



**TRANSNET FREIGHT RAIL**, a division of

**TRANSNET SOC LTD**

Registration Number 1990/000900/30

[hereinafter referred to as **Transnet**]

**REQUEST FOR QUOTATION [RFQ] NO. CRAC – DNR 21001**

**FOR THE HIRE OF:** 260 X OPEN TOP, 6 METRE (20'), 30 TON PLATE  
RATED, BULK FREIGHT CONTAINERS FOR THREE  
MONTHS

**REQUIRED AT:** GROOTVLEI REGION

**ISSUE DATE:** 19 February 2016

**CLOSING DATE:** 26 February 2016

**CLOSING TIME:** 12:00 PM

## 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 or Courier  
**CLOSING VENUE:** Chairman Transnet Freight Rail Acquisition Council  
SCS Reception, 100 Eel Road, Bayhead, Durban  
4001  
Tender Box

### 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 R2 000 000 (all applicable taxes included); and therefore the **90/10** 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:

Name: Sibusiso Mthimkulu

Email: sibusiso.mthimkhulu@transnet.net

Telephone: 031 361 3427

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

Telephone: 011 544 9486

Email: prudence.nkabinde@transnet.net

#### 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 ;

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

Transnet reserves the right to conduct Post Tender Negotiations (PTN) with selected Respondents or any number of short-listed Respondents, such PTN to include, at Transnet's discretion, any evaluation criteria listed in the RFQ document.

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 Specification/Scope of Work**

Refer to Annexure C for Scope of Requirements

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

**TIP-OFFS ANONYMOUS: 0800 003 056**

**"PREVIEW COPY ONLY"**

**RFQ FOR THE HIRING OF 260 X OPEN TOP, 6 METRE (20'), 30 TON PLATE RATED, BULK  
FREIGHT CONTAINERS FOR THREE MONTHS**

**CLOSING VENUE: CHAIRMAN TRANSNET FREIGHT RAIL ACQUISITION COUNCIL**

**SCS RECEPTION, 100 EEL ROAD BAYHEAD, DURBAN, 4001**

**CLOSING DATE & TIME: 26 February 2016 AT 12:00 PM**

**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:

<b>Criterion/Criteria</b>	<b>Explanation</b>
<b>Administrative responsiveness</b>	Completeness of response and returnable documents
<b>Substantive responsiveness</b>	Prequalification criteria must be met and whether the Bid materially complies with the scope and/or specification given. <ul style="list-style-type: none"> <li>Compliance to Specification – Provide evidence that containers complies to Transnet's Specifications (Refer to Annexure C for Scope of Requirements)</li> </ul>
<b>Functionality Threshold</b>	As prescribed in terms of the Preferential Procurement Policy Framework Act (PPPFA), Act 5 of 2000 and its Regulations, Respondents are to note that functionality is included as a threshold with a prescribed percentage threshold of 60%. Industry container leasing performance, delivery lead-time and Industry Quality Standards will be considered as part of the technical evaluation[complete Annexure B – Technical Questionnaire]
<b>Financial weighted evaluation based on 90/10 preference point system as indicated in paragraph</b>	<ul style="list-style-type: none"> <li>Pricing and price basis [firm] - whilst not the sole factor for consideration, competitive pricing and overall level of unconditional discounts<sup>1</sup> will be critical</li> <li>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 Annexure A.</li> </ul>

<sup>1</sup> Only unconditional discounts will be taken into account during evaluation. A discount which has been offered conditionally will, despite not being taken into account for evaluation purposes, be implemented when payment is effected.

**2 Validity Period**

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

This RFQ is valid until \_\_\_\_\_

**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	
Compliance to Specifications - Provide evidence that containers complies to Transnet's Specifications	
ANNEXURE B : Technical Submission/Questionnaire	

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.

