

**TRANSNET FREIGHT RAIL**

an operating division of **TRANSNET SOC LTD**

[Registration No. 1990/000900/30]

**REQUEST FOR PROPOSAL [RFP]**

**TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**RFP NUMBER** CRAC/JHB/9735  
**ISSUE DATE:** 06 December 2012  
**CLOSING DATE:** 19 February 2013  
**CLOSING TIME:** 10:00  
**BID VALIDITY PERIOD:** 120 days from Closing Date

## SCHEDULE OF BID DOCUMENTS

Section No	Page
SECTION 1 : NOTICE TO BIDDERS .....	5
1 PROPOSAL REQUEST .....	5
2 FORMAL BRIEFING .....	5
3 PROPOSAL SUBMISSION .....	6
4 DELIVERY INSTRUCTIONS FOR RFP.....	6
5 BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS.....	7
6 FURTHER BONUS POINTS [FBP] .....	11
7 COMMUNICATION .....	11
8 INSTRUCTIONS FOR COMPLETING THE RFP .....	11
9 COMPLIANCE .....	12
10 ADDITIONAL NOTES.....	12
11 DISCLAIMERS .....	12
12 LEGAL REVIEW.....	13
SECTION 2 : OVERVIEW AND SCOPE OF REQUIREMENTS.....	14
1 EXECUTIVE OVERVIEW .....	14
2 SCOPE OF REQUIREMENTS .....	14
3 GENERAL CONDITIONS.....	15
4 GREEN ECONOMY / CARBON FOOTPRINT .....	15
5 GENERAL SERVICE PROVIDER OBLIGATIONS.....	15
6 EXCHANGE AND REMITTANCE.....	15
7 SERVICE LEVELS .....	16
8 RISK.....	16
9 REFERENCES.....	17
10 PRE-QUALIFICATION AND EVALUATION METHODOLOGY AND CRITERIA.....	18
SECTION 3 : PRICING AND DELIVERY SCHEDULE .....	22
SECTION 4 : PROPOSAL FORM .....	23
SECTION 5 : VENDOR APPLICATION FORM .....	29
SECTION 6 : SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS .....	31
SECTION 7 : CERTIFICATE OF ACQUAINTANCE WITH RFP DOCUMENTS .....	32
SECTION 8 : CERTIFICATE OF ACQUAINTANCE WITH THE GENERAL BID CONDITIONS - SERVICES .....	34
SECTION 9 : CERTIFICATE OF ACQUAINTANCE WITH THE TERMS AND CONDITIONS OF CONTRACT FOR THE PROVISION OF SERVICES TO TRANSNET .....	36
SECTION 10 : RFP DECLARATION FORM .....	37
SECTION 11 : BREACH OF LAW FORM .....	40
SECTION 12 : RFP CLARIFICATION REQUEST FORM .....	41
SECTION 13 : SUPPLIER CODE OF CONDUCT .....	42
SECTION 14 : CERTIFICATE OF ATTENDANCE OF RFP BRIEFING .....	44
SECTION 15 : SUPPLIER DEVELOPMENT INITIATIVES.....	45
SECTION 16 : NON-DISCLOSURE AGREEMENT [NDA].....	49
SECTION 17 : FURTHER RECOGNITION CRITERIA [FRC] .....	50

**RFP ANNEXURES:**

ANNEXURE A	B-BBEE PREFERENCE POINT CLAIMS FORM
ANNEXURE B	NON-DISCLOSURE AGREEMENT
ANNEXURE C1	FURTHER RECOGNITION CRITERIA (CURRENT)
ANNEXURE C2	FURTHER RECOGNITION CRITERIA (FUTURE)
ANNEXURE D	SUPPLIER DEVELOPMENT VALUE SUMMARY
ANNEXURE E	E-AUCTION QUESTIONNAIRE

**RFP APPENDICES:**

APPENDIX (i)	GENERAL BID CONDITIONS
APPENDIX (ii)	TERMS AND CONDITIONS OF CONTRACT FOR THE PROVISION OF SERVICES TO TRANSNET
APPENDIX (iii)	GUIDELINES FOR THE COMPLETION OF A SUPPLIER DEVELOPMENT BID DOCUMENT

“PREVIEW COPY ONLY”

**LIST OF ACRONYMS**

B-BBEE	Broad-Based Black Economic Empowerment
CD	Compact/computer disc
DAC	Divisional Acquisition Council
DPE	Department of Public Enterprises
DTI	Department of Trade and Industry
EME	Exempted Micro Enterprise
FRC	Further Recognition Criteria
GBC	General Bid Conditions
ID	Identity Document
JV	Joint Venture
LOI	Letter of Intent
NDA	Non-Disclosure Agreement
NGP	New Growth Path
OD	Transnet Operating Division
PTN	Post-Tender Negotiations
QSE	Qualifying Small Enterprise
RFP	Request for Proposal
SD	Supplier Development
SME	Small Medium Enterprise
SOC	State Owned Company
TAC	Transnet Acquisition Council
TCO	Total Cost of Ownership
VAT	Value-Added Tax
ZAR	South African Rand

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 1 : NOTICE TO BIDDERS**

**1 PROPOSAL REQUEST**

Responses to this RFP [hereinafter referred to as a **Bid** or a **Proposal**] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as an **entity, Respondent** or **Bidder**] to conduct E-Auctioning of scraped assets as and where available from various Transnet sites [the **Services**] to Transnet.

On or after 06 December 2012, the RFP documents may be inspected at, and are obtainable from the office of Anton Erasmus, Reception, Tender Advise Centre, Ground Floor, Inyanda House 1, 21 Wellington Road, Parktown, on payment of an amount of R350.00 [inclusive of VAT] per set. Payment is to be made as follows:

Bank:	Standard Bank
Account Number:	203158598
Branch:	Braamfontein
Branch code:	004805
Account Name:	Transnet Freight Rail
Reference:	CRAC/JHB/9735

**NOTES –**

- a) This amount is not refundable.
- b) A receipt for such payment made must be presented when collecting the RFP documents and submitted thereafter with your Proposal.

RFP documents will only be available until 14:00 on 29 January 2013.

*M.B: Pursuant to note (b) above, should a third party [such as a courier] be instructed to collect RFP documents on behalf of a Respondent, please ensure that this person [the third party] has a "proof of payment" receipt for presentation to Transnet when collecting the RFP documents.*

Any additional information or clarification will be faxed or emailed to all Respondents, if necessary.

**2 FORMAL BRIEFING**

A non-compulsory pre-proposal RFP briefing will be conducted at **Auditorium 201, Railwayman's Inn, Esselenpark, Gauteng** on the **30 January 2013**, at **12:30** for a period of  $\pm 2$  hours. [Respondents to provide own transportation and accommodation].

- 2.1 *A Certificate of Attendance in the form set out in Section 14 hereto must be completed and submitted with your Proposal.*

- 2.2 Respondents who have not purchased and/or been issued with a valid RFP bid document/s will not be allowed to attend the RFP briefing. Bid documents will not be issued and/or sold at the RFP briefing.
- 2.3 The briefing session will start punctually at **12:30** and information will not be repeated for the benefit of Respondents arriving late.

### 3 PROPOSAL SUBMISSION

Proposals **in duplicate [1 original and 1 copy] plus a CD copy** must reach The Chairperson, Transnet Freight Rail Acquisition Council before the closing hour on the date shown below, and must be enclosed in a sealed envelope which must have inscribed on the outside:

RFP No:	CRAC/JHB/9735
Description	TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM VARIOUS TRANSNET SITES
Closing date and time:	19 February 2013 at 10:00
Closing address	[Refer to options in paragraph 4 below]

### 4 DELIVERY INSTRUCTIONS FOR RFP

#### 4.1 Delivery by hand

If delivered by hand, the envelope is to be deposited in the Transnet tender box which is located at Reception, Tender Advise Centre, Ground Floor, Inyanda House 1, 21 Wellington Road, Parktown, Johannesburg, and should be addressed as follows:

THE CHAIRPERSON  
TRANSNET FREIGHT RAIL ACQUISITION COUNCIL  
INYANDA HOUSE 1  
21 WELLINGTON ROAD  
PARKTOWN  
JOHANNESBURG

- a) The measurements of the "tender slot" are 400mm wide x 100mm high, and Respondents must please ensure that response documents or files are no larger than the above dimensions. Responses which are too bulky [i.e. more than 100mm thick] must be split into two or more files, and placed in separate envelopes, each such envelope to be addressed as required in paragraph 3 above.

#### 4.2 Dispatch by courier

If dispatched by courier, the envelope must be addressed as follows and delivered to the Office of The Chairperson, Transnet Freight Rail Acquisition Council and a signature obtained from that Office:

THE CHAIRPERSON  
TRANSNET FREIGHT RAIL ACQUISITION COUNCIL  
INYANDA HOUSE 1  
21 WELLINGTON ROAD  
PARKTOWN  
JOHANNESBURG



- 4.3 Please note that this RFP closes punctually at **10:00 on Tuesday 19 February 2013**.
- 4.4 If responses are not delivered as stipulated herein, such responses will not be considered and will be treated as "NON-RESPONSIVE" and will be disqualified.
- 4.5 No email or facsimile responses will be considered, unless otherwise stated herein.
- 4.6 The responses to this RFP will be opened as soon as practicable after the expiry of the time advertised for receiving them.
- 4.7 Transnet shall not, at the opening of responses, disclose to any other company any confidential details pertaining to the Proposals / information received, i.e. pricing, delivery, etc. The names and locations of the Respondents will be divulged to other Respondents upon request.
- 4.8 Envelopes must not contain documents relating to any RFP other than that shown on the envelope. All envelopes must reflect the return address of the Respondent on the reverse side.
- 4.9 No slips are to be attached to the response documents. Any additional conditions must be embodied in an accompanying letter. Subject only to clause 15 [*Alterations made by the Respondent to Bid Prices*] of the General Bid Conditions, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.

