

TFR, a division of

TRANSNET SOC LTD

Registration Number 1990/000900/30

[hereinafter referred to as **Transnet**]

REQUEST FOR QUOTATION [RFQ] No BLE/1147/2016

**FOR THE PROVISION OF TRANSPORT SERVICES FOR NIGHT SHIFT
PERSONNEL FROM BELLVILLE VARIOUS AREAS WITHIN CAPE TOWN
REGION FOR A PERIOD OF 24 MONTHS**

FOR DELIVERY TO: VARIOUS AREAS WITHIN CAPE TOWN REGION

ISSUE DATE: 12 OCTOBER 2016

CLOSING DATE: 27 OCTOBER 2016

CLOSING TIME: 10:00

RFQ for provision of transport services for night shift personnel from Bellville various areas within Cape Town region for a period of 24 months

Returnable Document**Section 1
NOTICE TO BIDDERS**

Quotations which must be completed as indicated in Section 2 of this RFQ are to be submitted as follows:

METHOD: [post, hand and/or courier]
CLOSING VENUE: [courier and/or tender box at physical address]

Proposals must reach the Secretariat, 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:

Closing date and time: **27 October 2016 AT 10:00**
Closing address: *[Refer to options in Delivery Instructions for RFQ below]*

No documents will be issued between 12:45 to 13:30

All envelopes must reflect the return address of the Respondent on the reverse side.

A. DELIVERY INSTRUCTIONS FOR RFQ**Delivery by Post**

If delivered by post, the envelope must be addressed as below and must be dispatched in time for sorting by post office to reach the Secretariat before the closing time of the RFQ:

The Secretariat
Transnet Acquisition Council
P O Box 2986
Bellville,
7535

- a. The measurements of the "tender slot" are 11cm wide x 45cm 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 above.

Dispatch by Hand and 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 Secretariat
Transnet Acquisition Council
Transnet Park Building
6th Floor
Robert Sobukwe Road
Bellville, 7535

Please note that this RFQ closes punctually at **10:00 on 27 October 2016**

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B. INSPECT / COLLECT DOCUMENTS :

RFQ documents may be viewed and downloaded directly from the Transnet Freight Rail website by clicking on the RFQ number that is highlighted in red on the website:

(<http://www.transnetfreightrail.co.za/Website/tenders.html>) free of charge

Alternatively, this RFQ may be purchased **at R250.00** [inclusive of VAT] per set for those Bidders that require a copy from Transnet rather than downloading from the website. If a copy of the RFQ document is required, prior arrangements must be made one (1) day in advance and the RFQ document may be collected between **08:00** and **15:00** from **12 October 2016** until **20 October 2016**

NOTE – This amount is not refundable. A receipt for such payment made must be presented when collecting the RFQ documents and submitted thereafter with your Request for Quotation.

RFQ documents may be obtained on and after **Wednesday, 12 October 2016** at The Secretariat of Transnet Acquisition Council, Transnet Park Building, 6th Floor, Robert Sobukwe Road, Bellville, Cape Town during the office hours **08h00 to 15h00**.

No RFQ documents will be issued between 12:45 to 13:30. The RFQ document will only be issued until 20 October 2016

For enquiries regarding collection of documents, contact Susan DeJongh, telephone No. 021 940-3340 or Johanna Coetzee at 021 940-3823

C. RFQ FEE AND BANKING DETAILS

Payment is to be made as follows:

R 250.00 [inclusive of VAT] per set
Account Name : Transnet Freight Rail
Account : Standard Bank
Account number : 203158598
Branch code : 004805

The deposit slip must reflect RFQ: BLE/1147/2016 and the Company Name. Receipt/s to be presented prior to collection of the RFQ /tender document.