*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	
- Valid and original, or a certified copy, of your entity's B-BBEE Verification Certification as per the requirements stipulated in Annexure A: 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	

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

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

Essential Returnable Documents	Submitted [Yes or No]
- Original valid Tax Clearance Certificate [Consortia / Joint Ventures must submit a separate Tax Clearance Certificate for each party]	
- Letter of Good Standing	
ANNEXURE A - B-BBEE Preference Points Claim Form	

**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.

**"PREVIEW COPY ONLY"**

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 Respondent's Signature

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 Date & Company Stamp

### 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 a fresh and/or having to accept any less favourable offer.

#### Price Schedule

I/We quote as follows for the goods required, on a "delivered nominated destination" basis, excluding VAT:

Item No	Description of Goods /Services	Unit of Measure	No of containers	Rental rate per 6m Container per day (ZAR)	Total Price of 260 Containers per day (ZAR)
1	Hire of 260 x Open Top, 6 metre (20'), 30 Ton plate rated, bulk freight containers for three months	Day	260		

**Delivery Lead-Time from date of purchase order:** \_\_\_\_\_ [days/weeks]

#### Notes to Pricing:

- a) All Prices must be quoted in South African Rand, exclusive of VAT
- b) Rates quoted to include repairs and maintenance
- c) Refer to Annexure C for Scope of Requirements
- d) 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.

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



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;
- 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

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Respondent's Signature

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Date & Company Stamp

**RFQ FOR THE HIRING OF 260 X OPEN TOP, 6 METRE (20'), 30 TON PLATE RATED, BULK FREIGHT  
CONTAINERS  
FOR A PERIOD OF THREE MONTHS**

**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.

**1. INTRODUCTION**

- 1.1 A total of 10 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 be utilised have been taken into consideration;
- 2.7 "**consortium or joint venture**" means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a

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

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

**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 the 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:

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

*[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 _____

**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: \_\_\_\_\_

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

in Section 2 of the RFP 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 10]
1	10
2	9
3	8
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

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

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

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

- 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.
- 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

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Respondent's Signature

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Date & Company Stamp

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 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 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

**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

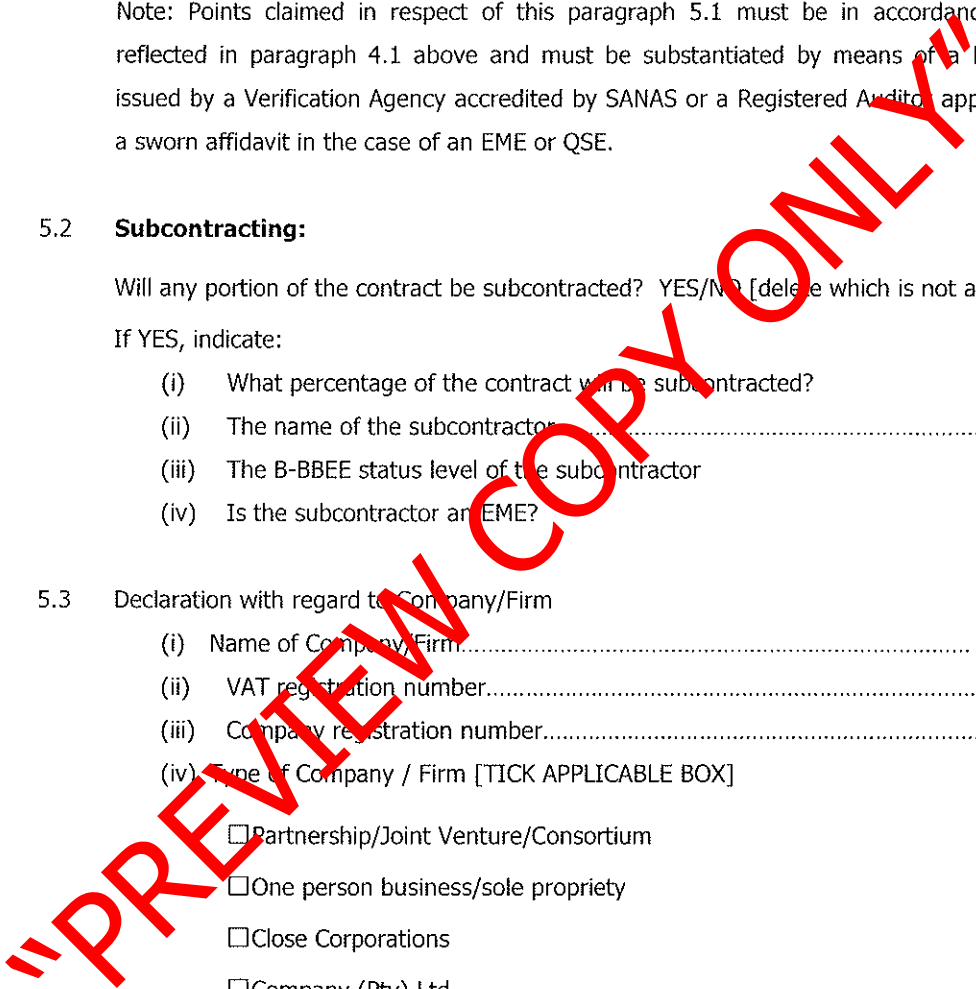
(v) Describe Principal Business Activities  
.....  
.....