## 5 BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS

Transnet fully endorses and supports the Government's Broad-Based Black Economic Empowerment Programme and it is strongly of the opinion that all South African business enterprises have an equal obligation to redress the imbalances of the past.

Transnet would therefore prefer to do business with local business enterprises who share these same values and who are prepared to contribute to meaningful B-BBEE initiatives [including, but not limited to subcontracting and Joint Ventures] as part of their tendered responses. Transnet will accordingly allow "preference" points to companies who provide a valid B-BBEE Verification Certificate. All procurement transactions will be evaluated accordingly.

With respect to B-BBEE, this RFP will be evaluated as follows:

EVALUATION CRITERIA	Section 1 Reference	Final Weighted Points
B-BBEE:		
- Scorecard	Paragraph 5.1	10
- Further Recognition Criteria [Current Status]	Paragraph 5.4	10
- Further Recognition Criteria [Future Targets]	Paragraph 5.4	5
- Further Bonus Points	Paragraph 6	15
<b>Maximum points allocated for B-BBEE:</b>		<b>40</b>

Transnet will accordingly allocate a maximum of **10 [Ten] points** to the Respondent's final score based on an entity's B-BBEE scorecard rating. [Refer **Annexure A** for further details].

Consequently, when Transnet invites prospective service providers to submit Proposals for its various expenditure programmes, it requires Respondents [*Large Enterprises and QSE's - see below*] to have their B-BBEE status verified in compliance with the Government Gazette No 34612, Notice No. 754 dated 23 September 2011. Valid B-BBEE Verification Certificates must be issued by:

- a) Verification Agencies accredited by the South African National Accreditation System [**SANAS**]; or
- b) Registered Auditors approved by the Independent Regulatory Board of Auditors [**IRBA**], in accordance with the approval granted by the DTI.

A Verification Certificate issued must reflect the weighted points attained by the measured entity for each element of the scorecard as well as the overall B-BBEE rating.

### 5.1 B-BBEE Rating

Enterprises will be rated by Verification Agencies or Registered Auditors based on the following:

- a) **Large Enterprises** [i.e. annual turnover greater than R35 million]:
  - Rating level based on all seven elements of the B-BBEE scorecard
- b) **Qualifying Small Enterprises – QSE** [i.e. annual turnover between R5 million and R35 million]:
  - Rating based on any four of the elements of the B-BBEE scorecard
- c) **Exempted Micro Enterprises – EME** [i.e. annual turnover less than R5 million]:

In accordance with B-BBEE Codes of Good Practice [Statement 000, Section 4], any enterprise with an annual total revenue of R 5 million or less qualifies as an EME.

- Automatic rating of B-BBEE Level 4 irrespective of race or ownership
- Black<sup>1</sup> ownership greater than 50% or Black Women ownership greater than 50% automatically qualify as B-BBEE Level 3

Sufficient evidence to qualify as an EME would be a certificate (which may be in the form of a letter) from an auditor or, accounting officer or certificate from a Verification Agency accredited by SANAS. The certificate must confirm the company's turnover, Black ownership / Black female ownership and B-BBEE status level.

*Respondents are required to furnish proof of the above to Transnet. [i.e. a detailed scorecard as stipulated above in respect of Large Enterprises and QSEs, or a certificate in respect of EMEs].*

N.B. Failure to submit a B-BBEE certificate, which is valid as at the Closing Date of this RFP, will result in a score of zero being allocated for B-BBEE.

**Turnover:** Kindly indicate your entity's annual turnover for the past year:

R \_\_\_\_\_

*All Respondents must complete and return the B-BBEE Preference Points Claim Form attached hereto as **Annexure A**.*

<sup>1</sup> **Black** means South African Blacks, Coloureds and Indians, as defined in the B-BBEE Act, 53 of 2003



## 5.2 B-BBEE Joint Ventures and/or Subcontractors

In addition to the above, Respondents who would wish to enter into a JV with or subcontract portions of the contract to B-BBEE entities must state in their RFPs the percentage of the total contract value that would be allocated to such B-BBEE entities, should they be successful in being awarded any business. A valid B-BBEE Verification Certificate in respect of such B-BBEE JV-partners and/or subcontractor(s), as well as a breakdown of the distribution of the aforementioned percentage must also be furnished with the RFP Bid to enable Transnet to evaluate in accordance with the processes outlined in the B-BBEE Preference Points Claim Form appended hereto as Annexure A.

### a) Incorporated JVs/Consortiums

As part of an incorporated JV/Consortium's bid response, the incorporated JV/Consortium must submit a valid B-BBEE certificate in its registered name.

### b) Unincorporated JVs/Consortiums

As part of an unincorporated JV/Consortium's tendered response, the unincorporated JV/Consortium must submit a consolidated valid B-BBEE certificate as if it was a group structure and provided that that such a consolidated B-BBEE scorecard is prepared for every separate tender.

It is a further requirement that a signed Memorandum of Agreement [MoA] or JV agreement between the parties clearly stating the percentage [%] split of business and the associated roles, responsibilities, contribution etc of each party be submitted. If such a JV agreement is unavailable, the JV partners must submit confirmation in writing of their intention to enter into a JV agreement/partnership should they be awarded business by Transnet through this RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV agreement is submitted to Transnet.

### c) Please note that a Respondent will not be awarded points for B-BBEE if it is indicated in its Proposal that such Respondent intends subcontracting more than 25% [twenty-five per cent] of the value of the contract to an entity that does not qualify for at least the same points that the Respondent qualifies for, unless the intended subcontractor is an EME with the capability to execute the contract.

## 5.3 B-BBEE Registration

In addition to the Verification Certificate, Transnet recommends that Respondents register their B-BBEE compliance and supporting documentation on the DTI's National B-BBEE IT Portal and Opportunities Network and provide Transnet with proof of registration in the form of an official B-BBEE Profile issued by the DTI.

Transnet would wish to use the DTI B-BBEE IT Portal as a data source for tracking B-BBEE compliance.

*For instructions to register and obtain a DTI B-BBEE Profile go to <http://bee.thedti.gov.za>*

#### 5.4 Further Recognition Criteria

##### a) Further Recognition Criteria (Current)

Points will be allocated in respect of preference to measure the Respondent's CURRENT B-BBEE status at the time of submission of their bid. These points are allocated based on the extent to which the Respondent's current ownership, management control and employment equity meets or exceeds certain minimum targets. Please note that a Respondent's ownership, management control and employment equity at the time of the submission of the bid, may differ from that which is reflected in the B-BBEE scorecard. When claiming points for FRC (Current) the Respondent must reflect his B-BBEE status at the time of submitting the bid. Supporting documentation may be requested in this regard.

##### b) Further Recognition Criteria (Future)

Transnet encourages its suppliers to constantly strive to improve their B-BBEE rating. Therefore, further points will be allocated to a Respondent's score based on the "Further Recognition Criteria (Future)" [**FRC (Future)**] on an ascending scale. This will be calculated based on the extent to which Respondents propose to maintain, meet or exceed Transnet's compliance targets over the contract period.

Respondents are required to submit their Further Recognition Criteria [Current & Future] with their Proposals. *[Refer Section 17 for further instructions]*

*N.B. Failure to submit an FRC Claim Form for FRC (Current) and/or FRC (Future) at the closing date of this tender will result in disqualification.*

***All Respondents must complete and return the FRC Claim Form for FRC (Current) & FRC (Future) attached hereto as Annexure C1 and C2 respectively.***

#### 5.5 Supplier Development Initiatives

Historically in South Africa there has been a lack of investment in infrastructure, skills and capability development and inequality in the income distribution and wealth of a significant portion of the population. There have been a number of Government initiatives developed to address these challenges. In particular, the New Growth Path [**NGP**] developed in 2010 aligns and builds on previous policies to ensure the achievement of Government's development objectives for South Africa.

Transnet fully endorses and supports Government's New Growth Path policy through its facilitation of Supplier Development [**SD**] initiatives. Hence Supplier Development Initiatives are a prerequisite for this RFP and are included in the Evaluation Criteria. (Refer Section 15 for Instruction)

EVALUATION CRITERIA	Section 1 Reference	Final Weighted Points
Supplier Development [SD] initiatives	Paragraph 5.5	10
<ul style="list-style-type: none"> <li>- New Skills development</li> <li>- Job creation and preservation</li> </ul>		
<b>Maximum points allocated for SD:</b>		<b>10</b>

Respondents are to submit a signed SD Bid Document and a completed **Annexure D** – Supplier Development Value Summary [for further instructions refer to Section 15 together with **Appendix (iii)** – Guidelines for the Completion of a Supplier Development Bid Document].

*Note: Should a JV be envisaged, the principal Respondent is required to submit the required responses as indicated above.*

## 6 FURTHER BONUS POINTS [FBP]

Transnet places great emphasis on providing business opportunities for new and emerging entities in line with the transformation objectives of the NGP. For this reason “further bonus points” will be awarded to respondents with more than **fifty-one percent (51%)** Black Ownership and who are classified as EMEs or QSEs, as defined in the B-BBEE act no. 53 of 2003. In this regard all Respondents with more than 51% Black Ownership and classified as EMEs will receive **10 FBPs**, all Respondents with more than 51% Black Ownership and classified as QSEs will receive **5 FBPs** and all Respondents (EME or QSE) with more than 30% Black Women Ownership will receive a further **5 FBPs**, which will be allocated to their final score.

