



**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-EFQ-21917**

**FOR THE PROVISION OF: SUPPLY AND DELIVER SMALL PLANT EQUIPMENT AT  
ISANDO DEPOT**

**Issue Date** : 04 July 2016  
**Briefing Session Date** : 13 July 2016  
**Briefing Session (Compulsory):** Venue & Time  
1 ANVIL ROAD  
ISANDO  
6<sup>th</sup> FLOOR BOARDROOM  
(Time: 10h30) AM  
**CLOSING DATE** : 19 July 2016  
**CLOSING TIME** : 10H00 AM  
**VALIDITY DATE** : 19 November2016

**PLEASE BRING THE VALID DOCUMENT ON THE DAY OF BRIEFING; ALSO MAKE SURE THAT YOU BRING YOUR SAFETY SHOES AND REFLECTIVE VEST ON SITE.**

**ON CLOSING DATE PLEASE SUBMIT TWO (2) DOCUMENTS ORIGINAL & COPY IN ONE ENVELOPE IT MUST BE INSCRIBED ON THE OUTSIDE WITH THE TENDER NUMBER AND THE CLOSING DATE.**

**As a general, Transnet may also not award business to any bidders not registered on the CDS. All prospective suppliers wanting to conduct business with organs of state are to register on the CDS by accessing [www.cds.gov.za](http://www.cds.gov.za)**

## 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:** Hand deliver or courier  
**CLOSING VENUE:** The Secretary Acquisition Council, Ground Floor, Tender box. Inyanda House 1, 21 Wellington Road, Parktown, Johannesburg, 2001

### 1 Responses to RFQ

Responses to this RFQ [**Quotations**] must not include documents of 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.**

#### 2.1 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: Mpho Sito Email: mpho.sito@transnet.net  
Telephone: 011 584 1068

Respondents may also, at any time after the closing date of the RFQ, communicate the following individuals on any matter relating to its RFQ response:

Name	Email address	Telephone	Fax
Lolo Sokhela	<a href="mailto:Lolo.sokhela@transnet.net">Lolo.sokhela@transnet.net</a>	011 544 9494	011 774 9189

Thuli Mathebula	<a href="mailto:Thuli.mathebula@transnet.net">Thuli.mathebula@transnet.net</a>	011 544 9497	011 774 9129
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### **3 Legal Compliance**

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

### **4 Changes to Quotations**

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

### **5 Pricing**

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

### **6 Prices Subject to Confirmation**

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

### **7 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.

### **8 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 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.

## **9 Specification/Scope of Work**

### **1.1 Petrol Rail Disc cutter (Rail Saw)**

Petrol disc cutter is the machine that is used by Perway maintenance team to cut rail/s on site (either it can be removing umc defect or rail replacement etc.)

The machine should be able to cut the rail at short period, outstanding accuracy which meets the most stringent standards.

The machine should be supplied with two stroke engine, a driving pulley with a centrifugal clutch for safety.

The model of the petrol rail disc cutter should be MTZ 350 S equipped with guiding support.

#### Should consist of the following:

A two stroke petrol engine (still TS 800, electronic high energy spargs ignition, triple air filtration with cyclone pre filtration, 9000 rpm)

Cutting disc should be 350 mm (diameter) and spindle diameter of 25.4 mm

The machine should be equipped with Vice for flat rail, and engine automatic stopping device

### **1.2 Sleeper drilling machine**

This machine should have the following features:

- Suitable for drilling holes in all types of wooden sleepers and for vertical drilling or at an angle of 1/20
- Spindle speed: 970 rpm
- Drilling capacity: up to 33 mm diameter in hardwood sleepers
- Drilling speed: 3 to 5 seconds for a hole of 18 mm
- Adjustable drilling depth up to 200 mm
- Drilling guide



- 2-wheel trolley with outrigger solid with the frame, adjustable in height and inclination suitable for your track gauge
- Tool kit
- Supplied without augers

### **1.3 Rail Drilling Machine**

This should be designed for drilling all types of flat bottom and grooved rails including hard rails of masses 48, 57 and 60 kg/m.

The machine should have the following main elements:

- A four stroke petrol engine with recoil starter, super silencer and protective grid;
- A set of simple or double forms for the specific rail types ensuring fast and precise fixing of the drilling machine
- A lever to control the manual advance of spindle
- A spindle for hollow drill bit
- A pressurized lubrication and cooling system for the drill bit through the spindle center with a separate tank
- A universal vice with fast lever catch for flat bottom rail or grooved rails.

