

TRANSNET LIMITED

(Registration No. 1990/000900/06)

REQUEST FOR PROPOSAL (RFP)

**FOR THE PROVISION OF MARKET RESEARCH SERVICES TO SUPPORT
BUSINESS STRATEGY DEVELOPMENT FOR A PERIOD OF 2 YEARS**

RFP NUMBER: GSM 10/04/0214
ISSUE DATE: 19th April, 2010
CLOSING DATE: 11th May, 2010
CLOSING TIME: 10h00

Please note that late responses and those delivered or posted to an address other than that specified in Section 1, clause 4, will be disqualified.

SCHEDULE OF DOCUMENTS

Section No	Page
SECTION 1: NOTICE TO BIDDERS	3
1 PROPOSAL REQUEST	3
2 FORMAL BRIEFING.....	3
3 PROPOSAL SUBMISSION	3
4 DELIVERY INSTRUCTIONS FOR THIS RFP	4
5 BROAD-BASED BLACK ECONOMIC EMPOWERMENT (B-BBEE).....	5
6 SOCIO-ECONOMIC OBLIGATIONS FOR FOREIGN RESPONDENTS	7
7 COMMUNICATION.....	7
8 RFP STATUS.....	7
9 INSTRUCTIONS FOR COMPLETING THE RFP	7
10 COMPLIANCE.....	8
11 ADDITIONAL NOTES.....	8
12 DISCLAIMERS.....	8
13 LEGAL REVIEW	9
SECTION 2: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS	11
1 BACKGROUND	11
2 GENERAL INFORMATION.....	13
3 EXCHANGE AND REMITTANCE.....	13
4 SERVICE LEVELS.....	13
5 REFERENCES	14
6 EVALUATION CRITERIA.....	14
SECTION 3: PROPOSAL FORM	15
SECTION 4: SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS	21
SECTION 5: CERTIFICATE OF ACQUAINTANCE WITH RFP DOCUMENTS	22
SECTION 6: GENERAL TENDER CONDITIONS - SERVICES.....	23
SECTION 7: STANDARD TERMS AND CONDITIONS OF CONTRACT	24
SECTION 8: NON-DISCLOSURE AGREEMENT (NDA).....	25
SECTION 9: RFP DECLARATION FORM.....	26

 Respondent's Signature

 Date & Company Stamp

Section 1: NOTICE TO BIDDERS

1 PROPOSAL REQUEST

Proposals are requested from interested / selected persons, companies, close corporations or enterprises (hereinafter referred to as the **Respondent(s)**) to supply the aforementioned requirement to Transnet.

On or after **19th April, 2010** the RFP documents may be inspected at, and are obtainable from the office of **Thulani Mtshwene, 37th Floor, Carlton Centre , 150 Commissioner Street, Johannesburg.**

The RFP document may only be issued after a prospective bidder has paid an amount of **R500.00 to Ronaldo Taljaard or Dawie Bam** who is on the 44th Floor of the Carlton Centre.

NOTES –

- a) This amount is not refundable.
- b) A receipt for such payment made must be presented when collecting the RFP documents.
- c) RFP documents will only be available until 15H00 on **7th May, 2010.**

2 FORMAL BRIEFING

A formal briefing session will not be held but should Respondents have specific queries they should email these to the Transnet employee(s) indicated below:

Name: **Thulani Mtshwene**
Division: **Strategic Supply Management**
Email: **Thulani.mtshwene@transnet.net**

In the interest of fairness and transparency the said information will then be made available to the other Respondents who have collected RFP documents. For this purpose all Respondents need to indicate their intention to respond by informing the above-mentioned Transnet employee (per email only) of their contact numbers as soon as possible but before **15H00 on 7th May, 2010.**

3 PROPOSAL SUBMISSION

Proposals in duplicate plus a CD copy must reach the Secretary, Transnet 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: **GSM 10/04/0124**
Description: **MARKET RESEARCH SERVICES TO SUPPORT BUSINESS STRATEGY DEVELOPMENT**
Closing date and time: **11th May, 2010 at 10h00**
Closing address: **Refer options paragraph 4 below**