## 7 COMMUNICATION

Respondents are warned that a Proposal will be liable to disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer or employee of Transnet in respect of this RFP between the closing date and the date of the award of the business.

7.1 For specific queries relating to this RFP, an RFP Clarification Request Form should be submitted before **12:00 on 05 February 2013**, substantially in the form set out in Section 12 hereto. In the interest of fairness and transparency Transnet’s response to such a query will then be made available to the other Respondents who have collected RFP documents. For this purpose all Respondents are required to indicate by email their intention to respond to this RFP by informing Transnet of their contact details as soon as possible but on or before **05 February 2013** to [Sarah.Assegaaai@transnet.net](mailto:Sarah.Assegaaai@transnet.net).

7.2 After the closing date of the RFP, a Respondent may only communicate with the Secretariat of the Transnet Freight Rail Acquisition Council, at telephone number 011 584 9231, email [Sarah.Assegaaai@transnet.net](mailto:Sarah.Assegaaai@transnet.net) on any matter relating to its RFP Proposal.

Respondents found to be in collusion with one another will be automatically disqualified and blacklisted from doing business with Transnet in the future.

## 8 INSTRUCTIONS FOR COMPLETING THE RFP

- 8.1 Sign one set of original documents [sign, stamp and date the bottom of each page]. This set will serve as the legal and binding copy. A duplicate set of documents is required. This second set must be a copy of the original signed Proposal.
- 8.2 Both sets of documents are to be submitted to the address specified in paragraph 4 above.
- 8.3 A CD copy of the RFP Proposal must be submitted. Please provide files in MS Word / Excel format, not PDF versions, noting that the signed original set will be legally binding.

- 8.4 All returnable documents tabled in the Proposal Form [Section 4] must be returned with your Proposal.

## 9 COMPLIANCE

The successful Respondent [hereinafter referred to as the **Service Provider**] shall be in full and complete compliance with any and all applicable laws and regulations.

## 10 ADDITIONAL NOTES

- 10.1 Changes by the Respondent to its submission will not be considered after the closing date.
- 10.2 The person or persons signing the Proposal must be legally authorised by the Respondent to do so [Refer Section 6 – *Signing Power, Resolution of the Board of Directors*]. A list of those person(s) authorised to negotiate on behalf of the Respondent [if not the authorised signatories] must also be submitted along with the Proposal together with their contact details.
- 10.3 Transnet will not do business with companies involved in B-BBEE fronting practices.
- 10.4 Transnet may wish to visit the Respondent's place of business during this RFP process.
- 10.5 Transnet reserves the right to undertake post-tender negotiations [PTN] with selected Respondents or any number of short-listed Respondents, such PTN to include, at Transnet's option, any evaluation criteria listed in this RFP document.
- 10.6 Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.

**FAILURE TO OBSERVE ANY OF THE AFOREMENTIONED REQUIREMENTS  
MAY RESULT IN A PROPOSAL BEING REJECTED**

## 11 DISCLAIMERS

Respondents are hereby advised that Transnet is not committed to any course of action as a result of its issuance of this RFP and/or its receipt of Proposals. In particular, please note that Transnet reserves the right to:

- 11.1 modify the RFP's Services and request Respondents to re-bid on any such changes;
- 11.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 11.3 disqualify Proposals submitted after the stated submission deadline [Closing Date];
- 11.4 not necessarily accept the lowest priced Proposal;
- 11.5 reject all Proposals, if it so decides;
- 11.6 withdraw the RFP on good cause shown;
- 11.7 award a contract in connection with this Proposal at any time after the RFP's closing date;

- 11.8 award a contract for only a portion of the proposed Services which are reflected in the scope of this RFP;
- 11.9 split the award of the contract between more than one Service Provider; or
- 11.10 make no award of a contract.

In addition, Transnet reserves the right to exclude any Respondent from the bidding process who has been convicted of a serious breach of law during the preceding 5 [five] years, including but not limited to breaches of the Competition Act 89 of 1998. Respondents are required to indicate in Section 11 *[Breach of Law]* whether or not they have been found guilty of a serious breach of law during the past 5 [five] years.

Transnet reserves the right to lower the threshold for Technical, B-BBEE and/or Supplier Development by 10% [ten per cent] if no Bidders or if only one (1) bidder passes the predetermined minimum threshold.

Kindly note that Transnet will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Proposal, whether or not the Respondent is awarded a contract.

## 12 LEGAL REVIEW

A Proposal submitted by a Respondent will be subjected to review and acceptance or rejection of its proposed contractual terms and conditions by Transnet's Legal Counsel, prior to consideration for an award of business.

**Transnet urges its clients, suppliers and the general public  
to report any fraud or corruption to  
TIP-OFFS ANONYMOUS : 0800 003 056**

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 2 : OVERVIEW AND SCOPE OF REQUIREMENTS**

**1 EXECUTIVE OVERVIEW**

The selected service provider(s) will share in the mission and business objectives of Transnet. These mutual goals will be met by meeting contract requirements and new challenges in an environment of teamwork, joint participation, flexibility, innovation and open communications. In this spirit of partnership, Transnet and its Supplier(s) will study the current ways they do business to enhance current practices and support processes and systems. Such a partnership will allow Transnet to reach higher levels of quality, service and profitability.

Respondents are required to furnish complete and comprehensive responses to ANNEXURE E E-AUCTION QUESTIONNAIRE and also be in a position to do live demonstrations on their software package that they intend using for their E-auction process when called upon to do so. Only comprehensive packages that can deal in totality with the sale and billing process will be considered. Partial solutions and physical auctions will under no circumstances be considered.

**2 SCOPE OF REQUIREMENTS**

- 2.1 The Service Provider shall perform E-auctioneering services by advertising auctions, arranging lots, cataloguing the sale with photographs and the detailing and pricing thereof, formulating the terms of sale, the collection and remittance of total proceeds received from an auction, and other related activities in order to realise the optimum value from an E-auction for Transnet.
- 2.2 When required to do so the Service Provider must hire equipment – such as forklifts, grabs etc. to assist Transnet with the placement of scrapped assets for sale or contract the services of company's performing processing activities such as the cutting and moving of Rails in the preparation of the sale site/s. Transnet will deduct such costs from the revenue generated by the sale. All arrangements must be done in collaboration of and be approved by an appropriate contract manager of Transnet.
- 2.3 The Service Provider must display professional skills in order to substantiate that the scrapped assets and/or other material are sold to the best advantage of Transnet. Reserve price setting is to be done in collaboration with Transnet.
- 2.4 The Service Provider must be able to invoice the buyers immediately upon closing of the E-Auction and ensure that the buyers pay in such a manner so as to allow the Service Provider to pay in all funds from the auction within 10 working days. Immediately after closing of the sale the Service Provider must produce electronic spread sheets reflecting the detailed results of the sale in the form of reports e.g. per lot, per buyer and a progressive view of the year to date sales.



2.5 This RFP covers aspects relating to the sale by E-auction of scrapped material and assets which are identified and earmarked for sale, solely at Transnet's option. The electronic package offered by respondents must be comprehensive in meeting all the requirements of Transnet.

2.6 Scrapped rolling stock assets, materials, machinery etc. situated at various national sites, at an estimated scrap value of R 50 000 000.00 (Fifty-Million Rand), will be sold by E-Auction in collaboration with Transnet at the nominated locations.

This **value is an estimate only** and is provided as a guidance of what is anticipated. Transnet will in no way provide surety for the supply of this scrap value to be auctioned.

### 3 GENERAL CONDITIONS

Respondents are required to complete and submit the E-auction questionnaire attached hereto as Annexure E.

### 4 GREEN ECONOMY / CARBON FOOTPRINT

Whereas Transnet cannot prescribe a Respondent's commitment to environmental issues, Transnet would wish to have an understanding of your company's position in this regard, including key environmental characteristics such as waste disposal, recycling and energy conservation. *Please submit details of your entity's policies in this regard.*

### 5 GENERAL SERVICE PROVIDER OBLIGATIONS

5.1 The Service Provider(s) shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.

5.2 The Service Provider(s) must comply with the requirements stated in this RFP.

### 6 EXCHANGE AND REMITTANCE

The attention of the Respondents is directed to clause 16 *[Exchange and Remittance]* of the General Bid Conditions appended hereto. If Transnet is requested by the Respondent to effect payment overseas direct to the Respondent's principal or service provider, which is not a registered South African Company please complete the details below:

6.1 ZAR 1.00 [South African currency] being equal to \_\_\_\_\_ *[foreign currency]*

6.2 \_\_\_\_\_ % in relation to tendered price(s) to be remitted overseas by Transnet

6.3 \_\_\_\_\_ *[Name of country to which payment is to be made]*

6.4 Beneficiary details:

Name *[Account holder]* \_\_\_\_\_

Bank *[Name and branch code]* \_\_\_\_\_

Swift code \_\_\_\_\_

Country \_\_\_\_\_

6.5 \_\_\_\_\_ *[Applicable base date of Exchange Rate used]*

Respondents should note that Transnet would prefer to receive fixed price offers expressed in South African Rand [ZAR].