### **1.4 Hand Ballast tamping machine (Poinjar)**

This tamping Machine should be designed to perform occasional ballast tamping under all type of railway sleepers (wooden, concrete or steel).

The machine should have the following main elements:

- Designed for the railway environment
- Provides steady compact ballast structure avoiding any damage to the ballast
- Tip enabling good penetration into the ballast and high quality tamping
- Added ballast is directed to processed area by vibrations
- Reduction of the engine acoustic level due to 4 stroke technology
- 4-stroke petrol engine allowing use of pure petrol
- Tubular construction with incorporated throttle and stop handles
- Should have good ergonomics

### **1.5 Hydraulic Jim-Crow**

This machine should be designed to straighten elbow joints of flat bottom or grooved rails in short radius curves by bending rail butt ends in the horizontal plane. It should also be able to bend or straighten rail sections.

The machine should have the following main elements:

- A swanneck shaped bending block of welded steel construction and high elastic limit allowing setting of the machine on the rail to be bent; a rail counter-form mounted on a swivel is fitted to the swanneck end.
- Two single acting hydraulic jacks with release spring located at each end of the frame, opposite the above counter-form, acting on two rail forms mounted also on a swivel
- One single acting hydraulic hand pump fitted on the machine to feed both jacks
- Three carrying handles and one lifting ring for an easy handling of the machine
- Compensation plates are supplied for bending flat bottom rails and special tooling for bending grooved rails

### **1.6 Hydraulic Jacks**

This equipment is used to lift rails that on-track of the masses of 48, 57, 60 kg/m in order to perform maintenance activities

- Consisting of base plate, piston with cylinder, pump and oil tank
- Robust and very compact construction
- Easy handling using detachable hand lever that requires a low pump handle effort
- Quick-action lowering device
- it must be equipped with a wide base for a better support on the ballast and an ergonomic transport handle



### **1.7 Earthing (Jumper) Cables**

This cable is used to connect to two rails in the event of a Perway railway maintenance activity in order to continue the flow of both signaling and electrical current within the railway network

The cable should be supplied in the length of 10 meters.

### **1.8 Hydraulic Power Pack**

The hydraulic power pack should be designed to power a complete range of hydraulic tools designed for the laying and maintenance of railway tracks. Protection should be ensured to both the operators and tools by the constant flow and pressure.

Refer to the picture example below:-





**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 THE PROVISION OF: SUPPLY SMALL PLANT EQUIPMENT**

**CLOSING VENUE: THE SECRETARY ACQUISITION COUNCIL, GROUND FLOOR, TENDER BOX, INYANDA HOUSE 1, 21 WELLINGTON ROAD, PARKTOWN, JOHANNESBURG, 2001**

**CLOSING DATE & TIME: 19 JULY 2015**

**VALIDITY PERIOD: 90 Business Days**

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**SECTION 2****CLAUSE BY CLAUSE COMPLIANCE SCHEDULE**

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 other clauses. Where either "Partial Compliance" or "Do not comply" are applied, remarks as to the reason for the deviation from the requirement are required.

**FAILURE TO COMPLETE THIS FORM WILL AUTOMATICALLY RESULT IN YOUR OFFER BEING DISQUALIFIED.**

Clause	Description	Comply or Do not comply	Reason for Deviation
1.1	<p><b><u>Petrol Rail Disc cutter (Rail Saw)</u></b></p> <p>Petrol disc cutter is the machine that is used by Perway maintenance team to cut rails on site (either it can be removing joint defect or rail replacement etc.)</p> <p>The machine should be able to cut the rail at short period, outstanding accuracy which meets the most stringent standards.</p> <p>The machine should be supplied with two stroke engine, a driving pulley with a centrifugal clutch for safety</p> <p>The model of the petrol rail disc cutter should be MTZ 350 S equipped with guiding support.</p> <p><u>Should consist of the following:</u></p> <p>A two stroke petrol engine (stihl TS 800, electronic high energy spargs ignition, triple air filtration with cyclone pre filtration, 9000 rpm)</p> <p>Cutting disc should be 350 mm (diameter) and spindle diameter of 25.4 mm</p> <p>The machine should be equipped with Vice for flat rail, and engine automatic stopping device</p>		