4 DELIVERY INSTRUCTIONS FOR THIS RFP

- 4.1 If posted, the envelope must be addressed to the Secretary, Transnet Acquisition Council, P.O. Box 7784, Johannesburg 2000 and must be dispatched in time for sorting by the Post Office to reach the Secretary before the closing time of the RFP. In the event of the late receipt of a Proposal, the Respondent's franking machine impression will not be accepted as proof that the response was posted in time.
- 4.2 If delivered by hand, the envelope is to be deposited in the Transnet tender box which is located at **the main entrance, Office Block, Carlton Centre, 150 Commissioner Street, Johannesburg**, and should be addressed as follows:

THE SECRETARY
TRANSNET ACQUISITION COUNCIL
CARLTON CENTRE
TENDER BOX
OFFICE BLOCK FOYER
150 COMMISSIONER STREET
JOHANNESBURG

- a) The measurements of the "tender slot" are 500mm wide x 100mm high, and Respondents must please ensure that response documents or files are not 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.
- b) It should also be noted that the above tender box is located at the street level outside the main entrance in Commissioner Street and is accessible to the public 24 hours per day, 7 days a week.
- 4.3 If dispatched by courier, the envelope must be addressed as follows and delivered to the Office of The Secretary, Transnet Acquisition Council and a signature obtained from that Office.

THE SECRETARY
TRANSNET ACQUISITION COUNCIL
37TH FLOOR
CARLTON CENTRE
OFFICE BLOCK
150 COMMISSIONER STREET
JOHANNESBURG

- 4.4 Please note that this RFP closes punctually at 10:00 on Tuesday **11th May, 2010**.
- 4.5 If responses are not posted or delivered as stipulated herein, such responses will not be considered and will be treated as "UNRESPONSIVE."
- 4.6 No email or facsimile responses will be considered.
- 4.7 The responses to this RFP will be opened as soon as practicable after the expiry of the time advertised for receiving them.

- 4.8 Transnet shall not, at the opening of responses, disclose to any other company any confidential details pertaining to the Proposals / information received, i.e. service fees, deliverables, etc. The names and location of the Respondents will, however, be divulged to other Respondents upon request.
- 4.9 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.
- 4.10 No slips are to be attached to the response documents. Any additional conditions must be embodied in an accompanying letter. Subject only to clause 17 (Alterations made by the Respondent to Tendered Prices) of the General Tender Conditions, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.

5 BROAD-BASED BLACK ECONOMIC EMPOWERMENT (B-BBEE)

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 tender responses. Transnet will accordingly allow a "preference" in accordance with the 10% (ten percent) preference system, as per the Preferential Procurement Policy Framework Act 5 of 2000 (as amended), to companies who provide a B-BBEE Accreditation Certificate. All procurement and disposal transactions will be evaluated accordingly.

Consequently, when Transnet invites prospective suppliers to submit tenders for its various capital expenditure programmes, it urges Respondents (Large Enterprises and QSE's - see below) to have themselves accredited by any one of the various Accreditation Agencies approved by SANAS (the South African National Accreditation Systems, under the auspices of the Department of Trade and Industry)

In terms of Government Gazette No 32467, Notice No. 810 dated 31 July 2009, as from 1 February 2010 only B-BBEE Accreditation Certificates issued by SANAS approved Verification Agencies will be valid. However Accreditation Certificates issued before 1 February 2010, which are still within their 1 year validity period, will still be acceptable until their expiry date, provided that the accreditation has been undertaken in accordance with the latest Codes (i.e. those promulgated on 9 February 2007).

No certificate issued on or after 1 February 2010 by a Verification Agency which has not been approved by SANAS will be acceptable.