D. FORMAL RFQ COMPULSORY BRIEFING SESSION

- i. A Compulsory site briefing and Site Inspection will be held at Robert Sobukwe Road, 6th Floor Outeniqua Boardroom, Transnet Park in Bellville on the **21 October 2016 at 14h30 for a period of ± 1hour**.
- ii. Respondents to provide own transportation.
- iii. Respondents failing to attend the compulsory briefing meeting will be disqualified

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If Respondents/Bidders intend to download the bid off the Portal, they are required to indicate their intention to respond to this bid by 15:00 20 October 2016, by sending an email with their contact details to the following address: susan.dejongh@transnet.net

This is to ensure that any required communication (e.g. addenda to the bid) in relation to this bid reaches those intending to respond. As such, please submit the **CONFIRMATION THAT YOU ADVISED TRANSNET OF YOUR INTENTION TO PARTICIPATE IN THIS TENDER.**

RESPONDENTS FAILING TO ADHERE TO THE ABOVE MAY BE CLASSIFIED AS NON-RESPONSIVE AND MAY BE DISQUALIFIED

1 Responses to RFQ

Responses to this RFQ [**Quotations**] must not include documents or reference relating to any other quotation or proposal. Any additional conditions must be embodied in an accompanying letter.

2 Broad-Based Black Economic Empowerment [B-BBEE]

Transnet fully endorses and supports the Government's Broad-Based Black Economic Empowerment Programme and it would therefore prefer to do business with local business enterprises who share these same values. As described in more detail in the attached B-BBEE Claim Form Transnet will allow a "preference" to companies who provide a valid B-BBEE Verification Certificate.

The value of this bid is estimated to be below R1 000 000 (all applicable taxes included); and therefore the **80/20** system shall be applicable.

Respondents are required to complete Annexure A [the B-BBEE Preference Point Claim Form] and submit it together with proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

Note: Failure to submit a valid and original B-BBEE certificate or a certified copy thereof at the Closing Date of this RFQ will result in a score of zero being allocated for B-BBEE.

3 Communication

Respondents are warned that a response will be liable for 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 RFQ between the closing date and the date of the award of the business.

A Respondent may, however, before the closing date and time, direct any written enquiries relating to the RFQ to the following Transnet employee before RFQ clarification deadline:

Name: Tamara Dlamini Email: tamara.dlamini@transnet.net

Telephone: 021 940 3831

Respondents may also, at any time after the closing date of the RFQ, communicate with the Secretariat of the Acquisition Council on any matter relating to its RFQ response:

Telephone 021 940 3340 Email: susan.dejongh@transnet.net

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4 Legal Compliance

The successful Respondent shall be in full and complete compliance with any and all applicable national and local laws and regulations.

5 Changes to Quotations

Changes by the Respondent to its submission will not be considered after the closing date and time.

6 Pricing

All prices must be quoted in South African Rand on a fixed price basis, excluding VAT.

7 Prices Subject to Confirmation

Prices quoted which are subject to confirmation will not be considered.

8 Binding Offer

Any Quotation furnished pursuant to this Request shall be deemed to be an offer. Any exceptions to this statement must be clearly and specifically indicated.

9 Disclaimers

Transnet is not committed to any course of action as a result of its issuance of this RFQ and/or its receipt of a Quotation in response to it. Please note that Transnet reserves the right to:

- modify the RFQ's goods / service(s) and request Respondents to re-bid on any changes;
- reject any Quotation which does not conform to instructions and specifications which are detailed herein;
- disqualify Quotations submitted after the stated submission deadline;
- not necessarily accept the lowest priced Quotation or an alternative bid;
- reject all Quotations, if it so decides;
- place an order in connection with this Quotation at any time after the RFQ's closing date;
- award only a portion of the proposed goods / service/s which are reflected in the scope of this RFQ;
- split the award of the order/s between more than one Supplier/Service Provider should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations ; or
- make no award at all.

Should a contract be awarded on the strength of information furnished by the Respondent, which after conclusion of the contract, is proved to have been incorrect, Transnet reserves the right to cancel the contract.