(vi) Company Classification [TICK APPLICABLE BOX]

- Manufacturer
- Supplier
- Professional Service Provider

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

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





- 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 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

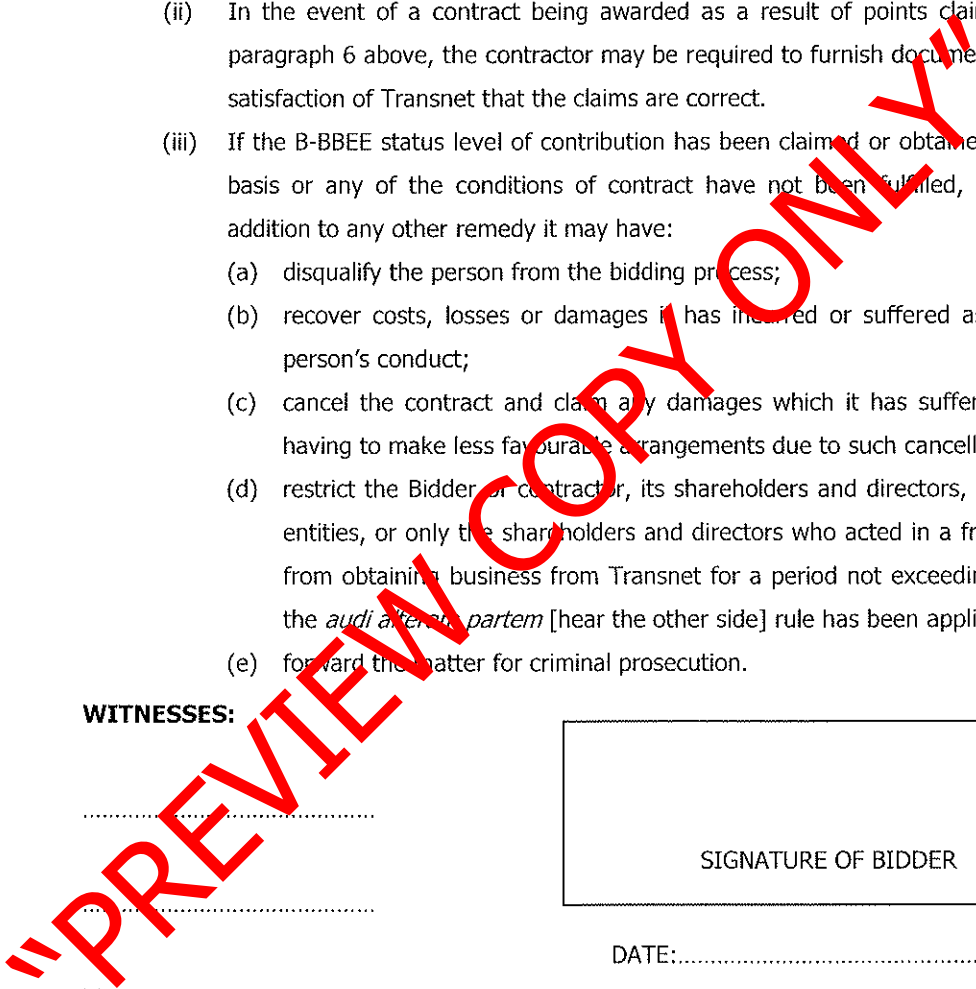
DATE:.....

COMPANY NAME: .....

ADDRESS:.....

