CITY OF JOHANNESBURG
DEPARTMENT OF HOUSING

December 2018
Zandspruit Ext. 16 and 84: Appointment of a professional team: community development facilitators

Prepared by:
Department of Housing
222 Smith Street
Braamfontein

Contact:
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Tel: 011 018 6825
1 Objectives

The appointment of a Community/Social Development Facilitators to undertake community development facilitation as part of the Upgrading of Informal Settlement Programme for the following informal settlements:

- Zandspruit Ext. 16 situated in Region C
- Zandspruit Ext. 84 situated in Region C

Participatory planning and intensive community engagement is a critical component in the implementation of UISP. Therefore, in executing NUSP activities it is critical that the services of well experienced community development practitioners is sourced to ensure that participatory planning forms the cornerstone of all activities undertaken in informal settlement upgrading initiatives.

2 Background and Locality

The Upgrading Informal Settlements Programme (UISP) is a programme of the NDoHS that is outlined in Part 3 of the National Housing Code 2009. It is envisaged as an incremental process culminating in the full upgrading of settlements over time. The main objectives of the UISP as defined by the National Housing Code are:

- Facilitate structured in situ upgrading of informal settlements as opposed to relocation
- Recognise and formalise the tenure rights of residents within informal settlements
- Provide affordable and sustainable basic municipal engineering infrastructure, that allows for scaling up in the future
- Address social and economic exclusion by focusing on community empowerment and the promotion of social and economic integration, build social capital through participative processes and address broader social needs of communities.

Moreover, in 2009, the National Upgrading Support Programme (NUSP) was established to support the UISP. NUSP has the following broad activity streams:
• Provision of technical assistance:
  1) ‘Phase One’ are foundation activities (assessment, categorisation, programme and upgrading strategy).
  2) ‘Phase Two’ focuses on detailed settlement plans
• Capacity building and training to practitioners, public representatives and community members in the field of informal settlement upgrading
• Knowledge services and information dissemination to the informal settlement upgrading community of practice.

In an endeavour to realise its instrumental role in particular Phase Two (technical assistance), the National Human Settlement has appointed a team of four consultants (Professional Resource Team/PRTs) to prepare detailed settlement plans for the City of Johannesburg Metropolitan Municipality. The Community Development Facilitators will work hand-in-hand with the PRTs appointed by NUSP to undertake technical assistance in the following identified settlements:

• Zandspruit Ext. 16 situated in Region C
• Zandspruit Ext. 84 situated in Region C

3 Project Scope

The purpose of this RFQ is to request the services of a professional team/community development facilitators to undertake the following activities:

Overall community consultation plan and engagement processes:
  o The service provider will be required to develop an overall community consultation plan to guide the stakeholder engagement processes which will be informed by existing local dynamics to be identified and indicated from the first interactions with the relevant officials;
  o Based on the engagement processes, input into the Sustainable Livelihoods Programme; and,
  o Engage with and identify community leadership and based on observations determine pressure groups and key community dynamics.

Ongoing Community Facilitation Management /Coordination:
  o Establish an informed level of communication with stakeholders;
  o Communicate and coordinate communication between the various stakeholders at agreed time frames;
Provide a link between local community structures and the project task team

Provide updates and analysis on pertinent action related to the project (monthly reports);

Organising and managing community meetings;

Performing other communication and engagement related duties that may be assigned by the Project Manager; and,

At the end of the assignment the service provider will produce a close-out report on outputs and outcomes of the listed activities.

Undertake a detailed socio-economic study including preparation of subsidy application in line with the existing human settlement development processes.

4 Important dates

Briefing date - 18 January 2019
Time - 10:00
Venue - 33 hoof street Brampark Forum 11 (Johannesburg Property Company)

Closing date - 28 January 2019
Closing time - 10h30
Venue - 33 hoof street Brampark Forum 11 (Johannesburg Property Company)

5 Deposit/ Return of RFQ

Quotes, clearly marked “Community Development Facilitators Zandspruit Ext. 16 and Ext. 84: Appointment of professional team)” must be delivered, by hand, to:

33 hoof street Brampark Forum 11 (Johannesburg Property Company)

6 Evaluation Criterion

RFQ will be evaluated based on 80/20 where 80 is for price and 20 for B-BBEE
ANNEXURE 2: DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state*, 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 and/or take an oath declaring his/her interest, 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, shareholder etc):

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

2.4 Company Registration Number:

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

2.5 Tax Reference Number:

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

2.6 VAT Registration Number:

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

(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.