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 RFQ document.

Transnet reserves the right to award business to the highest scoring bidder/s unless objective criteria justify the award to another bidder.

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Should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so, Transnet reserves the right to award the business to the next highest ranked bidder, provided that he/she is still prepared to provide the required goods at the quoted price.

10. National treasury central supplier database

In terms of paragraph 5.6 of the NATIONAL TREASURY SCM INSTRUCTION NO 4 OF 2016/2017, which became effective on 1 May 2016, Transnet may only award bids to suppliers after verifying that the supplier is registered as prospective suppliers on the National Treasury Central Supplier Database.

Please follow the following steps to register your company on the National Treasury Central Supplier Database and confirm your registration by submitting your National Treasury "MAAA" supplier reference number.

Step 1: Access the CSD site on <https://secure.csd.gov.za/>

Step 2: Register a new CSD account <https://secure.csd.gov.za/Account/Register>

Step 3: Receive an activation email and click activate account

Step 4: Activate account by requesting and entering the OTP

Step 5: Log in the CSD

Step 6: Complete supplier identification information

Step 7: Complete contact information

Step 8: Complete address information

Step 9: Complete bank account information

Step 10: Complete tax information

Step 11: Complete directors/members information (if non-CIPC company)

Step 12: Complete associations (if relevant)

Step 13: Complete commodities information

Step 14: Complete B-BBEE information (future phase)

Step 15: Maintain users

Step 16: Complete notification information

Step 17: Complete accreditations

Step 18: Click on submit

Step 19: A CSD supplier number and unique registration reference number is auto-generated and communicated.

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

11. Project Specifications

1. The successful bidder must supply their own 15 seater vehicle (one vehicle required per night)
2. **Service required:** Transportation of Belcon Terminal staff from their workplace at end of nightshift to their homes.
 - a. The pick-up time is 22h30 each week day (except when not required for the day)
 - b. This service is required in the late evenings from Monday to Friday (Not required for weekends or public holidays)
 - c. Current personnel quantity that make use of the service is 8 per night (might differ if someone is on leave/sick)
 - d. **Routes: Northbound** which includes areas up until Kraaifontein

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- e. **Routes: Southbound** which include areas up until Strandfontein, Mitchell's Plain, Khayelitsha, Eersterivier.
 - f. **Residential areas of personnel:** Kuilsriver, Eersteriver, Blackheath, Bellville, Kraaifontein, Mitchell's Plain, Phillippi, Heideveld, Vasco, Elsiesriver, Bishop's Lavis, Mfuleni, Delft, Gugulethu, Nyanga, Khayelitsha, Crossroads, Samora, Belhar & Parow
 - g. Transnet Freight Rail reserves the right to change the routes
3. The successful bidder must have their own contingency plan and accident scene management in place before the commencement of the contract
 4. The vehicle will be inspected by Transnet Freight Rail to check for compliance of all requirements
 5. Allocation of a core group of drivers for Transnet Freight Rail.
 - a. A designated driver is required for the trip as to avoid unfamiliarity with the route, destinations and passengers.
 - b. Route planning to be provided by Transnet Freight Rail which cannot be changed without approval of Transnet Freight Rail.

Additional Requirements:

1. The driver must be in possession of a code 08 driver licence with PDP and an operating licence (Mandatory)
2. The successful bidder must comply to the Road Transport Act requirements
3. The successful bidder must supply their own support staff (including backup drivers)
4. The successful bidder must supply their own passenger liability cover
5. The successful bidder must have their own contingency plan in place before the commencement of the contract (a driver/vehicle to be available when a breakdown occurs)
6. A recovery plan should be in place (for breakdowns, accident etc.) and good communication between driver and the depot is essential.
7. The vehicle must be road worthy, have passenger seatbelts and a valid licence disc.
8. The vehicle/s must be equipped with a GPRS tracking equipment.
9. The successful bidder must have his own hijacking prevention in place before commencement of the contract.
10. Driver to be tested each night at Transnet Freight Rail before commencing with trip for substance abuse (Mandatory)