1.2	<p><b><u>Sleeper drilling machine</u></b></p> <p>This machine should have the following features:</p> <ul style="list-style-type: none"> <li>• Suitable for drilling holes in all types of wooden sleepers and for vertical drilling or at an angle of 1/20</li> <li>• Spindle speed: 970 rpm</li> <li>• Drilling capacity: up to 33 mm diameter in hardwood sleepers</li> <li>• Drilling speed: 3 to 5 seconds for a hole of 18 mm</li> <li>• Adjustable drilling depth up to 200 mm</li> <li>• Drilling guide</li> <li>• 2-wheel trolley with outrigger solid with the frame, adjustable in height and inclination suitable for your track gauge</li> <li>• Tool kit</li> <li>• Supplied without augers</li> </ul>		
1.3	<p><b><u>Rail Drilling Machine</u></b></p> <p>This should be designed for drilling all types of flat bottom and grooved rails including hard rails of masses 48, 57 and 60 kg/m. The machine should have the following main elements:</p> <ul style="list-style-type: none"> <li>• A four stroke petrol engine with recoil starter, super silencer and protective grid;</li> <li>• A set of simple or double forms for the specific rail types ensuring fast and precise fixing of the drilling machine</li> <li>• A lever to control the manual advance of spindle</li> <li>• A spindle for hollow drill bit</li> <li>• A pressurized lubrication and cooling system for the drill bit through the</li> </ul>		



	<p>spindle center with a separate tank</p> <ul style="list-style-type: none"> <li>• A universal vice with fast lever catch for flat bottom rail or grooved rails.</li> </ul>		
1.4	<p><b><u>Hand Ballast tamping machine (Poinjar)</u></b></p> <p>This tamping Machine should be designed to perform occasional ballast tamping under all type of railway sleepers (wooden, concrete or steel).</p> <p>The machine should have the following main elements:</p> <ul style="list-style-type: none"> <li>• Designed for the railway environment</li> <li>• Provides steady compact ballast structure avoiding any damage to the ballast</li> <li>• Tip enabling good penetration into the ballast and high quality tamping</li> <li>• Added ballast is directed to processed area by vibrations</li> <li>• Reduction of the engine acoustic level due to 4-stroke technology</li> <li>• 4-stroke petrol engine allowing use of pure petrol</li> <li>• Tubular construction with incorporated throttle and stop handles</li> <li>• Should have good ergonomics</li> </ul>		
1.5	<p><b><u>Hydraulic Jim-Crow</u></b></p> <p>This machine should be designed to straighten elbow joints of flat bottom or grooved rails in short radius curves by bending rail butt ends in the horizontal plane. It should also be able to bend or straighten rail sections.</p> <p>The machine should have the following main elements:</p>		



	<ul style="list-style-type: none"> <li>• A swanneck shaped bending block of welded steel construction and high elastic limit allowing setting of the machine on the rail to be bent; a rail counter-form mounted on a swivel is fitted to the swanneck end.</li> <li>• Two single acting hydraulic jacks with release spring located at each end of the frame, opposite the above counter-form, acting on two rail forms mounted also on a swivel</li> <li>• One single acting hydraulic hand pump fitted on the machine to feed both jacks</li> <li>• Three carrying handles and one lifting ring for an easy handling of the machine</li> <li>• Compensation plates are supplied for bending flat bottom rails and special tooling for bending grooved rails</li> </ul>		
<p>1.6</p>	<p><b><u>6 Hydraulic Jacks</u></b></p> <p>This equipment is used to lift rails that on-track of the masses of 48, 57, 60 kg/m in order to perform maintenance activities</p> <ul style="list-style-type: none"> <li>• Consisting of base plate, piston with cylinder, pump and oil tank</li> <li>• Robust and very compact construction</li> <li>• Easy handling using detachable hand lever that requires a low pump handle effort</li> <li>• Quick-action lowering device</li> <li>• it must be equipped with a wide base for a better support on the ballast and an ergonomic transport handle</li> </ul>		

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1.7	<p><b><u>Earthing (Jumper) Cables</u></b></p> <p>This cable is used to connect to two rails in the event of a Perway railway maintenance activity in order to continue the flow of both signaling and electrical current within the railway network</p> <p>The cable should be supplied in the length of 10 meters.</p>		
1.8	<p><b><u>Hydraulic Power Pack</u></b></p> <p>The hydraulic power pack should be designed to power a complete range of hydraulic tools designed for the laying and maintenance of railway tracks. Protection should be ensured to both the operators and tools by the constant flow and pressure</p>		

Company Name: \_\_\_\_\_

Name of Signatory: \_\_\_\_\_ Signature: \_\_\_\_\_

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**RFQ SITE MEETING**

**A COMPULSORY INFORMATION MEETING WILL BE HELD AT THE FOLLOWING VENUE:**

Venue : Transnet Frieght Rail, 1 ANVIL ROAD  
ISANDO  
6<sup>th</sup> FLOOR BOARDROOM

Time : 10H30

Date : **13 July 2016**

The briefing session and site inspection meeting are compulsory and companies not attending **will be overlooked** during the tender awarding process.