2.7 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 / shareholder/ member: .................................................
Name of state institution to which the person is connected: ______________________

Position occupied in the state institution: ______________________

Any other particulars:

________________________________________

________________________________________

2.8 Did you or your spouse, or any of the company’s directors / 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, aware of any relationship (family, friend, other) between the bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? YES / NO
2.10.1 If so, furnish particulars.

……………………………………………………
……………………………………………………
……………………………………………………

2.10 Do you or any of the directors /shareholders/ members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES / NO

2.11.1 If so, furnish particulars:

……………………………………………………
……………………………………………………
……………………………………………………

DECLARATION

I, THE UNDERSIGNED (NAME)………………………………………………………………………

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.11.1 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY 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
ANNEXURE 3

MBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution.

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 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); and
- the 90/10 system for requirements with a Rand value above R1 000 000 (all applicable taxes included).

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

1.3 Preference points for this bid shall be awarded for:

(a) Price; and
(b) B-BBEE Status Level of Contribution.

1.3.1 The maximum points for this bid are allocated as follows:

<table>
<thead>
<tr>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3.1.1 PRICE</td>
</tr>
<tr>
<td>1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION</td>
</tr>
</tbody>
</table>

Total points for Price and B-BBEE must not exceed 100

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.
2. DEFINITIONS

2.1 “all applicable taxes” includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;

2.2 “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

2.3 “B-BBEE status level of contributor” means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

2.4 “bid” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

2.5 “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

2.6 “comparative price” means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;

2.7 “consortium or joint venture” 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;

2.8 “contract” means the agreement that results from the acceptance of a bid by an organ of state;

2.9 “EME” means any enterprise with an annual total revenue of R5 million or less.

2.10 “Firm price” means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

2.11 “functionality” means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;

2.12 “non-firm prices” means all prices other than “firm” prices;

2.13 “person” includes a juristic person;

2.14 “rand value” means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;

2.15 “sub-contract” means the primary contractor’s assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

2.16 “total revenue” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the Government Gazette on 9 February 2007;
2.17 "trust" means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and

2.18 "trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. **ADJUDICATION USING A POINT SYSTEM**

3.1 The bidder obtaining the highest number of total points will be awarded the contract.

3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;

3.3 Points scored must be rounded off to the nearest 2 decimal places.

3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.

3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.

3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. **POINTS AWARDED FOR PRICE**

4.1 **THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS**

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

\[
Ps = 80 \left(1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}}\right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}}\right)
\]

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

P_{\text{min}} = Comparative price of lowest acceptable bid
5. Points awarded for B-BBEE Status Level of Contribution

5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
<td>16</td>
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<tr>
<td>4</td>
<td>5</td>
<td>12</td>
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<td>5</td>
<td>4</td>
<td>8</td>
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<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA’s approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.

5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.

5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:
   (i) what percentage of the contract will be subcontracted?
       ......................................................
   (ii) the name of the sub-contractor?
   ..........................................................
   (iii) the B-BBEE status level of the sub-contractor?
       ..................................................
   (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9. DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of firm : .................................................

9.2 VAT registration number : ..........................................

9.3 Company registration number ..........................................

9.4 TYPE OF COMPANY/ FIRM

   □ Partnership/Joint Venture / Consortium
   □ One person business/sole propriety
   □ Close corporation
   □ Company
   □ (Pty) Limited
   [TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

9.6 COMPANY CLASSIFICATION
9.7 MUNICIPAL INFORMATION

Municipality where business is situated ..........................................................
Registered Account Number .........................
Stand Number ............................................

9.8 TOTAL NUMBER OF YEARS THE COMPANY/FIRM HAS BEEN IN BUSINESS?
..........................................................

9.9 I/we, the undersigned, who is / are duly authorised to do so on behalf
of the company/firm, certify that the points claimed, based on the B-
BBE status level of contribution indicated in paragraph 7 of the
foregoing certificate, qualifies the company/ firm for the
preference(s) shown and I / we 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 paragraph 7, the contractor may be required
to furnish documentary proof to the satisfaction of the
purchaser that the claims are correct;

(iv) If the B-BBEE status level of contribution has been claimed or
obtained on a fraudulent basis or any of the conditions of
contract have not been fulfilled, the purchaser may, in
addition to any other remedy it may have –

(a) disqualify the person from the bidding 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) restrict the bidder or contractor, its shareholders and
directors, or only the shareholders and directors who
acted on a fraudulent basis, 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

WITNESSES:

1. ........................................

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

SIGNATURE(S)OF BIDDER(S)
2. ........................................... .................................. ............... DATE:.....................