Pick Up and Drop Off for Night Shift Personnel

1. The pickup and drop off of night shift workers shall be on week days, weekends and public holidays.
 2. The shift staff shall be picked up and dropped off at their residence.
 3. Staff may change from time to time including their home addresses but such changes shall not affect this agreement so long as the home addresses are within the 20 kilometers radius from the collection point.
- Fleet to provide the required level of service as well as other vehicles in reserve as stand-by. Preferably least (2) modern Taxi vehicles as well as (2) large station Wagon vehicles and that all its vehicles are air-conditioned and that it agrees warrants and states that it is able and capable of providing the services of transportation of shift workers as listed hereinafter in this agreement on consideration of payment per month.

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4. The tenderer should provide evidence that he has a stand by vehicle as to provide back up to ensure service is maintained per standards. Must have workers compensation insurance policy of R2m or more – Proof to be submitted.

Must have the public liability cover of R5m – Proof to be submitted

5. Only one trip is made each night (Monday-Friday) and start at Belcon and ends with the last person dropped off.

6. Public holidays (Monday-Friday), the personnel works day shift on some public holidays. The day before Christmas and New Year the transport will not be required as the staff leaves earlier and uses their own/public transport.

7. The number of persons that is transported will be 7-10 (depending on shift)

8. The rate should be based on an average which starts at Belcon and ends with the last person dropped off. There is no returning back to Belcon after each drop-off.

9. The minimum rate charge must be established by the bidder/supplier in the case where the total km's is low and to have a viable trip.

For example: If total km's is less than 100km then a minimum charge per trip is charged, above the 100km then the minimum charge plus the cost per km exceeding 100km can be charged.

10. The quote must also take into consideration the increase in fuel prices.

Transnet urges its clients, suppliers and the general public to report any fraud or corruption to

TIP-OFFS ANONYMOUS: 0800 003 056

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RFQ FOR PROVISION OF TRANSPORT SERVICES FOR NIGHT SHIFT PERSONNEL FROM BELLVILLE VARIOUS AREAS WITHIN CAPE TOWN REGION FOR A PERIOD OF 24 MONTHS
CLOSING VENUE: THE SECRETARIAT, TRANSNET ACQUISITION COUNCIL, 06TH FLOOR, TRANSNET PARK BUILDING, ROBERT SOBUKWE ROAD, BELLVILLE
CLOSING DATE & TIME: 27 OCTOBER 2016, 10:00AM
VALIDITY PERIOD: 90 Business Days

SECTION 2

EVALUATION CRITERIA AND RETURNABLE DOCUMENTS

1 Evaluation Criteria

Transnet will utilise the following criteria [not necessarily in this order] in choosing a Supplier/Service Provider, if so required:

Criterion/Criteria	Explanation
Administrative responsiveness	Completeness of response and returnable documents
Substantive responsiveness	Prequalification criteria, if any, must be met and whether the Bid materially complies with the scope and/or specification given. <ul style="list-style-type: none"> • Legal licence & PDP. • Proof of liability cover • Contingency Plan
Functionality Threshold	As prescribed in terms of the Preferential Procurement Policy Framework Act (PPPFA), Act5 of 2000 and its Regulations, Respondents are to note that functionality is included as a threshold percentage threshold of 70%. Written References, Valid Permit, Relevant insurance in place, vehicle age and Route drop off rotation will be considered as part of the technical evaluation.
Final weighted evaluation based on 80/20 preference point	<ul style="list-style-type: none"> • Pricing and price basis [firm] • B-BBEE status of company - Preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table indicated in Section 5: B-BBEE Claim Form.