## 7 SERVICE LEVELS

- 7.1 An experienced national account representative(s) is required to work with Transnet's procurement department. [No sales representatives are needed for individual department or locations]. Additionally, there shall be a minimal number of people, fully informed and accountable for this agreement.
- 7.2 Transnet will have quarterly reviews with the Service Provider's account representative on an on-going basis.
- 7.3 Transnet reserves the right to request that any member of the Service Provider's team involved on the Transnet account be replaced if deemed not to be adding value for Transnet.
- 7.4 The Service Provider guarantees that it will achieve a 95% service level on the following measures:
- Random checks on compliance with scope of work or terms of reference
  - On-time deliverables
- 7.5 Transnet reserves the right to impose penalties for non-performance.
- 7.6 Transnet reserves the right to cancel the contract if services are not fit for purpose.
- 7.7 The Service Provider must provide a telephone number for customer service calls.
- 7.8 Failure of the Service Provider to comply with stated service level requirements will give Transnet the right to cancel the contract in whole, without penalty to Transnet, giving 30 [thirty] days' notice to the Service Provider of its intention to do so.

### Acceptance of Service Levels:

YES	
-----	--

NO	
----	--

## 8 RISK

Respondents must elaborate on the control measures put in place by their entity, which would mitigate the risk to Transnet pertaining to potential non-performance by a Service Provider, in relation to:

### 8.1 Quality of Services delivered:

---



---



---



---



---

### 8.2 Continuity of the provision of Services:

---



---



---



---



---

**8.3 Compliance with the Occupational Health and Safety Act, 85 of 1993:**

---

---

---

---

---

**9 REFERENCES**

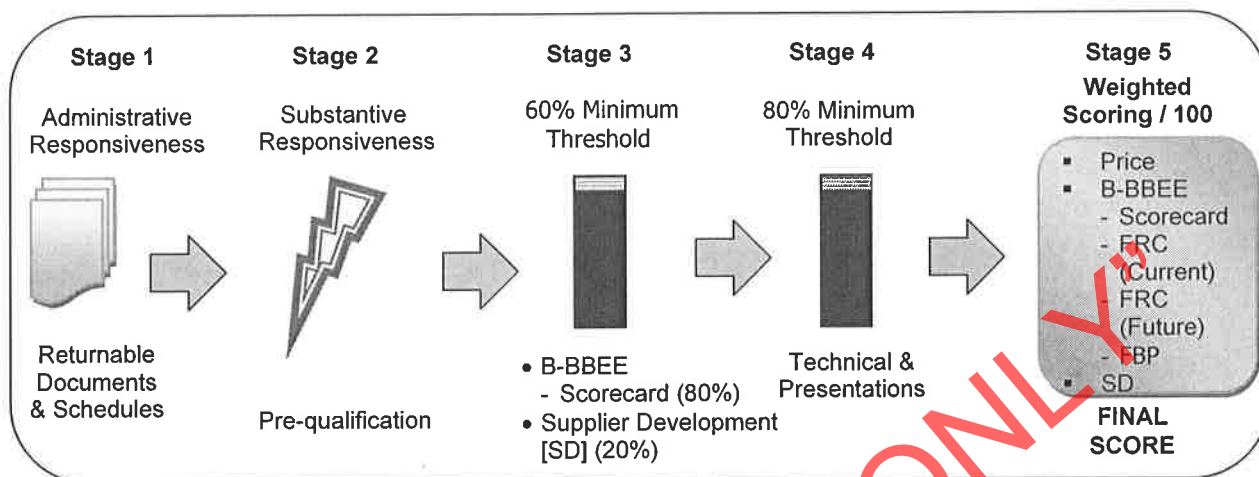
Please indicate below the company names and contact details of existing and/or past customers whom Transnet may contact to seek third party evaluations of your current service levels:

NAME OF COMPANY	CONTACT PERSON	TELEPHONE

“PREVIEW COPY ONLY”

## 10 PRE-QUALIFICATION AND EVALUATION METHODOLOGY AND CRITERIA

Transnet will utilise the following methodology and criteria in selecting a preferred Service Provider, if so required:



### 10.1 STAGE ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Pre-Qualification Criteria	RFP Reference
• Whether the Bid has been lodged on time	<i>Section 1 paragraph 3</i>
• Whether all returnable documents and/or schedules [where applicable] were completed and returned by the closing date and time	<i>Section 4</i>

***The test for administrative responsiveness [Stage One] must be passed for a Respondent's Proposal to progress to Stage Two for further pre-qualification***

### 10.2 STAGE TWO: Test for Substantive Responsiveness to RFP

The test for substantive responsiveness to this RFP will include the following:

Pre-Qualification Criteria	RFP Reference
• Whether any pre-qualification criteria set by Transnet, have been met	<i>Section 1 paragraphs 2.2, 6, 10.3 Section 4 – validity period Appendix (i), General Bid Conditions clause 19 Sections 10 &amp; 11</i>
• Whether the Bid contains a priced offer	<i>Section 3</i>
• Whether the Bid materially complies with the scope and/or specification given	<i>All Sections</i>

***The test for substantive responsiveness [Stage Two] must be passed for a Respondent's Proposal to progress to Stage Three for further pre-qualification***

**10.3 STAGE THREE: Test Minimum Threshold 60% (for B-BBEE and Supplier Development Initiatives)**

**a) B-BBEE Scorecard:**

Pre-Qualification Criterion	RFP Reference
<ul style="list-style-type: none"> <li>Current status evaluated according to the valid B-BBEE Accreditation scorecard</li> </ul>	Section 1, paragraph 5 & Preferential Points Claim Form, Annexure A

**b) Supplier Development Bid Document and SD Value Summary:**

*[Refer Section 15, plus Annexures D:*

Pre-Qualification Criteria	RFP Reference
Supplier Development Bid Document: <ul style="list-style-type: none"> <li>New skills development</li> <li>Job creation and preservation</li> </ul>	Appendix (iii)
Supplier Development Value Summary	Annexure D

***The test for meeting the B-BBEE and SD threshold [Stage Three] must be passed for a Respondent's Proposal to progress to Stage Four for further pre-qualification***

***Transnet reserves the right to lower the threshold percentage.***

**10.4 STAGE FOUR: Test Minimum Threshold of 80% for Technical & Presentations Criteria**

The test for the Technical & Presentations threshold will include the following:

Pre-Qualification Criteria	Weightings (100%)
<b>Technical</b>	
<ul style="list-style-type: none"> <li>Response to E-Auction Questionnaire</li> </ul>	30%
<b>Presentations</b>	
<ul style="list-style-type: none"> <li>Complete demonstration of online E-Auction system</li> </ul>	70%

***The minimum threshold for Stage Four pre-qualification criteria must be met or exceeded for a Respondent's Proposal to progress to Stage Five for final evaluation***

**10.5 STAGE FIVE: Evaluation and Final Weighted Scoring**

a) **Price Criteria: (Weighted 50%)**

Evaluation Criteria	RFP Reference
<ul style="list-style-type: none"> <li>Percentage of Commission charged as a Fee</li> </ul>	<i>Section 3</i>

**Transnet will utilise the following formula in its evaluation of price**

$$Ps = \frac{P_{bm}}{P_t} \times W1$$

**Where:** Ps = Score for Bid under consideration

Pt = Comparative price of Bid under consideration

Pbm = Benchmarked price calculated using average price of bids received less 10%

W1 = The percentage score given to price

Bidders with a price lower than the benchmark will be given an automatic score equal to the full points allocated to price.

b) **Broad-Based Black Economic Empowerment criteria (Weighted 40%)**

- **B-BBEE - current scorecard** [Refer paragraph 9.3 (a) above] **(10%)**
- **Further Recognition Criteria – current status and future targets**

Evaluation Criteria [Current Status] (Weighted 10%)	RFP Reference
<ul style="list-style-type: none"> <li>Ownership</li> <li>Management control</li> <li>Employment equity</li> </ul>	<i>Annexure C1</i>

Evaluation Criteria [Future Targets] (Weighted 5%)	RFP Reference
<ul style="list-style-type: none"> <li>Ownership</li> <li>Management control</li> <li>Employment equity</li> <li>Enterprise Development</li> <li>Preferential Procurement</li> </ul>	<i>Annexure C2</i>



▪ **Further Bonus Points**

Evaluation Criteria [FBP] (Weighted 15%)	Maximum Points	RFP Reference
Further Bonus Points:		<i>Annexure C</i>
- Black Owned EME's	10	
- Black Owned QSE's	5	
- >30% Black Women Ownership	5	

c) **Supplier Development Bid Document [Refer paragraph 9.3 (b) above] (Weighted 10%)**

PRE-QUALIFICATION CRITERIA	Weighting
Supplier Development Bid Document:	
• New skills development	5%
• Job creation and/or preservation	5%

10.6 **SUMMARY: Pre-Qualification Thresholds and Final Evaluated Weightings**

PRE-QUALIFICATION CRITERIA	MINIMUM THRESHOLD [%]
B-BBEE and Supplier Development	60%
Technical & Presentations	80%

EVALUATION CRITERIA	FINAL WEIGHTED SCORES
Price	50%
B-BBEE - Scorecard	10%
- Further Recognition Criteria (Current)	10%
- Further Recognition Criteria (Future)	5%
- Further Bonus Points	15%
Supplier Development Initiatives	10%
<b>TOTAL SCORE:</b>	<b>100</b>

*Note: Transnet reserves the right to conduct post-tender negotiations with the preferred Respondent(s)*

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 3 : PRICING AND DELIVERY SCHEDULE**

*Respondents are required to complete the table below:*

Percentage of Buyers Commission Charged as a Fee
_____ %

**Notes to Pricing:**

- a) Prices must be quoted in South African Rand, exclusive of VAT
- b) Percentage quoted must be held valid for a period of 120 days from closing date of this RFP
- c) Currency rate of exchange utilised: \_\_\_\_\_ [as applicable]
- d) Respondents must tender on a percentage of the buyers commission basis.
- e) Respondents will be entitled to compensation only to the extent that the amounts are actually recovered, i.e. Transnet will impose a reserve price per lot at each auction.
- f) All charges incurred by a Respondent to conduct an auction sale and to undertake the appraisal and valuation service are to be included in the Commission Fee charged
- g) All disbursements incurred by a Respondent to conduct auctions or other services rendered are to be included in the Commission Fee charged
- h) The percentage Commission tendered must be fixed for the duration of any contract with Transnet resulting from this RFP
- i) A Proposal submitted which has the clause "commission is subject to confirmation" will not be considered.

