent with the inference that



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the Service Provider is unable or unwilling to perform such obligation/s in terms of the provisions of this agreement; and

21.1.3 the Service Provider commits an act, which would amount to an act of insolvency as envisaged in the Insolvency Act, 1936, as amended.

21.2 upon the occurrence of an event of default as contemplated in 21.1 above, JPC shall be entitled to cancel this agreement forthwith, without prejudice to its rights to claim damages, or any other rights, which JPC may have in law or in terms of this agreement.

22.3 An event of default on the part of JPC shall occur if JPC defaults in the performance of any material obligations in terms of or arising from this agreement, and fails to remedy such default within 7 (Seven) days of receipt of a written notice of demand from the Service Provider calling upon it to remedy such default.

22.4 Upon the occurrence of an event of default as contemplated in 22.3 above, the Service Provider shall be entitled to cancel this agreement forthwith, without prejudice to its rights to claim damages, or any other rights, which the Service Provider may have in law or in terms of this agreement.

22.5 In the event of the termination of this Agreement for whatsoever reason before the expiry date, JPC shall be responsible for all Fees payable to Bila Civil Contractors (Pty) Ltd for services actually rendered and duly certified by the Project Manager;

Please advise in writing by **Thursday, 29 June 2017** if you accept the appointment on the above mentioned terms and, if so, furnish the following information within Fourteen (14) days:

- (i) The name and address to be used for all correspondence and payment purposes. Payment is made directly, electronically into your bank, so please provide us with your banking details;
- (ii) The name of the Partner/Director who will be handling the assignment;



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Handwritten signature and initials



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- (iii) The names of the key personnel together with their designations and functions who will be engaged in the project;
- (iv) Project Plan and Approach;
- (v) Roll out and implementation Plan;
- (vi) Proof of insurances;
- (vii) Time frames;
- (viii) Health and Safety Offer;
- (ix) Health and safety file; and
- (x) Empowerment Plan

Please note that the material developed/generated as a consequence of this appointment remains the sole property of the City of Joburg Property Company SOC Ltd and the City of Johannesburg, and that copyright for such material vests solely with JPC. Permission is therefore to be sought from JPC should any party wish to make use of the information generated as part of the project.

You will be required to sign a service Level agreement with the company for rendering the services stated above. Terms and conditions will be communicated to you in due course. Please contact the Project Manager: B Gowrie Sunker (Jay) on 010 219 9163 or jsunker@jhbproperty.co.za to make an appointment at your earliest convenience.

Please note that this appointment is subject to a successful conclusion of a service level agreement between JPC and Bila Civil Contractors (Pty) Ltd.

Signed for and on behalf of City Of Joburg Property Company SOC Ltd.

Name: Helen Botes

Title: Chief Executive Officer

Signature: _____

Date: _____

27/6/2017



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Signature on behalf of Bila Civil Contractors (Pty) Ltd

Name: Richard Fasi Biki

Title: Managing Director

Signature: [Handwritten Signature]

Date: 26/06/2017



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