Pick Up and Drop Off for Night Shift Personnel

- The pickup and drop off of night shift workers shall be on week days, weekends and public holidays.
- The shift staff shall be picked up and dropped off at their residence.
- Staff may change from time to time including their home addresses but such changes shall not affect this agreement so long as the home addresses are within the 20 kilometres radius from the collection point.

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Fleet to provide the required level of service as well as other vehicles in reserve as stand-by.

Preferably least (2) modern Taxi vehicles as well as (2) large station Wagon vehicles and that all its vehicles are air-conditioned and that it agrees warrants and states that it is able and capable of providing the services of transportation of shift workers as listed hereinafter in this agreement on consideration of payment per month.

The tenderer should provide evidence that he has a stand by vehicle as to provide back up to ensure service is maintained per standards.

Must have workers compensation insurance policy of R2m or more – Proof to be submitted.

Must have the public liability cover of R5m – Proof to be submitted

Departure from: Belcon, Bellville

Possible destinations

Strand
Kuilsriver
Eersterivier
Blackheath
Bellville
Kraaifontein
Mitchell's Plain
Phillippi
Heideveld
Vasco
Elsiesrivier
Bishop Lavis
Mfuleni
Delft
Gugulethu
Khayelitsha
Belhar
Parow

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Returnable Document**Technical Evaluation Criteria****Technical / Functionality - (Minimum threshold of 70 %)**

Item No.	Quality Criteria	Scoring Matrix	Weightings
1	References	0 – No written references provided 1 – 1 written reference from a reputable customer 2 – 2 written references from a reputable customer 3 – 3 written references from a reputable customer 4 – 4 written references from a reputable customer 5 – 5 or more written references from a reputable customer	15
2	Permit Validity	0 – Expired or No valid permits available 5 – Valid Permit Available per vehicle	15
3	Vehicle Age	1 – 5 Years Old 2 – 4 Years Old 3 – 3 Years Old 4 – 2 Years Old 5 – 1 year or less in age	20
4	Insurances in Place	0 – No valid vehicle or any of the other Insurances in Place. 1 – Only Valid vehicle Insurance 2 – Valid Vehicle Insurance and Public Liability 3 – Valid Vehicle Insurance, Public Liability and 3 rd Party 4 – Valid 3 rd Party, Vehicle Insurance, Workers Compensation and Public Liability Insurance in Place	25
5	Route Drop-off Plan	0 0-1 Rotation Planned Stops (Personnel) 1 2-3 Rotation Planned Stops (Personnel) 2 4-5 Rotation Planned Stops (Personnel) 3 6-7 Rotation Planned Stops (Personnel) 4 8 or more Rotation Planned Stops (Personnel)	25

 Respondent's Signature

 Date & Company Stamp

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2 Validity Period

Transnet desires a validity period of 90 [ninety] Business Days from the closing date of this RFQ.

This RFQ is valid until **22 DECEMBER 2016**.

3 Disclosure of Prices Quoted

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

YES NO

4 Returnable Documents

Returnable Documents means all the documents, Sections and Annexures, as listed in the tables below.

All Returnable Sections, as indicated in the header and footer of the relevant pages, must be signed, stamped and dated by the Respondent.

a) Respondents are required to submit with their Quotations the **mandatory Returnable Documents**, as detailed below.

Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this RFQ will result in a Respondent's disqualification. Respondents are therefore urged to ensure that all these Documents are returned with their Quotations.

Please confirm submission of these mandatory Returnable Documents by so indicating [Yes or No] in the tables below:

Mandatory Returnable Documents	Submitted [Yes or No]
SECTION 3 : Quotation Form (Price Schedule) (Price Schedule to be completed in full)	
• Legal licence & PDP.	
• Proof of liability cover	
• Contingency Plan	
• Liability /Insurance Cover	
• Valid Transport Permit	
• Route drop off rotation plan	
• References	
• Vehicle Age	
• Relevant insurances currently in place	
• Root drop off rotation	

b) In addition to the requirements of section (a) above, Respondents are further required to submit with their Quotations the following **essential Returnable Documents** as detailed below.