- 5.1 Enterprises will be rated by such agencies 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):
- EMEs are exempted from B-BBEE accreditation
 - Automatic rating of Level 4 B-BBEE irrespective of race of ownership, i.e. 100% B-BBEE recognition
 - Black ownership greater than 50% or Black Women ownership greater than 30% automatically qualify as Level 3 B-BBEE, i.e. 110% B-BBEE recognition
 - EME's should only provide documentary proof of annual turnover (i.e. audited financials) plus proof of Black ownership if Black ownership greater than 50% or Black Women ownership greater than 30%
- 5.2 In addition to the above, Respondents who wish to enter into a Joint Venture or subcontract portions of the contract to B-BBEE companies, must state in their RFPs the percentage, of the total contract value that will be allocated to such B-BBEE companies, should they be successful in being awarded any business. A rating 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 response to enable Transnet to evaluate / adjudicate all RFPs received on a fair basis.
- 5.3 Respondents will be 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 proof of turnover in respect of EMEs). *N.B. Failure to do so will result in a score of zero being allocated for B-BBEE.*
- a) Turnover: Kindly indicate your company's annual turnover for the past year
R.....
- b) If annual turnover is less than R5m, please attach audited financials.
- c) If annual turnover is greater than R5m please attach an accreditation certificate issued by an Accreditation Agency, together with all the relevant score sheets pertaining thereto.
- 5.4 In addition to the accreditation certificate, Transnet also recommends that Respondents register their B-BBEE compliance and supporting documentation on the Department of Trade and Industry's (DTI) 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 will use the DTI B-BBEE IT Portal as a single data source for its B-BBEE supplier selection criteria and procurement improvement programme by tracking compliance, understanding spend and by sourcing future procurement opportunities.

Instructions for registration and obtaining a DTI B-BBEE Profile:

1. Go to <http://bee.thedti.gov.za>
2. Click on B-BBEE Registry
3. Click on Register or Login
4. Click on Click Here to Register
5. Complete the registration page

Respondent's Signature

Date & Company Stamp

6. Once registered, click on List on Registry
7. Follow all 'on-screen' and e-mailed instructions to submit your documentation and obtain your Profile

6 SOCIO-ECONOMIC OBLIGATIONS FOR FOREIGN RESPONDENTS

Foreign Respondents, who do not have local agencies or other corporate representation in South Africa, will not be evaluated in terms of the B-BBEE requirements but will fall under the associated South African Government's initiative, namely, the Competitive Supplier Development Programme (CSDP) as developed by the Department of Public Enterprises, details of which can be viewed at the Railways and Harbours Supply Chain Association's website, www.rhsupplychain.com

A 10% (ten percent) preference system (i.e. equivalent to the B-BBEE preference points above) will be allocated for the evaluation of a Respondent's offer under its socio-economic obligations in relation to the CSDP.

7 COMMUNICATION

- 7.1 Respondents are warned that a response will be liable to disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer(s) or employee of Transnet in respect of this RFP between the closing date and the date of the award of the business.
- 7.2 A respondent may, however, before the closing date and time, direct any enquiries relating to the RFP to the Transnet employee as indicated in *Section 2 (Formal Briefing)* above, and may also at any time after the closing date of the RFP, communicate with the Secretary of the Transnet Acquisition Council, at telephone number 011 308 3528 / 3522 or fax no. 011 308 2637 on any matter relating to its RFP response.

8 RFP STATUS

Respondents will be contacted as soon as practicable with a status update.

9 INSTRUCTIONS FOR COMPLETING THE RFP

- 9.1 Sign one set of documents (sign 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 can be a copy of the original signed Proposal.
- 9.2 Both sets of documents to be submitted to the address specified above.
- 9.3 The following returnable documents must accompany all Proposals:
 - a) Respondent's latest audited financial statements.
 - b) Respondent's valid Tax Clearance Certificate.
 - c) Respondent's valid BBBEE Accreditation Certificate.
 - d) A CD copy of the RFP Proposal.

Note : Refer also to Returnable Documents in Section 3 – PROPOSAL FORM.

Respondent's Signature

Date & Company Stamp

10 COMPLIANCE

The successful Respondent (hereinafter referred to as **the Supplier**) shall be in full and complete compliance with any and all applicable State and Local Laws and Regulations.