**2.1 ATTENDANCE CERTIFICATE**

This is to certify that.....

Representative/s of .....

Has/have today attended the Tender briefing in respect of the proposed:

• .....	.....
TRANSNET'S REPRESENTATIVE	TENDERER'S REPRESENTATIVE
DATE : .....	DATE : .....

Company Email address: -----

Telephone Number : -----





## SECTION 4 EVALUATION CRITERIA AND RETURNABLE DOCUMENTS

### 10 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
<b>Administrative responsiveness</b>	Completeness of response and returnable documents
<b>Substantive responsiveness (Mandatory)</b>	<ul style="list-style-type: none"> <li>Compliance to specification declaration ( Clause by Clause statement )</li> </ul> <p style="text-align: center;"><b>Failure to submit clause by clause compliance to specification will result in your bid being disqualified</b></p>
<b>Final weighted evaluation based on 80/20 preference point</b>	<ul style="list-style-type: none"> <li>Pricing and price basis [firm]</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: B-BBEE Claim Form.</li> </ul>

### 11 Validity Period

Transnet desires a validity period of 90 [Ninety] Business Days from the closing date of this RFQ. This RFQ is valid until **19 NOVEMBER 2016**

### 12 Disclosure of Prices Quoted

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

YES  NO

### 13 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 5 : Quotation Form	
SECTION 2: Substantive response (Clause by Clause compliance schedule)	

- 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 4 : Evaluation criteria and list of returnable documents	
- SECTION 6 : RFQ Declaration and Breach of Law Form	
- SECTION 3: Compulsory Site Briefing Certificate	
- 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	
- Original valid Tax Clearance Certificate [Consortia / Joint Ventures must submit a separate Tax Clearance Certificate for each party]	
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.



**SECTION 5**  
**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.

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### Price Schedule

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

ITEM NO	Description of items	Quantity	Unit Of Measure	Price Per Item	Total Price
1	PETROL RAIL DISC CUTTER	1	Each	R.....	R.....
2	SLEEPER DRILLING MACHINE	1	Each	R.....	R.....
3	RAIL DRILLING MACHINE	1	Each	R.....	R.....
4	HAND BALLAST TAMPING MACHINE( POINJAR)	5	Each	R.....	R.....
5	HYDRAULIC JIM- CROW	1	Each	R.....	R.....
6	HYDRAULIC JACKS	8	Each	R.....	R.....
7	EARTHING (JUMPER) CABLES	5	Each	R.....	R.....
8	HYDRAULIC POWER PACK	1	Each	R.....	R.....
					<b>TOTAL PRICE EXCLUDING VAT:</b> R.....
					<b>TOTAL PRICE INCLUDING VAT:</b> R.....

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

#### 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.

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

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



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.

**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:

<b>Transnet Operating Division</b>	<b>Update Vendor Number</b>	<b>Yes / No</b>
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: \_\_\_\_\_

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**SECTION 6**

**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:

---

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

Furthermore, 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 _____

COMPANY EMAIL ADDRESS: \_\_\_\_\_

CONTACT NUMBER: \_\_\_\_\_

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## 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.

### INTRODUCTION

A total of 20 preference points shall be awarded for B-BBEE Status Level of Contribution.

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.

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.

### GENERAL DEFINITIONS

**"all applicable taxes"** include value-added tax, pay-as-you-earn, income tax, unemployment insurance fund contributions and skills development levies;

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

**"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;

**"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;

**"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 [Act No. 53 of 2003];

**"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;

**"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;

**"contract"** means the agreement that results from the acceptance of a bid by Transnet;

**"EME"** means any enterprise with an annual total revenue of R5 [five] million or less;

**"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;

**"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;

**"non-firm prices"** means all prices other than "firm" prices;

**"person"** includes reference to a juristic person;

**"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;

**"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;

**"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;

**"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

**"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.

#### **ADJUDICATION USING A POINT SYSTEM**

The Bidder obtaining the highest number of total points for the evaluation criteria as enumerated in Section 2 of the RFP will be awarded the contract unless objective criteria justifies the award to another bidder.

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.

Points scored will be rounded off to 2 [two] decimal places.

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.

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.

Should two or more Bids be equal in all respect, the award shall be decided by the drawing of lots.



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

In terms of Regulation 5(2) and 6(2) 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

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

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

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.

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.

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.

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.

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.

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.



**B-BBEE STATUS AND SUBCONTRACTING**

**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 IIBA or an Accounting Officer as contemplated in the Close Corporation Act.

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