***Respondents are required to submit their 3-year audited financial statements for large enterprises and QSE's and or individual statements of assets, liabilities and guarantees with their Proposal in order to enable Transnet to establish financial stability. A Bidder deemed financially unstable will be disqualified.***

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 4 : PROPOSAL FORM**

I/We \_\_\_\_\_

*[name of entity, company, close corporation or partnership]*

of *[full address]*

\_\_\_\_\_

carrying on business trading/operating as \_\_\_\_\_

represented by \_\_\_\_\_

in my capacity as \_\_\_\_\_

being duly authorised thereto by a Resolution of the Board of Directors or Members or Certificate of Partners, as the case may be, dated \_\_\_\_\_ a certified copy of which is annexed hereto, hereby offer to provide the above-mentioned Services at the prices quoted in the schedule of prices in accordance with the terms set forth in the accompanying letter(s) reference \_\_\_\_\_ and dated \_\_\_\_\_ *[if any]* and the documents listed in the accompanying schedule of RFP documents.

I/We agree to be bound by those conditions in Transnet's:

- (i) Terms and Conditions of Contract;
- (ii) General Bid Conditions – Services; and
- (iii) any other standard or special conditions mentioned and/or embodied in this Request for Proposal.

I/We accept that unless Transnet should otherwise decide and so inform me/us in the letter of award, this Proposal [and, if any, its covering letter and any subsequent exchange of correspondence], together with Transnet's acceptance thereof shall constitute a binding contract between Transnet and me/us.

Should Transnet decide that a formal contract should be signed and so inform me/us in a letter of intent [the **Letter of Intent**], this Proposal [and, if any, its covering letter and any subsequent exchange of correspondence] together with Transnet's Letter of Intent, shall constitute a binding contract between Transnet and me/us until the formal contract is signed.

I/We further agree that if, after I/we have been notified of the acceptance of my/our Proposal, I/we fail to enter into a formal contract if called upon to do so, or fail to commence the provision of Services within 4 [four] weeks thereafter, Transnet may, without prejudice to any other legal remedy which it may have, recover from me/us any expense to which it may have been put in calling for Proposals afresh and/or having to accept any less favourable Proposal.

I/We accept that any contract resulting from this offer will be for a period of 3 years only; and agree to a penalty clause to be negotiated with Transnet, which will allow Transnet to invoke a penalty against us should the delivery of the Services be delayed due to non-performance by ourselves.

**ADDRESS FOR NOTICES**

The law of the Republic of South Africa shall govern any contract created by the acceptance of this RFP. The *domicilium citandi et executandi* shall be a place in the Republic of South Africa to be specified by the Respondent hereunder, at which all legal documents may be served on the Respondent who shall agree to submit to the jurisdiction of the courts of the Republic of South Africa. Foreign Respondents shall, therefore, state hereunder the name of their authorised representative in the Republic of South Africa who has the power of attorney to sign any contract which may have to be entered into in the event of their Proposal being accepted and to act on their behalf in all matters relating to such contract.

Respondent to indicate the details of its *domicilium citandi et executandi* hereunder:

Name of Entity: \_\_\_\_\_  
 Facsimile: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**NOTIFICATION OF AWARD OF RFP**

As soon as possible after approval to award the contract(s), the successful Respondent [the Service Provider] will be informed of the acceptance of its Proposal. Unsuccessful Respondents will be advised in writing of the name of the successful Service Provider and the reason as to why their Proposals have been unsuccessful, for example, in the category of price, delivery period, quality, B-BBEE status or for any other reason.

**VALIDITY PERIOD**

Transnet requires a validity period of 120 [one hundred and twenty] days [from closing date] of this RFP.

**NAME(S) AND ADDRESS / ADDRESSES OF DIRECTOR(S) OR MEMBER(S)**

The Respondent must disclose hereunder the full name(s) and address(s) of the director(s) or members of the company or close corporation [C.C.] on whose behalf the RFP is submitted.

- (i) Registration number of company / C.C. \_\_\_\_\_  
 (ii) Registered name of company / C.C. \_\_\_\_\_  
 (iii) Full name(s) of director/member(s)      Address/Addresses      ID Number(s)

**CONFIDENTIALITY**

All information related to this RFP, a subsequent contract or Purchase Order is to be treated with strict confidence. In this regard Respondents are required to complete and return a signed copy of the Non-Disclosure Agreement appended hereto as **Annexure B**. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information

gleaned from provision of the Services, which is either directly or indirectly related to Transnet's business, written approval to divulge such information must be obtained from Transnet.

#### DISCLOSURE OF PRICES TENDERED

Respondents must indicate below whether Transnet may disclose their tendered prices and conditions to other Respondents:

YES		NO	
-----	--	----	--

#### PRICE REVIEW

The successful Respondent(s) [the Service Provider] will be obliged to submit to an annual price review. Transnet will be benchmarking this price offering(s) against the lowest price received as per a benchmarking exercise. If the Service Provider's price(s) is/are found to be higher than the benchmarked price(s), then the Service Provider shall match or better such price(s) within 30 [thirty] days, failing which the contract may be terminated at Transnet's discretion or the particular service(s) purchased outside the contract.

#### RETURNABLE DOCUMENTS, SCHEDULES AND ANNEXURES

##### Mandatory Returnable Documents and Schedules

Respondents are required to submit the following returnable documents and schedules with their responses. All Sections, as indicated in the footer of each page, must be signed, stamped and dated by the Respondent. Please confirm submission of these mandatory Returnable Documents, Schedules and Annexures by so indicating [Yes or No] in the table below:

MANDATORY RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
SECTION 3 : Pricing & Delivery Schedule	
SECTION 5 : Original valid Tax Clearance Certificate (Consortia / Joint Ventures / Sub-contractors must submit a separate Tax Clearance Certificate for each party)	
Bidder's technical response	
SECTION 17 : Further Recognition Criteria Current & Future (Annexure C1 & C2)	
SECTION 15 : Supplier Development Initiatives - Supplier Development Bid Document	
Annexure D : Supplier Development Value Summary	
Annexure E: E-Auction Questionnaire	

***Failure to provide all the above-referenced mandatory returnable documents at the closing date and time of this tender will result in a Respondent's disqualification. Bidders are therefore urged to ensure that all these documents are returned with their Proposals.***

### Essential Returnable Documents and Schedules

Respondents are required to submit the following essential returnable documents and schedules with their responses. All Sections, as indicated in the footer of each page, must be signed, stamped and dated by the Respondent. Please confirm submission of these essential Returnable Documents, Schedules and Annexures by so indicating [Yes or No] in the table below:

ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
SECTION 1 : Notice to Bidders	
- ANNEXURE A : B-BBEE Preference Points Claim Form	
SECTION 2 : Background, Overview and Scope of Requirements	
SECTION 4 : Proposal Form	
SECTION 5 : Vendor Application Form	
- Original cancelled cheque or bank verification of banking details	
- Certified copies of IDs of shareholder/directors/members [as applicable]	
- Certified copy of Certificate of Incorporation [CM29/CM9 name change]	
- Certified copy of share certificates [CK1/CK2 if CC]	
- Entity's letterhead	
- Certified copy of valid VAT Registration Certificate	
- Valid B-BBEE Verification Certificate [Large Enterprises and QSEs] Note: failure to provide a valid B-BBEE Verification Certificate at the closing date and time of the tender will result in an automatic score of zero being allocated for B-BBEE scorecard	
- Valid B-BBEE certificate from auditor, accounting officer or SANAS accredited Verification Agency [EMEs] Note: failure to provide a valid B-BBEE Verification Certificate at the closing date and time of the tender will result in an automatic score of zero being allocated for B-BBEE scorecard	
- In the case of Joint Ventures, a copy of the Joint Venture Agreement or written confirmation of the intention to enter into a Joint Venture Agreement	
- Certified copy of valid VAT Registration Certificate	
- Audited Financial Statements for previous 3 years [Large Enterprises and QSEs] and or individual statements of assets, liabilities and guarantees	
SECTION 6 : Signing Power - Resolution of Board of Directors	
SECTION 7 : Certificate of Acquaintance with RFP Documents	
SECTION 8 : Certificate of Acquaintance with General Bid Conditions – Services	
SECTION 9 : Certificate of Acquaintance with Terms and Conditions of Contract	
SECTION 10 : RFP Declaration Form	
SECTION 11 : Breach of Law Form	
SECTION 13 : Supplier Code of Conduct	



SECTION 14 : Certificate of attendance of RFP Briefing	
SECTION 16 : Non-Disclosure Agreement	

***Failure to provide all the above-referenced returnable documents may result in a Respondent's disqualification at Transnet's sole discretion. Bidders are therefore urged to ensure that all these documents are returned with their Proposals.***

#### **CONTINUED VALIDITY OF RETURNABLE DOCUMENTS**

The successful Respondent will be required to ensure the validity of all returnable documents, including but not limited to its Tax Clearance Certificate and valid B-BBEE Verification Certificate, for the duration of any contract emanating from this RFP. Should the Respondent be awarded the contract **[the Agreement]** and fail to present Transnet with such renewals as and when they become due, Transnet shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which Transnet may have for damages against the Respondent.