11 ADDITIONAL NOTES

- 11.1 All returnable documents as indicated in the Proposal Form (Section 3) must be returned with the response.
- 11.2 Respondents are to note that Proposals in which firm prices are quoted for the duration of any resulting contract may receive precedence over prices which are subject to adjustment.
- 11.3 Changes by the Respondent to its submission will not be considered after the closing date.
- 11.4 The person or persons signing the Proposal must be legally authorised by the Respondent to do so (Refer Section 4). A list of those person(s) authorised to negotiate on your behalf (if not the authorised signatories) must also be submitted along with the Proposal together with their contact details.
- 11.5 All prices must be quoted in South African Rands**
- 11.6 Transnet reserves the right to undertake post-tender negotiations with selected Respondents or any number of short-listed Respondents and may wish to visit the Respondent's place of work during this process.
- 11.7 Unless otherwise expressly stated, all Proposals furnished pursuant to this Request shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated. Transnet reserves the right to reject any or all offers.

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

12 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 a Proposal in response to it. In particular, please note that Transnet reserves the right to:

- 12.1 modify the RFP's Services and request Respondents to re-bid on any changes;
- 12.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 12.3 disqualify Proposals submitted after the stated submission deadline;
- 12.4 not necessarily accept the lowest priced Proposal;
- 12.5 reject all Proposals, if it so decides;
- 12.6 award a contract in connection with this Proposal at any time after the RFP's closing date;
- 12.7 award only a portion of the proposed Services which are reflected in the scope of this RFP;

Respondent's Signature

Date & Company Stamp

- 12.8 split the award of the contract between more than one Supplier; or
- 12.9 make no award of a contract.

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

13 LEGAL REVIEW

Any Proposal submitted by a Respondent is subject to review and negotiation of the proposed contract by Transnet's Legal Counsel.

PREVIEW COPY ONLY

Respondent's Signature

Date & Company Stamp

Respondents to complete this section:

NAME OF RESPONDENT
PHYSICAL ADDRESS
.....

Respondent's contact person:	
Name.....
Designation.....
Telephone.....
Cell Phone.....
Facsimile.....
Email.....
Website.....

PREVIEW COPY ONLY

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

Respondent's Signature

Date & Company Stamp

Section 2: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS

1 BACKGROUND

Transnet is committed to an ambitious growth plan which is anchored on a R93 billion infrastructure investment programme and a series of operational efficiency drives that will improve customer service and ensure financial sustainability in future.

As the business environment becomes faster moving and less predictable, Transnet must search for better ways to collect and analyse external information that can improve the quality and speed of decision making. To this end, Transnet seeks to outsource a significant component of its market research gathering and processing function along with the development and maintenance of a web based intelligence storage and retrieval system. Through outsourcing, Transnet seeks to benefit from a standardised high quality market intelligence platform that is more widely accessible within the company.

The scope of the outsource agreement will initially focus on the following areas:

Economic Analysis	Monthly analysis of the global and domestic economy. This must incorporate monthly assessments of significant events in key global economies including China, The US, India, The EU, Brazil and Africa. Analysis of the domestic economy should address the key factors that impact on Transnet including global trade performance, inflation, currency performance, interest rates, trade performance, domestic demand, domestic investment, manufacturing sector performance, employment and transport sector performance.
Impact Analysis	Quarterly analysis of the impact of Transnet on the South African economy with particular emphasis on the impact of Transnet's capital investment programme on GDP and job creation.
Commodity Analysis	Monthly analysis of the global and domestic market for Crude Oil and the Fuel Price, Thermal Coal, Steel, Iron Ore, Manganese, Chrome and Ferrochrome, Vehicles and Cement.

Respondent's Signature

Date & Company Stamp

Transport and Logistics Sector Analysis	Monthly analysis of the bulk shipping and liner shipping markets along with analysis of performance (volumes, revenue and rates) of leading international and domestic logistics operators and key developments in the industry.
Customer Analysis	Monthly analysis of Transnet's top customers addressing key issues of relevance to the customers as well as most recent company news and analysis.