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

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



**ANNEXURE B - TECHNICAL SUBMISSION/QUESTIONNAIRE****1. TECHNICAL SCORING SCALE**

Quality criteria	Sub-criteria
<b>Compliance to Specification</b>	Confirming compliance with Transnet's Specifications
<b>Industry Container Leasing Experience</b>	Proof of industry experience
<b>Delivery lead-time</b>	Delivery lead-time from date of order until equipment is delivery on site
<b>Industry Quality Standards (Industry Recognition)</b>	Compliance certification

**"PREVIEW COPY ONLY"**

\_\_\_\_\_  
Respondent's Signature\_\_\_\_\_  
Date & Company Stamp

## 2. TECHNICAL QUESTIONNAIRE

No 1	Item	Submitted evidence/proof	
		Yes	No
<b>Compliance to Specification</b>	Provide evidence/proof that containers complies to Transnet's Specifications (Refer to Annexure C for Scope of Requirements)		
<b><u>COMPLIANCE WITH SPECIFICATION SCHEDULE</u></b>			
<b>OPEN TOP, 6 METRE (20'), 30 TON PLATE RATED, BULK FREIGHT CONTAINERS</b>			
The compliance response is to contain ONLY the following statements, "Noted", "Comply", "Partial Compliance" or "Do not comply".			
Noted is to be applied against statements and either of the other responses for all other clauses. Where either "Partial Compliance" is inserted, remarks as to the reason for the deviation from the requirement is required.			
Specification	Compliance response	Explanation / Deviation / Reason	
Container type: 6m, Open Top, ISO Container for General Purpose Dry Bulk			
Container length: 6m (20')			
Container Height: 1 450 - 2 600mm			
Container Inside width: 2 345 mm			
Max gross mass: 30 480 kg			
Loading requirements: Front End Loader, Top Load			
Handling requirements: Reach Stacker – Transfer between Rail wagons and Container Tipper Trucks			
Angle of tipping if applicable: 50 degrees maximum (depending of flow characteristics of product)			
Container capacity (tons): Restricted to 30.48 tons GVM			
Customized requirements: Top hinge, rear door discharge			

Respondent's Signature

Date &amp; Company Stamp

Specification	Compliance response	Explanation / Deviation / Reason
Door locking mechanism, with access to locking handle from the side of container		
Strengthened side panels, top rail and cross bracing support to prevent bulging of container sides		
Life cycle: 10 years		

No 2	Item	Number of years' experience in the container leasing industry	
<b>Industry Container Leasing Experience</b>	<ul style="list-style-type: none"> <li>Indicate the number of years' experience in the container leasing industry. And submit proof in the form of references</li> </ul>	) Years	
	<ul style="list-style-type: none"> <li>Submit references of previous experience</li> </ul>	<b>Submitted references</b>	
		<b>Yes</b>	<b>No</b>
<b>No 3</b>	<b>Item</b>	<b>Indicate delivery lead-time from date of order until equipment is delivery on site</b>	
<b>Delivery lead-time</b>	<ul style="list-style-type: none"> <li>Delivery lead-time from date of order until equipment is delivery on site</li> </ul>		
<b>No 4</b>	<b>Item</b>	<b>Submitted certification</b>	
<b>Industry Quality Standards (Industry Recognition)</b>	One or all of the following certification needs to be submitted:	<b>Yes</b>	<b>No</b>
	1. Approved ISO compliance certificate for containers offered		
	2. Container corner casting test certificates		
	3. Finite analysis test results		
	4. Compliance certificate signed by Manufacturer and TFR Technology Management		

"PREVIEW COPY ONLY"

## ANNEXURE C: SCOPE OF REQUIREMENTS

### 1. PURPOSE OF DOCUMENT

Transnet Freight Rail, Container and Automotive Business, a division of Transnet SOC Ltd, is seeking a Supplier and service provider that can provide Container equipment and repair and maintenance services needed for the rail of coal from product sourcing points to Eskom Power Stations. The purpose of this Specification is to articulate the business requirements for a 30 Ton gross, 6m Open Top Bulk Coal Container to be leased from the owner for the use by Transnet Freight Rail's, Container and Automotive business to deliver services to the Tutuka and Grootvlei operation. The information reflected in this document will be used by Supplier to design, manufacture, supply of suitable containers and to determine the daily rental cost for, based on a Full Maintenance supply basis. It should be kept in mind that this is not an official order to provide the containers as described. The order will be reduced to an official order and contract agreement that will be concluded on finalisation of lease and an official order will be forwarded to the successful tenderer in this regard.