**“PREVIEW COPY ONLY”**

By signing these RFP documents, the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with all the conditions governing this RFP, including those contained in any printed form stated to form part hereof, and Transnet SOC Ltd will recognise no claim for relief based on an allegation that the Respondent overlooked any such condition or failed properly to take it into account for the purpose of calculating tendered prices or otherwise.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 \_\_\_\_\_

Name \_\_\_\_\_

2 \_\_\_\_\_

Name \_\_\_\_\_

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 5 : VENDOR APPLICATION FORM**

*Respondents are to furnish the following documentation and complete the Vendor Application Form below:*

1. **Original** cancelled cheque **OR** letter from the Respondent's bank verifying banking details [**with bank stamp**]
2. **Certified copy** of Identity Document(s) of Shareholders/Directors/Members [*where applicable*]
3. **Certified copy** of Certificate of Incorporation, CM29 / CM9 [*name change*]
4. **Certified copy** of Share Certificates [CK1/CK2 if CC]
5. **Original** letterhead confirming physical and postal addresses
6. **Original** valid SARS Tax Clearance Certificate [RSA entities only] and **certified copy** of VAT Registration Certificate
7. A signed letter from your entity's auditor or accountant confirming most recent annual turnover figures
8. **Certified copy** of valid Company Registration Certificate [*if applicable*]

**Note:** *No contract shall be awarded to any South African Respondent whose tax matters have not been declared by SARS to be in order.*

## Vendor Application Form

Entity's trading name						
Entity's registered name						
Entity's Registration Number or ID Number if a Sole Proprietor						
Form of entity [v]	CC	Trust	Pty Ltd	Limited	Partnership	Sole Proprietor
How many years has your entity been in business?						
VAT number [if registered]						
Entity's telephone number						
Entity's fax number						
Entity's email address						
Entity's website address						
Bank name				Branch & Branch code		
Account holder				Bank account number		

Respondent's Signature

Date & Company Stamp

Postal address				Code	
Physical address				Code	
Contact person					
Designation					
Telephone					
Email					
Annual turnover range [last financial year]	< R5 m		R5 - 35 m		> R35 m
Does your entity provide	Products		Services		Both
Area of delivery	National		Provincial		Local
Is your entity a public or private entity	Public		Private		
Does your entity have a Tax Directive or IRP30 Certificate	Yes		No		
Main product or services [e.g. Stationery/Consulting]					

*Complete B-BBEE Ownership Details:*

% Black ownership		% Black women ownership		% Disabled Black ownership	
Does your entity have a B-BBEE certificate		Yes		No	
What is your B-BBEE status [Level 1 to 9 / Unknown]					
How many personnel does the entity employ		Permanent		Part time	

*If you are an existing Vendor with Transnet please complete the following:*

Transnet contact person			
Contact number			
Transnet Operating Division			

*Duly authorised to sign for and on behalf of Entity / Organisation:*

Name		Designation	
Signature		Date	

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 6 : SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS**

NAME OF ENTITY: \_\_\_\_\_

It was resolved at a meeting of the Board of Directors held on \_\_\_\_\_ that

FULL NAME(S)	CAPACITY	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

in his/her capacity as indicated above is/are hereby authorised to enter into, sign, execute and complete any documents relating to this Proposal and any subsequent Agreement for the provision of Services.

FULL NAME \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE CHAIRMAN

FULL NAME \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE SECRETARY

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date & Company Stamp

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 7 : CERTIFICATE OF ACQUAINTANCE WITH RFP DOCUMENTS**

NAME OF ENTITY:

---

1. I/we

\_\_\_\_\_ do hereby certify that i/we acquainted myself/ourselves with all the documentation comprising this RFP and all conditions contained therein, as laid down by Transnet SOC Ltd for the carrying out of the proposed supply/service/works for which I/we submitted my/our Proposal.

2. I/we furthermore agree that Transnet SOC Ltd shall recognise no claim from me/us for relief based on an allegation that I/we overlooked any RFP/contract condition or failed to take it into account for the purpose of calculating my/our offered prices or otherwise.

3. I/we understand that the accompanying Bid will be disqualified if this Certificate is found not to be true and complete in every respect.

4. For the purposes of this Certificate and the accompanying Bid, I/we understand that the word "competitor" shall include any individual or organisation, 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 Services as the Bidder and/or is in the same line of business as the Bidder

5. The Bidder has arrived at the accompanying Bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium will not be construed as collusive bidding.

6. In particular, without limiting the generality of paragraph 5 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- a) prices;
- b) geographical area where Services 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 RFP; or



- f) bidding with the intention not winning the Bid.
7. 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 Services to which this RFP relates.
8. 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.
9. I/We am/are 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 10 [ten] years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
SIGNATURE OF RESPONDENT

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 8 : CERTIFICATE OF ACQUANTANCE WITH THE GENERAL BID CONDITIONS - SERVICES**

*[appended hereto as Appendix (i)]*

NAME OF ENTITY: \_\_\_\_\_

I/We \_\_\_\_\_

do hereby certify that I/we acquainted myself/ourselves with all the documentation comprising the General Bid Conditions - Services as received on \_\_\_\_\_ *[insert date]* from Transnet SOC Ltd for the carrying out of the proposed Services for which I/we submitted my/our Proposal.

I/We furthermore agree that Transnet SOC Ltd shall recognise no claim from me/us for relief based on an allegation that I/we overlooked any terms and conditions of the General Bid Conditions or failed to take it into account for the purpose of calculating my/our offered prices or otherwise.

I/We confirm having been advised that a signed copy of this Schedule can be submitted in lieu of the entire General Bid Conditions as confirmation in terms of the Returnable Schedule.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
SIGNATURE OF RESPONDENT

**Respondents should also note the obligations as set out in  
clause 19 [Terms and Conditions of Contract]  
of the General Bid Conditions [Appendix (i)] which reads as follows:**

- 19.1 *The Supplier shall adhere to the Terms and Conditions of Contract issued with the Bid Documents, together with any schedule of "Special Conditions" or otherwise which form part of the Bid Documents.*
- 19.2 *Should the Respondent find any conditions unacceptable, it should indicate which conditions are unacceptable and offer amendments /alternatives by written submission on its company letterhead. Any such submission shall be subject to review by Transnet's Legal Counsel who shall determine whether the proposed amendments/alternative(s) are acceptable or otherwise, as the case may be.*

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 9 : CERTIFICATE OF ACQUAINTANCE WITH THE TERMS AND CONDITIONS OF  
CONTRACT FOR THE PROVISION OF SERVICES TO TRANSNET**

*[appended hereto as Appendix (ii)]*

NAME OF ENTITY:

\_\_\_\_\_

I/We \_\_\_\_\_

do hereby certify that I/we acquainted myself/ourselves with all the documentation comprising the Terms and Conditions of Contract as received on \_\_\_\_\_ *[insert date]* from Transnet SOC Ltd for the carrying out of the proposed Services for which I/we submitted my/our Proposal.

I/We furthermore agree that Transnet SOC Ltd shall recognise no claim from me/us for relief based on an allegation that I/we overlooked any Terms and Conditions of Contract or failed to take it into account for the purpose of calculating my/our offered prices or otherwise.

I/We confirm having been advised that a signed copy of this Schedule can be submitted in lieu of the entire Terms and Conditions of Contract as confirmation in terms of the Returnable Schedule.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
SIGNATURE OF RESPONDENT

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 10 : RFP DECLARATION FORM**

NAME OF ENTITY: \_\_\_\_\_

We \_\_\_\_\_ do hereby certify that:

1. Transnet has supplied and we have received appropriate responses to any/all questions [as applicable] which were submitted by ourselves for RFP Clarification purposes;
2. we have received all information we deemed necessary for the completion of this Request for Proposal [RFP];
3. at no stage have we received additional information relating to the subject matter of this RFP from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the RFP documents;
4. we are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this RFP and the requirements requested from Bidders in responding to this RFP have been conducted in a fair and transparent manner; and
5. furthermore, we declare that a family, business and/or social relationship exists / does not exist [delete as applicable] between an owner / member / director / partner / shareholder of our entity and an employee or board member of the Transnet Group.
6. If such a relationship exists, Respondent is to complete the following section:

FULL NAME OF OWNER/MEMBER/DIRECTOR/  
PARTNER/SHAREHOLDER:

ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate nature of relationship with Transnet:

\_\_\_\_\_  
\_\_\_\_\_

*[Failure to furnish complete and accurate information in this regard may lead to the disqualification of a response and may preclude a Respondent from doing future business with Transnet]*

7. We declare, to the extent that we are aware or become aware of any relationship between ourselves and Transnet [other than any existing and appropriate business relationship with Transnet] which could unfairly advantage our entity in the forthcoming adjudication process, we shall notify Transnet immediately in writing of such circumstances.
8. We accept that any dispute pertaining to this Bid will be resolved through the Ombudsman process and will be subject to the Terms of Reference of the Ombudsman. The Ombudsman process must first be exhausted before judicial review of a decision is sought. [Refer "Important Notice to Respondents" overleaf].
9. We further accept that Transnet reserves the right to reverse an award of business or decision based on the recommendations of the Ombudsman without having to follow a formal court process to have such award or decision set aside.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

For and on behalf of _____ duly authorised hereto	AS WITNESS:
Name:	Name:
Position:	Position:
Signature:	Signature:
Date:	
Place:	



**IMPORTANT NOTICE TO RESPONDENTS**

- Transnet has appointed a Procurement Ombudsman to investigate any material complaint in respect of RFPs exceeding R5,000,000.00 [five million S.A. Rand] in value. Should a Respondent have any material concern regarding an RFP process which meets this value threshold, a complaint may be lodged with Transnet's Procurement Ombudsman for further investigation.
- It is incumbent on the Respondent to familiarise himself/herself with the Terms of Reference for the Transnet Procurement Ombudsman, details of which are available for review at Transnet's website [www.transnet.net](http://www.transnet.net).
- An official complaint form may be downloaded from this website and submitted, together with any supporting documentation, within the prescribed period, to [procurement.ombud@transnet.net](mailto:procurement.ombud@transnet.net)
- For transactions below the R5,000,000.00 [five million S.A. Rand] threshold, a complaint may be lodged with the Chief Procurement Officer of the relevant Transnet Operating Division.
- All Respondents should note that a complaint must be made in good faith. If a complaint is made in bad faith, Transnet reserves the right to place such a Bidder on its List of Excluded Bidders.