Proposal Requirements

Respondents are required to specify the following in their proposals:

- 1.1 Specify in detail the nature of the analysis that would be provided to Transnet on a monthly basis, guided by the requirements listed above. A requirement for prequalification is the ability to produce in the time specified, a reasonably detailed summary analysis of suitable quality covering all categories mentioned above with the possible exception of the impact analysis and customer analysis. This analysis must be based on the most recent intelligence available to the respondent to allow Transnet to judge the respondent's capability in this regard.
- 1.2 Specify in detail, experiences in this area. A requirement for pre-qualification is the existence of a fully resourced research and analysis function within the respondent's organisation that has had some success in fulfilling a similar role for other organisations.
- 1.3 Specify in detail what resources (financial, human and infrastructural) would be required from Transnet's side to ensure the sustainability and positive development of the outsourcing agreement?
- 1.4 Specify how the information generated would be managed within a web-based storage and retrieval system, and also specify what resources would be required to develop and manage the system?
- 1.5 Specify the developmental benefits that would arise from the agreement such as skills development.
- 1.6 Specify the timeframe that would be required to formalize the outsource agreement and the time required to full activation of the service.
- 1.7 Specify the key requirements of the bidder.

Respondent's Signature

Date & Company Stamp

2 GENERAL INFORMATION

- 2.1 It is required that all Transnet operating divisions will be included in the scope of this Proposal.
- 2.2 The service provider(s) shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.
- 2.3 The service provider(s) must provide the identified information requested and comply with the requirements stated in the RFP.

3 EXCHANGE AND REMITTANCE

The attention of the Respondents is directed to clause 7 (Exchange and Remittance) of the General Tender Conditions. The Respondent is also to note that the particulars of the exchange rate on which the Respondent has based its tendered price(s), is/are to be stipulated hereunder *only if Transnet is requested by the Respondent to effect payment overseas direct to the Respondent's principal/supplier.*

- 3.1 ZAR 1.00 (South African currency) being equal to (foreign currency)
- 3.2 % in relation to tendered price(s) to be remitted overseas by Transnet.
- 3.3 (Name of country to which payment is to be made)
- 3.4 Beneficiary details:
 - Name (Account holder)
 - Bank (Name and branch code)
 - Swift code
 - Country
- 3.5 (Applicable date of Exchange Rate used)

4 SERVICE LEVELS

- 4.1 Experienced national account representative(s) to work with Transnet's sourcing / procurement department (no sales representatives are needed for individual departments or locations). Additionally, there shall be a minimal number of people, fully informed and accountable for this agreement.
- 4.2 Transnet will have quarterly reviews with the Supplier's account representative to assess and evaluate performance.
- 4.3 Transnet reserves the right to request that any member of the Supplier's team involved on the Transnet account be replaced if deemed not to be adding value for Transnet.
- 4.4 Failure of the Supplier to comply with stated service level requirements will give Transnet the right to cancel the contract in whole, without penalty, giving 30 (thirty) days' notice to the Supplier.

Accepted:

YES	
-----	--

NO	
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5 REFERENCES

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

Name of Company	Contact Person	Telephone number

6 EVALUATION CRITERIA

Transnet will utilise the following criteria (not necessarily in this order) in choosing a Supplier, if so required:

- The quality of the summary analysis provided as part of the proposal;
- The proposed cost of the service;
- An assessment of the storage and retrieval platform design, functionality and cost;
- The timeframe for activation of the agreement;
- The key requirements of the respondent;
- The developmental benefits to Transnet associated with the proposal;
- B-BBEE status of company or CSDP offering; and
- Compliance with Transnet's Standard Terms and Conditions of Contract (Form US7).
- Financial health/ Strength

Respondent's Signature

Date & Company Stamp

Section 3: PROPOSAL FORM

RFP FOR THE PROVISION OF MARKET RESEARCH SERVICES FOR A PERIOD OF 2 YEARS

I/We _____

(name of company, close corporation or partnership)

of (full address) _____

carrying on business under style or title of (trading 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 supply the above-mentioned Services at the prices quoted in the schedule of Service Fees 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) Standard Terms and Conditions of Contract, Form US7 - Services;
- (ii) General Tender Conditions – Services; and
- (iii) any other standard or special conditions mentioned and/or embodied in the Request for Proposal form; and;-

I/We accept that unless Transnet should otherwise decide and so inform me/us in the facsimile or letter of acceptance, 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 the facsimile or letter of acceptance, this Proposal (and, if any, its covering letter and any subsequent exchange of correspondence) together with Transnet's letter of acceptance/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 the Services within 4 (four) weeks, 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.