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Failure to provide all these Returnable Documents may result in a Respondent's disqualification. Respondents are therefore urged to ensure that all these documents are returned with their Quotations.

Essential Returnable Documents	Submitted [Yes or No]
SECTION 2 : Evaluation criteria and list of returnable documents	
- SECTION 4 : RFQ Declaration and Breach of Law Form	
- SECTION 5 : B-BBEE Preference Points Claim	
- SECTION 6 : RFQ Clarification Request Form	
- Valid and original, or a certified copy, of your entity's B-BBEE Verification Certification as per the requirements stipulated in Section 5: B-BBEE Claims Form Note: failure to provide these required documents at the closing date and time of the RFQ will result in an automatic score of zero being allocated for preference	
- Original valid Tax Clearance Certificate [Consortia / Joint Ventures must submit a separate Tax Clearance Certificate for each party]	
- Proof of registration from National Treasury	
- Letter of Good Standing from Compensation Commissioner	

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 RFQ. 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.

Respondent's Signature

Date & Company Stamp

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**SECTION 3
QUOTATION FORM**

I/We _____
hereby offer to supply the goods/services at the prices quoted in the Price Schedule below, in accordance with the conditions related thereto.

I/We agree to be bound by those terms and conditions in:

- the Standard RFQ Terms and Conditions for the Supply of Goods or Services to Transnet; and
- any other standard or special conditions mentioned and/or embodied in this Request for Quotation.

I/We accept that unless Transnet should otherwise decide and so inform me/us, this Quotation [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.

I/We further agree that if, after I/we have been notified of the acceptance of my/our Quotation, I/we fail to deliver the said goods/service/s within the delivery lead-time quoted, Transnet may, without prejudice to any other legal remedy which it may have, cancel the order and recover from me/us any expenses incurred by Transnet in calling for Quotations afresh and/or having to accept any less favourable offer.

Respondent's Signature

Date & Company Stamp

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Price Schedule

I/We quote as follows for the service required, to be provided from Bellville to various areas within Cape Town at, excluding VAT.

Current average km's per trip per night = 100km

Estimated km's per month: 2100km's

1. A flat rate is preferred where the total km equal or less than 100km's are.

Description of Service	Unit of Measure	Rate excl Vat (for the first 100 KM's travelled) per night	Estimated KM's travel per day	Total amount per month
Provision of Transport Services for the night shift personnel from Bellville to different areas within Cape Town region	0- 100km's		100Km	

2. A rate per km where the total km's travelled exceeds 100km, the total amount would be the flat rate plus the amount where the number of km's exceeded the 100km

Description of Service	Unit of Measure	Rate per KM travelled	Total amount per month
Provision of Transport Services for the night shift personnel from Bellville to different areas within Cape Town region	Per KM		

NB! Proof of actual km's travelled will be required on the invoice (Opening & closing odometer readings to be on daily logsheets).

Notes to Pricing:

- All Prices must be quoted in South African Rand, exclusive of VAT
- To facilitate like-for-like comparison bidders must submit pricing strictly in accordance with this price schedule and not utilise a different format. Deviation from this pricing schedule could result in a bid being disqualified.
- Prices need to be fixed for the duration of 12 months thereafter escalation percentage will be determined by CPI

Please note that should you have offered a discounted price(s), Transnet will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.

Respondent's Signature

Date & Company Stamp

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By signing this Quotation Form the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar, and agrees, with all the conditions governing this RFQ, including those contained in any printed form stated to form part hereof, including but not limited to the documents stated below 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:

1. Specifications and drawings included in this RFQ - if applicable; and
2. The following documents all of which are available on Transnet’s website or upon request:
 - 2.1. General Bid Conditions;
 - 2.2. Standard RFQ Terms and Conditions for the Supply of Goods or Services to Transnet;
 - 2.3. Supplier Integrity Pact;
 - 2.4. Non-disclosure Agreement; and
 - 2.5. Vendor Application Form and all supporting documents (first time vendors only)

Alternatively, for all existing vendors, please provide vendor number(s) here:

Transnet Operating Division	Unique Vendor Number	Yes / No
Transnet Group		
TFR, etc.		