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE  
FROM VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 11 : BREACH OF LAW FORM**

NAME OF ENTITY: \_\_\_\_\_

I/We \_\_\_\_\_

do hereby certify that I/we **have/have not been** found guilty during the preceding 5 [five] years of a serious breach of law, including but not limited to a breach of the Competition Act, 89 of 1998, by a court of law, tribunal or other administrative body. The type of breach that the Respondent is required to disclose excludes relatively minor offences or misdemeanours, e.g. traffic offences.

Where found guilty of such a serious breach, please disclose:

NATURE OF BREACH:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF BREACH: \_\_\_\_\_

Furthermore, I/we acknowledge that Transnet SOC Ltd reserves the right to exclude any Respondent from the bidding process, should that person or entity have been found guilty of a serious breach of law, tribunal or regulatory obligation.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
SIGNATURE OF RESPONDENT



**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 13 : SUPPLIER CODE OF CONDUCT**

Transnet aims to achieve the best value for money when buying or selling goods and obtaining services. This however must be done in an open and fair manner that supports and drives a competitive economy. Underpinning our process are several acts and policies that any supplier dealing with Transnet must understand and support. These are:

- The Transnet Supply Chain Policy [**SCP**];
- Section 217 of the Constitution - the five pillars of Public PSCM [Procurement and Supply Chain Management]: fair, equitable, transparent, competitive and cost effective;
- The Public Finance Management Act [**PFMA**];
- The Broad-Based Black Economic Empowerment Act [**B-BBEE**]; and
- The Prevention and Combating of Corrupt Activities Act.

This Code of Conduct has been included in this RFP to formally apprise prospective Transnet Suppliers of Transnet's expectations regarding the behaviour and conduct of its Suppliers.

**Prohibition of bribes, kickbacks, unlawful payments, and other corrupt practices**

Transnet is in the process of transforming itself into a self-sustaining State Owned Company [**SOC**], actively competing in the logistics industry. Our aim is to become a world class, profitable, logistics organisation. As such, our transformation is focused on adopting a performance culture and to adopt behaviours that will enable this transformation.

a) *Transnet will not participate in corrupt practices and therefore expects its Suppliers to act in a similar manner.*

- Transnet and its employees will follow the laws of this country and keep accurate business records that reflect actual transactions with and payments to our Suppliers.
- Employees must not accept or request money or anything of value, directly or indirectly, to:
  - illegally influence their judgement or conduct or to ensure the desired outcome of a sourcing activity;
  - win or retain business or to influence any act or decision of any decision stakeholders involved in sourcing decisions; or
  - gain an improper advantage.
- There may be times when a Supplier is confronted with fraudulent or corrupt behaviour of Transnet employees. We expect our Suppliers to use our "Tip-offs Anonymous" Hot line to report these acts [0800 003 056].

b) *Transnet is firmly committed to the ideas of free and competitive enterprise.*

- Suppliers are expected to comply with all applicable laws and regulations regarding fair competition and antitrust.
- Transnet does not engage with non-value adding agents or representatives solely for the purpose of increasing B-BBEE spend [fronting].

c) *Transnet's relationship with Suppliers requires us to clearly define requirements, exchange information and share mutual benefits.*

- Generally, Suppliers have their own business standards and regulations. Although Transnet cannot control the actions of our Suppliers, we will not tolerate any illegal activities. These include, but are not limited to:
  - misrepresentation of their product [e.g. origin of manufacture, specifications, intellectual property rights];
  - collusion;
  - failure to disclose accurate information required during the sourcing activity [e.g. ownership, financial situation, B-BBEE status];
  - corrupt activities listed above; and
  - harassment, intimidation or other aggressive actions towards Transnet employees.
- Suppliers must be evaluated and approved before any materials, components, products or services are purchased from them. Rigorous due diligence is conducted and the Supplier is expected to participate in an honest and straight forward manner.
- Suppliers must record and report facts accurately, honestly and objectively. Financial records must be accurate in all material respects.

### **Conflicts of interest**

A conflict of interest arises when personal interests or activities influence [or appear to influence] the ability to act in the best interests of Transnet. Examples include, but are not limited to:

- Transnet employees awarding business to entities in which their family members or associates have an interest
- Transnet employees having a financial interest in a bidding entity

Bidding entities are required to disclose any interest which exists between themselves and any employee and/or Transnet Board member.

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 14 : CERTIFICATE OF ATTENDANCE OF RFP BRIEFING**

It is hereby certified that –

1. \_\_\_\_\_

2. \_\_\_\_\_

Representative(s) of \_\_\_\_\_ *[name of entity]*  
attended the RFP briefing in respect of the proposed Services to be rendered in terms of this RFP on  
\_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
TRANSNET'S REPRESENTATIVE

\_\_\_\_\_  
RESPONDENT'S REPRESENTATIVE

DATE \_\_\_\_\_

DATE \_\_\_\_\_

EMAIL \_\_\_\_\_



**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 15 : SUPPLIER DEVELOPMENT INITIATIVES**

**1. Aim and Objectives**

Historically in South Africa there has been a lack of investment in infrastructure, skills and capability development and an inequality in the income distribution and wealth of a significant portion of the population. There have been a number of Government initiatives developed to address these challenges. In particular, the New Growth Path [NGP] developed in 2010 aligns and builds on previous policies to ensure the achievement of Government's development objectives for South Africa. Transnet fully endorses and supports Government's New Growth Path policy.

The key focuses of the NGP include:

- increasing employment intensity of the economy
- addressing competitiveness
- balancing spatial development of rural areas and poorer provinces
- reducing the carbon intensity of the economy
- creating opportunities in improving regional and global cooperation
- enabling transformation that benefits a wider range of social actors in society e.g. workers, rural communities, youth and women

Transnet, as a State Owned Company [SOC], plays an important role to ensure these objectives are achieved. Therefore, the purchasing of goods and services needs to be aligned to Government's objectives for developing and transforming the local supply base. Transnet's mission is to transform its supplier base by engaging in targeted supplier development initiatives to support localisation and industrialisation whilst providing meaningful opportunities for Black<sup>2</sup> South Africans with a particular emphasis on:

- Youth [16 to 35 year olds]
- Black women
- People with disabilities
- Small businesses
- Rural integration

**2. Supplier Development [SD]**

To facilitate the implementation of Supplier Development initiatives, Transnet has adapted an existing framework from the Department of Public Enterprises [DPE]. This framework allows for a basic set of principles to be applied to appropriately targeted SD initiatives. Supplier development initiatives aim to build local suppliers who are competitive through building capability and capacity. Hence the framework has been termed the Increased Competitiveness, Capability and Capacity Supplier Development Classification Matrix

---

<sup>2</sup> "Black" means South African Blacks, Coloureds and Indians, as defined in the B-BBEE Act, 53 of 2003

**[IC<sup>3</sup> Matrix]**. Currently there are four quadrants of SD initiatives which Transnet considers according to the IC<sup>3</sup> Matrix. Accordingly, Transnet requests all Respondents to submit a **Supplier Development Bid Document** demonstrating their commitment and support for the New Growth Path Policy and how an appointment in terms of this RFP would assist in achieving the NGP objectives.

- a) For a detailed understanding of the IC<sup>3</sup> Matrix, the respective SD initiatives and their objectives, please refer to the "Guidelines for the Completion of a Supplier Development Bid Document" appended hereto as **Appendix (iii)**.
- b) The following Supplier Development **[SD]** focus areas have been identified and are included in the prescribed evaluation criteria, namely:

Category	Description
New Skills development	Skills transfer & skills education which will occur as a result of the award of contract
Job Creation/Preservation	Number of jobs created and preserved resulting from the award of contract

- c) The Supplier Development Bid Document is to be submitted as a separate document, developed in line with the criteria set out in **Annexure D [Supplier Development Value Summary]** appended hereto. The Supplier Development Bid Document is a detailed narrative document explaining the Respondent's Bid value as explained in Appendix (iii). There is no prescribed format for this document. This SD Bid Document will represent a binding commitment on the part of the successful Respondent. The SD Bid Document should outline the type of activities you intend to embark upon should you be awarded the contract. This Bid Document should also provide an overview of what you intend to achieve, when, and the mechanisms whereby you will achieve those objectives.
- d) Annexure D must also be completed, indicating by cross-reference the detailed areas which have been addressed in your SD Bid Document for each of the evaluation criteria listed in paragraph 1.2 (b) above, together with the Value Indicators therefor.