### 2. TRANSNET FREIGHT RAIL, CONTAINER AND AUTOMOTIVE BUSINESS

Transnet is a public entity, wholly owned by the Government of South Africa. As the owner and operator of South Africa's major transport infrastructure, Transnet is responsible for ensuring that the country's freight transportation system operates according to world-class standards and enabling economic growth as an integral part of the overall economy and meeting the Transnet Market Demand Strategy (MDS).

Transnet Freight Rail (TFR) is the largest division of the Transnet Group. It is a Heavy haul freight rail company that specialises in the transportation of bulk, containerised and automotive industry freight. The company maintains an extensive rail network across South Africa with its rail infrastructure representing about 80% of Africa's total. Transnet Freight Rail has positioned itself to become a profitable and sustainable freight railway business, assisting in driving the competitiveness of the South African economy.

The Container and Automotive business unit of TFR has adopted an aggressive market strategy by optimising flows on the Freight Rail's main corridors to achieve growth objectives in line with the Transnet, Market Demand Strategy (MDS). Transnet Freight Rail's core business lies in freight logistics solutions designed for customers in industry based business segments.

The purpose of this specification, outlining the equipment to be sourced, is to put together a sustainable solution for the Container and Automotive terminals to transport containerised coal from the Eskom coal sourcing points to the Coal fired Power Stations of Tutuka and Grootvlei within the 100 – 250 km zone distance from the Power stations. The service will entail the supply of equipment, repairs and maintenance for the full duration of the contract of 3 years.

### 3. RESOURCE REQUIREMENTS

The resources required to deliver the required services are:

Supply of 260 x 6m (20'), Specialised Open Top Bulk Containers, with a gross carrying capacity of 30 480 kg, capable of carrying 22 Tons of coal.

- Supervisor to oversee repairs and maintenance function on a real time basis.
- Same day mechanical maintenance and repair response and/or container replacement

### 3. Requirement Specifications

TFR require 260 x Open Top, 6 metre (20'), 30 Ton plate rated, bulk freight containers with a capacity rating to accommodate 22 Tons payloads, equivalent to a standard 20' container having an expected maximum gross mass of 30 480 kg, The sides panels of the container should be reinforced and strengthening to prevent bulging, when loaded by means of Front End Loaders and should be cross braced between container side panels to strengthen and support the main structure. It is recommended that suitable Top rails should be fitted to prevent Front End Loaders from damaging or bending container sides during the loading operations. It should be noted that the design of the container have to make provision for a top hinged door as product will be discharged from the container by means of a Tipper truck with tipping functionality that will lift container at an angle of 50 degrees from its horizontal position to discharge product.

The supplier have to design and manufacture robust and durable 6m Open Top bulk container complying with specification ISO 1496-1 applicable for the transportation of dry bulk goods. Bulk Containers will be capable to accommodate bulk loading by means of top loading Front End Loaders. Discharging will be performed by means of transferring loaded container from rail wagon by means of a 35 ton Reach Stacker to a Container Tipper Truck with rear tipping capability delivering container to the Power station stockyard and tipping the product. Container will be returned to Container terminal and transferred to a Rail wagon by Reach Stacker to repeat the cycle. Container design should allow for top hinge, back door discharge capability. The container should be equipped with a door closing mechanism operated from the side of the container that can be operated by pushing open the locking mechanism when container is ready to be tipped to prevent the risk of injuries to the operators while opening doors.

Supplier to submit detailed specification of container equipment offered to TFR and their Department of Technology Management's, Mechanical Technology will assess the detail for Compliance with Transnet's requirements. Specification BBF8110 Rev 2 - Compliance Requirements for Containers, dated 14 October 2014 and checklist will be attached to enable tenderers to supply relevant information required for the assessment. Please also note that Section 2.1 and 2.2 of mentioned specification requires a valid certificate of compliance with ISO 1496 and ISO 1161, respectively.