Respondent's Signature

Date & Company Stamp

I/We accept that any contract resulting from this offer will be for a period of two (2) years only; and agree to a penalty clause to be negotiated with Transnet, which will allow Transnet to invoke a penalty (details to be negotiated) against us should the delivery of the Services be delayed due to non-performance by us.

The law of the Republic of South Africa shall govern the 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 accredited agent in the Republic of South Africa who is empowered 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 the contract.

Respondent to indicate *domicilium citandi et executandi* hereunder:

NOTIFICATION OF AWARD OF RFP

As soon as possible after approval to award the contract/s, the successful Respondent (the Supplier) will be informed of the acceptance of its Proposal. Unsuccessful Respondents will be advised in writing of the name of the successful Supplier 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 desires a validity period of 3 (three) months (from closing date) against this RFP. It should be noted that Respondents may offer an earlier validity period, but that their Proposals may be disregarded for that reason. Should Respondents be unable to comply with this validity period, an alternative validity period must be stated hereunder:

This RFP is valid until _____ (State alternative validity period/date).

TAX (VAT) REGISTRATION NUMBER

The Respondent must state hereunder the tax registration number which is applicable to Value-Added Tax:

TAX CLEARANCE CERTIFICATE

Respondents are required to forward a valid copy of their company's Tax Clearance Certificate with their Proposal.

Indicate tax clearance certificate expiry date: _____

Respondent's Signature

Date & Company Stamp

BANKING DETAILS

BANK: _____

BRANCH NAME / CODE: _____

ACCOUNT HOLDER: _____

ACCOUNT NUMBER: _____

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:

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REGISTRATION CERTIFICATE

Respondents must submit a certified copy of their company's Registration Certificate with their Proposal.

NAME AND ADDRESS OF ACCREDITED AGENT

Provide hereunder, if applicable, details of the accredited agent in the Republic of South Africa appointed as local representative by foreign Respondents and whose address shall be regarded as the Respondent's *domicilium citandi et executandi* in terms of the Standard Terms and Conditions of Contract, Form US7 – Services.

Name.....

Address.....

.....

Respondent's Signature

Date & Company Stamp

CONFIDENTIALITY

All information related to a subsequent contract, both during and after completion, is to 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 will have to be obtained from Transnet.

DISCLOSURE OF PRICES TENDERED

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

YES	
-----	--

NO	
----	--

PRICE REVIEW

The successful Respondent(s) 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 the benchmarking exercise. If the Respondent's price(s) is/are found to be higher than the benchmarked price(s), then the Respondent shall match or better such price(s) within 30 days - failing which the Contract may be terminated at Transnet's discretion or the particular item(s) or service(s) purchased outside the contract.

PREVIEW COPY ONLY

Respondent's Signature

Date & Company Stamp

RETURNABLE DOCUMENTS

Respondents are required to submit the following returnable documents with their responses (see tick). All Sections, as indicated in the footer of each page, must be signed and dated by the Respondent:

Notice to Bidders – Section 1	√
Background overview – Section 2	√
Proposal Form – Section 3	√
Resolution of Board of Directors (Respondent's Representative) – Section 4	√
Certificate of Acquaintance with RFP Documents – Section 5	√
General Tender Conditions – Section 6	√
Conditions of Contract, Form US7 – Section 7	√
Audited Financials for previous year	√
Valid Tax Clearance Certificate	√
VAT Registration Certificate	√
B-BBEE Accreditation Certificate	√
RFP Declaration Form – Section 9	√
Non – Disclosure Agreement – Section 8	√

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 B-BBEE Accreditation Certificate, throughout the entire term 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 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 the Agreement forthwith without any liability and without prejudice to any claims which Transnet may have for damages against the Respondent.