In the Yes/No column above, please confirm that all the information e.g. company address and contact details, banking details etc. are still correct as at the time of allocation of the vendor number(s). Alternatively, Respondents are required to provide the updated information with their bid submission.

SIGNED at _____ on this ____ day of _____ 20__

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____
Name _____

2 _____
Name _____

SIGNATURE OF RESPONDENT’S AUTHORISED REPRESENTATIVE: _____

NAME: _____ CONTACT NUMBER: _____

DESIGNATION: _____ EMAIL ADDRESS: _____

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SECTION 4

RFQ DECLARATION AND BREACH OF LAW 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 RFQ Clarification purposes;
2. we have received all information we deemed necessary for the completion of this Request for Quotation [**RFQ**];
3. we have been provided with sufficient access to the existing Transnet facilities/sites and any and all relevant information relevant to the Supply of the Goods as well as Transnet information and Employees, and has had sufficient time in which to conduct and perform a thorough due diligence of Transnet's operations and business requirements and assets used by Transnet. Transnet will therefore not consider or permit any pre- or post-contract verification or any related adjustment to pricing, service levels or any other provisions/conditions based on any incorrect assumptions made by the Respondent in arriving at his Bid Price.
4. at no stage have we received additional information relating to the subject matter of this RFQ from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the RFQ documents;
5. we are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this RFQ and the requirements requested from Bidders in responding to this RFQ have been conducted in a fair and transparent manner; and
6. 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 including any person who may be involved in the evaluation and/or adjudication of this Bid.
7. In addition, we declare that an owner / member / director / partner / shareholder of our entity **is / is not** [delete as applicable] an employee or board member of the Transnet Group.
8. If such a relationship as indicated in paragraph 6 and/or 7 exists, the Respondent is to complete the following section:

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

ADDRESS:

Indicate nature of relationship with Transnet:

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

- 9. 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.

BREACH OF LAW

- 10. We further hereby certify that *I/we **have/have not been*** [delete as applicable] 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. This includes the imposition of an administrative fine or penalty.

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____

For and on behalf of _____ duly authorised hereto	AS WITNESS:
Name:	Name:
Position:	Position:
Signature:	Signature:
Date:	Registration No of Company/CC _____
Place:	Registration Name of Company/CC _____

Returnable Document**FOR THE PROVISION OF TRANSPORT SERVICES FOR NIGHT SHIFT PERSONNEL FROM BELLVILLE VARIOUS AREAS WITHIN CAPE TOWN REGION FOR A PERIOD OF 24 MONTHS****SECTION 5: 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.

1. INTRODUCTION

- 1.1 A total of 20 preference points shall be awarded for B-BBEE Status Level of Contribution.
- 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 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can utilised have been taken into consideration;

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- 2.7 **"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;
- 2.8 **"contract"** means the agreement that results from the acceptance of a bid by Transnet;
- 2.9 **"EME"** means any enterprise with an annual total revenue of R5 [five] million or less as per the 2007 version of the B-BBEE Codes of Good Practice and means any enterprise with an annual total revenue of R10 [ten] million or less as per the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928;
- 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 **"non-firm prices"** means all prices other than "firm" prices;
- 2.13 **"person"** includes reference to a juristic person;
- 2.14 **"QSE"** means any enterprise with an annual total revenue between R5 [five] million and R35 [thirty five] million as per the 2007 version of the B-BBEE Codes of Good Practice and means any enterprise with an annual total revenue of between R10 [ten] million and R50 [fifty] million as per the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928
- 2.15 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.16 **"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;
- 2.17 **"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;