Once the proposed design and prototype have been evaluated, approved and signed off by TFR, iCTM the Container and Automotive Business will place an order for the production and supply of the containers to service the identified customers' needs taking into account business feasibility, practicality and actual demand.

**Product Specifications and requirements:**

1. Container type:  
6m, Open Top, ISO Container for General Purpose Dry Bulk
2. Container length:  
6m (20')
3. Container Height:  
1 450 - 2 600mm
4. Container Inside width:  
2 345 mm
5. Max gross mass:  
30 480 kg
6. Loading requirements:  
Front End Loaders, Top Load
7. Handling requirements:  
Reach Stacker – Transfer between Rail wagon and Container Tipper Trucks
8. Angle of tipping if applicable:  
50 degrees maximum (depending of flow characteristics of product)
9. Container capacity (tons):  
Restricted to 30.48 tons GVW
10. Customized requirements:  
Top hinge rear door discharge
11. Door locking mechanism, with access to locking handle from the side of container
12. Strengthened side panels, top rail and cross bracing support to prevent bulging of container sides
13. Life cycle:  
10 years
14. Commodity:  
Coal, Spiral duff
15. Commodity characteristics:

Commodity	Bulk density kgs/ cub.m	SG	Angle of repose Degrees	Abrasiveness of Product	Project
Coal, Spiral duff	720 – 800	1.63	35	Mildly	Eskom

**4. PRICING STRUCTURE**

Rates to be quoted	Rental rate per 6m Container per day
<b>260 x 6m Open Top Containers (rates quoted to include repairs and maintenance)</b>	R0.00

Please note that the above quoted rates exclude VAT and will be subject to annual adjustment based on CPI.

**5. EVALUATION CRITERIA**

The tender evaluation criteria are specified in the RFP document.

**6. DOCUMENT APPROVAL**

\_\_\_\_\_

**Thuthuka Diadla**

Executive Manager (Resource)