Notes for completion of SD Bid Document:

- (i) Respondents are urged to pay careful attention to the compilation of the SD Bid Document [including Annexure D] since this will form an essential component of the evaluation of your Proposal.
- (ii) Respondents are required to address each of the aspects under the detailed SD Description as a minimum for submission. This is not an exhaustive list however, and Respondents must not be limited to these choices when compiling each section.
- (iii) Please provide detailed calculations to illustrate how your estimated Rand values provided in Annexure D have been derived.
- (iv) Respondents are required to provide an electronic copy [CD] of the completed Annexure D as part of your SD Bid Document submission.

3. **Additional contractual requirements**

Should a contract be awarded through this RFP process, the successful Respondent(s) [hereinafter referred to as **the Service Provider**] will be contractually committed, *inter alia*, to the following conditions:

- a) The Service Provider will be required to submit a Supplier Development Plan within 45 [forty-five] days from the signature date of a Letter of Award [**LOA**]. This SD Plan represents additional detail in relation to the SD Bid Document providing an explicit breakdown of the nature, extent, timelines and monetary value of the SD commitments which the Service Provider proposes to undertake and deliver during the term of the contract. Specific milestones, timelines and targets will be recorded to ensure that the SD Plan is in line with Transnet's SD objectives and that implementation thereof is completed within the term of the contract.
- b) The SD Plan may require certain additions or updates to the initial SD Bid Document in order to ensure that Transnet is satisfied that development objectives will be met.
- c) The Service Provider will need to ensure that the relevant mechanisms and procedures are in place to allow for access to information to measure and verify the Service Provider's compliance with its stated SD commitments.
- d) The Service Provider will be required to provide:
  - (i) monthly status updates to Transnet for each SD initiative. [Detailed requirements will be provided by Transnet];
  - (ii) quarterly status reports for Transnet and the DPE. [Detailed reporting requirements will be provided by Transnet]; and
  - (iii) a final Supplier Development report, to be submitted to Transnet prior to the expiry date of the contract, detailing delivery, implementation and completion of all SD components plus auditable confirmation of the Rand value contribution associated with each such SD commitment.
- e) All information provided by the Service Provider in order to measure its progress against its stated targets will be auditable.
- f) The Service Provider will be required to submit this SD Plan to Transnet in writing, within 45 [forty-five] days after signature of a Letter of Award [**LOA**], where after both parties must reach an agreement [signed by both parties] within 20 [twenty] days. Transnet will reserve the right to reduce or increase the number of days in which the Service Provider must submit its SD Plan if it is deemed reasonable, based on the degree of complexity of the SD initiative.
- g) The contract will be conditional on agreement being reached by the parties on the SD Plan submitted by the Service Provider. Therefore failure to submit or thereafter to agree to the SD Plan within the stipulated timelines will result in the non-award of such a contract or termination thereof.
- h) Failure to adhere to the milestones and targets defined in an SD Plan may result in the invocation of financial penalties, to be determined at Transnet's discretion, which shall equate to the monetary value of any such SD initiative which the Service Provider fails to deliver, as well as providing Transnet cause to terminate the contract in certain cases where material milestones are not being achieved.

#### 4. **Supplier Development Documentation**

Your **SD Bid Document** [including Annexure D], to be submitted as part of your RFP Proposal, will represent a binding commitment on the part of the successful Respondent.

Appended herewith is the following documentation:

- **SD Guideline Document – Appendix (iii)**

*This document must be used as a guideline to complete the SD Bid Document.*

- **SD Value Summary – Annexure D**

*This template must be completed as part of the Bid which will represent a binding financial commitment on the part of the successful Respondent.*

***Failure to submit a Supplier Development Bid Document which includes all the required Annexures, to be completed as indicated in this Section, will result in disqualification of your Proposal.***

“PREVIEW COPY ONLY”

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 16 : NON-DISCLOSURE AGREEMENT [NDA]**

**Complete and sign the Non-Disclosure Agreement attached hereto**

**“PREVIEW COPY ONLY”**

Respondent's Signature

Date & Company Stamp

**RFP TO CONDUCT E-AUCTIONING OF SCRAPED ASSETS AS AND WHERE AVAILABLE FROM  
VARIOUS TRANSNET SITES  
FOR A PERIOD OF 3 YEARS**

**Section 17 : FURTHER RECOGNITION CRITERIA [FRC]**

Transnet encourages its Service Providers to constantly strive to improve their B-BBEE rating. Whereas Respondents will be allocated points in terms of a preference point system based on its B-BBEE scorecard to be assessed as detailed in Section 1, paragraph **Error! Reference source not found.**, in addition to such scoring, further points will be allocated to Respondents score based on "Further Recognition Criteria" on an ascending scale. Points for FRC (Current) will be allocated based on the extent to which the Respondent's current ownership, management control and employment equity meets or exceeds certain minimum targets. FRC (Future) will be calculated based on the extent to which the Respondent commits to meet, sustain and/or exceed Transnet's minimum compliance targets over the contract period.

***All Respondents must complete and return the FRC Claim Form for FRC (Current) & FRC (Future) attached hereto as Annexure C1 and C2 respectively.***





## ANNEXURE A: B-BBEE PREFERENCE POINTS CLAIM FORM

This preference form contains general information and serves as a claim for preference points for Broad-Based Black Economic Empowerment [B-BBEE] Status Level of Contribution. The bidder's claim for preference points in respect of its compliance targets for Further Recognition Criteria [FRC] will be evaluated in accordance with the FRC table incorporated in the RFP documents.

### 1. INTRODUCTION

- 1.1 A total of 20 preference points shall be awarded as follows:

	POINTS
B-BBEE STATUS LEVEL OF CONTRIBUTION	10
FURTHER RECOGNITION CRITERIA [FRC]	15
FURTHER BONUS POINTS	15
Total points for B-BBEE, FRC and FBP shall not exceed	40

- 1.2 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.
- 1.3 Transnet 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 Transnet.

### 2. GENERAL DEFINITIONS

- 2.1 **"all applicable taxes"** include 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 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 Transnet for the provision of goods, works or services;
- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 [Act No. 53 of 2003];
- 2.6 **"consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract;
- 2.7 **"contract"** means the agreement that results from the acceptance of a bid by Transnet;

- 2.8 **"control"** means the possession and exercise of legal authority and power to manage the assets, goodwill and daily operations of a business and the active and continuous exercise of appropriate managerial authority and power in determining the policies and directing the operations of the business;
- 2.9 **"EME"** means any enterprise with an annual total revenue of R5 [five] 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 and 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 **"person"** includes reference to a juristic person;
- 2.13 **"subcontract"** means the primary contractor's assigning or leasing or 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;
- 2.14 **"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 Empowerment Act and promulgated in the Government Gazette on 9 February 2007;
- 2.15 **"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
- 2.16 **"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 for the evaluation criteria as enumerated in Section 2 of the RFP will be awarded the contract.
- 3.2 Points scored will be rounded off to 2 [two] decimal places.
- 3.3 In the event of equal points scored, the bid will be awarded to the bidder scoring the highest number of preference points for B-BBEE.
- 3.4 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 will be the one scoring the highest score for functionality.
- 3.5 Should two or more bids be equal in all respect, the award shall be decided by the drawing of lots.

#### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 4.1 Preference points shall be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points [Maximum 10]
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

*Note: Refer to Section 1 of the RFP document for further information in terms of B-BBEE ratings.*

- 4.2 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.
- 4.3 A trust, consortium or joint venture will qualify for points for its B-BBEE status level as a legal entity, provided that the entity submits its B-BBEE status level certificate.
- 4.4 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.
- 4.5 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialised scorecard contained in the B-BBEE Codes of Good Practice.
- 4.6 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 subcontracting more than 25% [twenty-five per cent] of the value of the contract to any other enterprise that does not qualify for at least the same number of points that such a bidder qualifies for, unless the intended subcontractor is an EME that has the capability and ability to execute the subcontract.
- 4.7 A person awarded a contract may not subcontract more than 25% [twenty-five per cent] 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 subcontracted to an EME that has the capability and ability to execute the subcontract.

## 5. B-BBEE STATUS AND SUBCONTRACTING

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

B-BBEE Status Level of Contributor \_\_\_\_\_ = \_\_\_\_\_ [maximum of 10 points]

Note: Points claimed in respect of this paragraph 5.1 must be in accordance with the table reflected in paragraph 4.1 above 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 Close Corporation Act.

### 5.2 Subcontracting:

Will any portion of the contract be subcontracted? YES/NO [delete which is not applicable]

If YES, indicate:

- (i) What percentage of the contract will be subcontracted? .....%
- (ii) The name of the subcontractor .....
- (iii) The B-BBEE status level of the subcontractor .....
- (iv) Is the subcontractor an EME? YES/NO

“PREVIEW COPY ONLY”

## BID DECLARATION

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the company/firm certify that points claimed, based on the B-BBEE status level of contribution indicated in paragraph 6 above, qualifies the company/firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 6 above, the contractor may be required to furnish documentary proof to the satisfaction of Transnet that the claims are correct.
- (iii) 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, Transnet 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, and/or associated entities, or only the shareholders and directors who acted in a fraudulent manner, from obtaining business from Transnet for a period not exceeding 10 years, after the *audi alteram partem* [hear the other side] rule has been applied; and/or
  - (e) forward the matter for criminal prosecution.

### WITNESSES:

1. ....

2. ....

.....  
SIGNATURE OF BIDDER

DATE: .....

COMPANY NAME: .....

ADDRESS: .....

**BID REFERENCE NO: CRAC/JHB/9735**