ADDRESS: ..............................................................................
.......................................................................................
FORM OF OFFER AND ACCEPTANCE

APPOINTMENT OF A PROFESSIONAL TEAM: COMMUNITY DEVELOPMENT FACILITATORS
ZANDSPRUIT EXT. 16 AND ZANDSPRUIT EXT. 84

CONTRACT No:

OFFER

The Employer, identified in the acceptance signature block, has solicited offers to enter into a contract for the procurement of:

APPOINTMENT OF A PROFESSIONAL TEAM: COMMUNITY DEVELOPMENT FACILITATOR
ZANDSPRUIT EXT. 16 AND ZANDSPRUIT EXT. 84

The Tenderer, identified in the offer signature block, has examined the documents listed in the terms of reference and by submitting this offer has accepted the conditions of the RFQ.

By the representative of the Tenderer, deemed to be duly authorized, signing this part of this form of offer and acceptance, the Tenderer offers to perform all of the obligations and liabilities of the Consultant under the contract including compliance with all its terms and conditions according to their true intent.

THE OFFERED TOTAL OF THE PRICES INCLUSIVE OF VALUE ADDED TAX IS:

<table>
<thead>
<tr>
<th>Rand (in words):</th>
<th></th>
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<tbody>
<tr>
<td>Rand in figures:</td>
<td>R</td>
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</tbody>
</table>

SIGNED FOR THE TENDERER:

<table>
<thead>
<tr>
<th>Name of representative</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

WITNESSED BY:

<table>
<thead>
<tr>
<th>Name of witness</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

The Tenderer elects as its domicilium citandi et executandi in the Republic of South Africa, where any and all legal notices may be served, as (physical address):

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

Other Contact Details of the Tenderer are:

Telephone No. ...................................  Cellular Phone No. ....................................

Fax No. ..................................................

Postal address ..................................................................................................................

Banker .............................................  Branch ......................................................

........................................................................................................................................
........................................................................................................................................
By signing this part of this form of offer and acceptance, the Employer identified below accepts the Tenderer’s offer. In consideration thereof, the Employer shall pay the Consultant the amount due in accordance with the conditions of Service Level Agreement to be completed in due course. Acceptance of the Tenderer’s offer shall form an agreement between the Employer and the Tenderer upon the terms and conditions contained in Service Level Agreement that is the subject of this agreement.

Deviations from and amendments to the Terms of Reference and any addenda thereto as listed as well as any changes to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance, are contained in the schedule of deviations attached to and forming part of this agreement.

The Tenderer shall within two weeks after receiving a completed copy of the Service Level Agreement including the schedule of deviations (if any), contact the Employer’s agent (whose details are given in the terms of reference) to arrange the delivery of any professional indemnity/s, proof of insurance and any other documentation to be provided in terms of the conditions of service level agreement. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect, if delivered by hand on the day of delivery, or if delivered by courier within two working days after submission by the Employer to the courier services for a door-to-door delivery to the Tenderer, provided that the Employer notifies the Tenderer of the tracking number within 24 hours of such submission. Unless the Tenderer (now Consultant) within seven working days of the date of such submission notifies the Employer in writing of any reason why he cannot accept the contents of the agreement, the agreement shall constitute a binding contract between the parties.

<table>
<thead>
<tr>
<th>For the Employer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of signatory</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Name of Organisation:</th>
<th>Joburg Housing</th>
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</thead>
<tbody>
<tr>
<td>Address of Organisation:</td>
<td></td>
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</table>

<table>
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<tr>
<th>WITNESSED BY:</th>
</tr>
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<tbody>
<tr>
<td>Name of witness</td>
</tr>
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</table>
## Schedule of Deviations

<table>
<thead>
<tr>
<th>1.1.1. Subject:</th>
<th>Detail:</th>
</tr>
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<tbody>
<tr>
<td></td>
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<tr>
<td>1.1.2. Subject:</td>
<td>Detail:</td>
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<td>1.1.3. Subject:</td>
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<td>1.1.4. Subject:</td>
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<td>1.1.5. Subject:</td>
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<td>1.1.6. Subject:</td>
<td>Detail:</td>
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</tbody>
</table>

By the duly authorised representatives signing this agreement, the Employer and the Tenderer agree to and accept the foregoing schedule of deviations as the only deviations from and amendments to the documents listed/contained in the terms of reference and addenda as well as any confirmation, clarification or changes to the terms of the offer agreed by the Tenderer and the Employer during this process of offer and acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the terms of reference and the receipt by the Tenderer of a completed signed copy of the service level agreement shall have any meaning or effect in the contract between the parties arising from this agreement.