Container and Automotive Business

Transnet Freight Rail

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Themba Gwala**

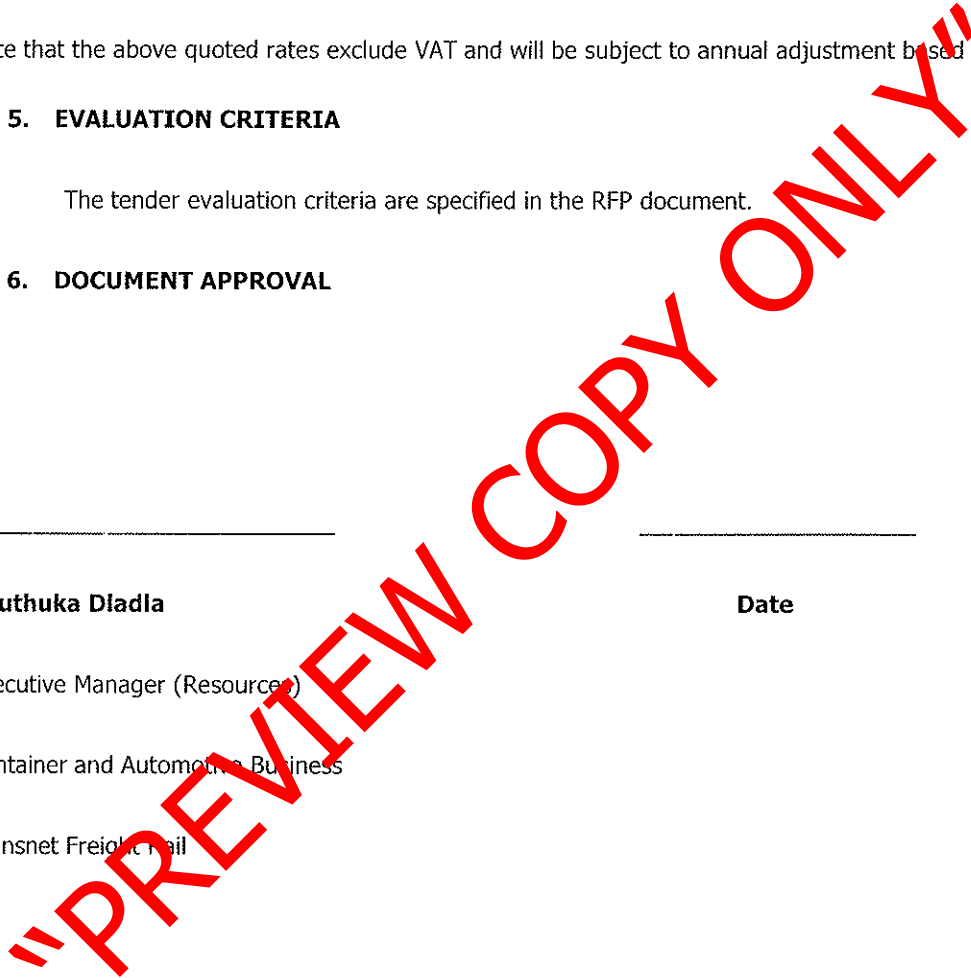
General Manager

Container and Automotive Business

Transnet Freight Rail

\_\_\_\_\_

**Date**

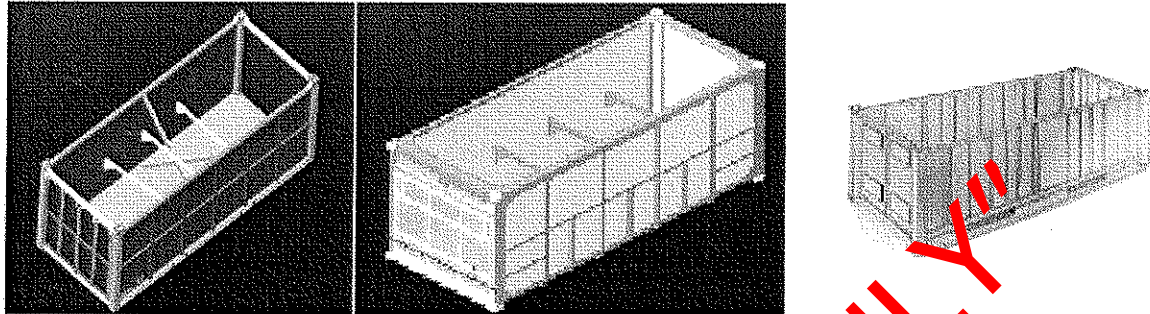




**APPENDIX**

**SPECIALISED CONTAINER REQUIREMENTS**

**Cross Support Beams**



\*Please note that cross bracing supports should not be too close to the Top rail of the container as it will prevent Front End Loader bucket from tilting sufficiently to discharge product.

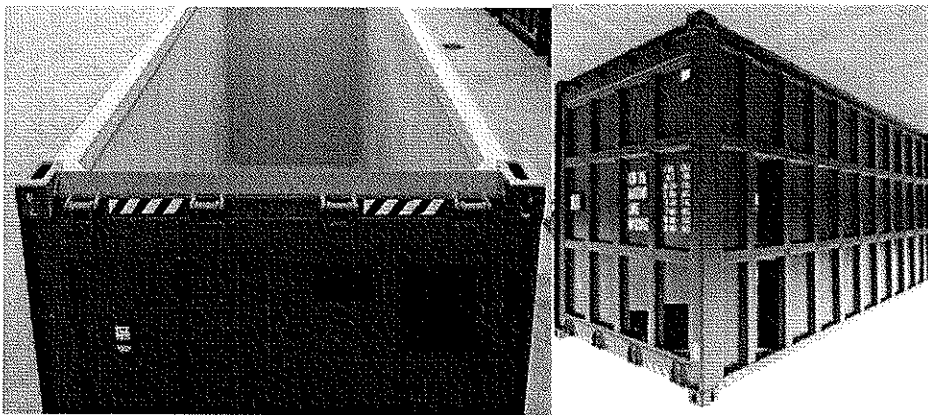
**Top Hinged Door**

**Strengthened Side Panels**



**Side Door Locking Mechanism**

**Strengthened Door and End Panel**



### Container Handler and Tipper Truck



Please note examples of Tipper Trucks and Reach Stackers that will perform the required handling of the containers. There may be other equipment types and/or manufacturers that are also suitable to perform the services.