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- 2.18 **“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
- 2.19 **“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 RFQ will be awarded the contract, unless objective criteria justifies the award to another bidder.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored will be rounded off to 2 [two] decimal places.
- 3.4 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.
- 3.5 However, when functionality is part of the evaluation process and two or more Bids have scored equal points including equal preference points for B-BBEE, the successful Bid will be the one scoring the highest score for functionality.
- 3.6 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 In terms of the Preferential Procurement Regulations, 2011, 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 20]
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 4.2 Bidders who qualify as EMEs in terms of the 2007 version of the Codes of Good Practice

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

- 4.3 Bidders who qualify as EMEs in terms of the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928 **are only required to obtain a sworn affidavit** on an annual basis confirming that the entity has an Annual Total Revenue of R10 million or less and the entity's Level of Black ownership.
- 4.4 In terms of the 2007 version of the Codes of Good Practice, 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.
- 4.5 The Department of Trade and Industry recently revised the Codes of Good Practice on 11 October 2013 [Government Gazette No. 36928]. The Revised Codes will replace the Black Economic Empowerment Codes of Good Practice issued on 9 February 2007. The Revised Codes provide for a transitional period ending 30 April 2015. During the transitional period, companies may elect to be measured in terms of the Revised Codes or the 2007 version of the Codes. Companies which are governed by Sector-specific Codes will be measured in terms of those Sector Codes.
- 4.6 As such, Transnet will accept B-BBEE certificates issued based on the Revised Codes. Transnet will also continue to accept B-BBEE certificates issued in terms of the 2007 version of the Codes provided it was issued before 1 May 2015. Thereafter, Transnet will only accept B-BBEE certificates issued based on the Revised Codes.
- 4.7 In terms of the Revised Codes of Good Practice, Bidders who qualify as QSEs must comply with all the elements of B-BBEE for the purposes of measurement. QSEs that are at least 51% or 100% Black owned are only required to obtain a sworn affidavit on an annual basis confirming that the entity has an Annual Total Revenue of R50 million or less and the entity's Level of Black ownership. Large enterprises 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.
- 4.8 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.
- 4.9 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.

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- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 Bidders are to note that in terms of paragraph 2.6 of Statement 000 of the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928, any representation made by an entity about its B-BBEE compliance must be supported by suitable evidence or documentation. As such, Transnet reserves the right to request such evidence or documentation from Bidders in order to verify any B-BBEE recognition claimed.

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 20 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 a sworn affidavit in the case of an EME or QSE.

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

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5.3 Declaration with regard to Company/Firm

- (i) Name of Company/Firm.....
- (ii) VAT registration number.....
- (iii) Company registration number.....
- (iv) Type of Company / Firm [TICK APPLICABLE BOX]

- Partnership/Joint Venture/Consortium
- One person business/sole propriety
- Close Corporations
- Company (Pty) Ltd

- (v) Describe Principal Business Activities

.....

- (vi) Company Classification [TICK APPLICABLE BOX]

- Manufacturer
- Supplier
- Professional Service Provider
- Other Service Providers, e.g Transporter, etc

- (vii) Total number of years the company/firm has been in business.....

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 4 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

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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.

SIGNATURE OF BIDDER

2.

DATE:.....

COMPANY

NAME:

.....

ADDRESS:.....

.....

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Section 6: RFQ CLARIFICATION REQUEST FORM

RFQ No: BLE/1147/2016

RFQ deadline for questions / RFQ Clarifications: Before 12:00 on 24 October 2016

TO: Transnet SOC Ltd
ATTENTION: Tamara Dlamini
EMAIL tamara.dlamini@transnet.net
DATE: _____
FROM: _____

RFP Clarification No [to be inserted by Transnet]

REQUEST FOR RFQ CLARIFICATION

Respondent's Signature

Date & Company Stamp