 Respondent's Signature

 Date & Company Stamp

By signing the 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 Limited 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 _____ 2010.

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

PRIEVIEW COPY ONLY

NAME: _____

DESIGNATION: _____

Respondent's Signature

Date & Company Stamp

Section 4: SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS

RFP FOR THE PROVISION OF MARKET RESEARCH SERVICES FOR A PERIOD OF 2 YEARS

NAME OF COMPANY: _____

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 Tenders, Proposals and/or Contracts for the supply of Services.

FULL NAME _____

SIGNATURE CHAIRMAN

FULL NAME _____

SIGNATURE SECRETARY

Respondent's Signature

Date & Company Stamp

Section 5: CERTIFICATE OF ACQUAINTANCE WITH RFP DOCUMENTS

RFP FOR THE PROVISION OF MARKET RESEARCH SERVICES FOR A PERIOD OF 2 YEARS

NAME OF COMPANY: _____

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 Limited for the carrying out of the proposed supply/service/works for which I/we submitted my/our response.

I/We furthermore agree that Transnet Limited 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.

SIGNED at _____ on this _____ day of _____ 2010

SIGNATURE OF WITNESS

SIGNATURE OF RESPONDENT

Section 6: GENERAL TENDER CONDITIONS - SERVICES

RFP FOR THE PROVISION OF MARKET RESEARCH SERVICES FOR A PERIOD OF 2 YEARS

Refer General Tender Conditions attached hereto.

PREVIEW COPY ONLY

Respondent's Signature

Date & Company Stamp

**Section 7: STANDARD TERMS AND CONDITIONS OF CONTRACT
FOR THE PROVISION OF SERVICES TO TRANSNET**

RFP FOR THE PROVISION OF MARKET RESEARCH SERVICES FOR A PERIOD OF 2 YEARS

Refer Form US7 attached hereto.

**Respondents should note the obligations as set out in
Clause 19 (*Terms and Conditions of Tender*) of the General Tender Conditions (Section 7)
which reads as follows:**

"The Supplier shall adhere to the Standard Terms and Conditions of Contract as set out in Form US7 - Services, a copy of which is attached hereto. Should the Respondent find any conditions unacceptable, it should indicate which conditions are unacceptable and offer alternatives. Please note that any alternative offered shall be compared with acceptance of the Form US7 conditions or alternatives offered by other Respondents."

Respondent's Signature

Date & Company Stamp

Section 8: NON-DISCLOSURE AGREEMENT (NDA)

RFP FOR THE PROVISION OF MARKET RESEARCH SERVICES FOR A PERIOD OF 2 YEARS

Complete and sign the Non-Disclosure Agreement attached hereto

PREVIEW COPY ONLY

Respondent's Signature

Date & Company Stamp

Section 9: RFP DECLARATION FORM

RFP FOR THE PROVISION OF MARKET RESEARCH SERVICES FOR A PERIOD OF 2 YEARS

NAME OF COMPANY: _____

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 bid 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 company 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 acknowledge that a direct relationship exists between a family member and/or an owner / member / director / partner / shareholder (unlisted companies) of our company and an employee or board member of the Transnet Group as indicated below: *[Respondent to delete this paragraph if not applicable]*

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]

Respondent's Signature

Date & Company Stamp

6. 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 company in the forthcoming adjudication process, we shall notify Transnet immediately in writing of such circumstances.

SIGNED at _____ on this ____ day of _____ 2010

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

IMPORTANT NOTICE TO RESPONDENTS

DRY-REVIEW COPY ONLY

- ***Transnet has appointed a Procurement Ombudsman to investigate any material complaint in respect of RFPs exceeding R5,000,000.00 (five million S.A. Rands) 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.***
- ***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***
- ***For transactions below the R5,000,000.00 threshold, a complaint may be lodged with the Chief Procurement Officer of the relevant Transnet Operating Division.***

Respondent's Signature

Date & Company Stamp