

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-JHB-23465

**FOR THE REHABILITATION OF SOIL CONTAMINATION AT SWARTKOPS FUEL
FACILITY LOCOMOTIVE DECANTING AREA**

FOR DELIVERY TO : **SWARTKOPS- PORT ELIZABETH**

ISSUE DATE : **10 APRIL 2017**

BRIEFING SESSION : **20 APRIL 2017**

TIME : **10:00**

VENUE : **BOARDROOM, SWARTKOPS DIESEL DEPOT
JOHN TALLANG ROAD, PORT ELIZABETH**

CLOSING DATE : **25 APRIL 2017**

CLOSING TIME : **10:00**

VALIDITY PERIOD : **31 AUGUST 2017**

FOR SITE CONTACT : **ABEL NJILO- TEL NO: 060 554 7406**

PLEASE BRING THE VALID DOCUMENT ON THE DAY OF BRIEFING, ALSO MAKE SURE THAT YOU BRING YOUR SAFETY SHOES AND REFLECTIVE VEST ON SITE. PLEASE NOTE THAT IF YOU DON'T BRING SAFETY BOOTS AND REFLECTIVE VEST YOU WILL NOT BE ALLOWED IN THE BRIEFING SESSION AND ACCESS TO SITE.

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

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SECTION 1: NOTICE TO BIDDERS

1 Invitation to bid

<p>DESCRIPTION</p>	<p>For the Rehabilitation of Contaminated Soil at Swartkops Fuel Facility Decanting</p>												
<p>INSPECT / COLLECT DOCUMENTS FROM</p>	<p>This bid may be downloaded free of charge directly from the National Treasury e-Tender portal: www.etenders.gov.za</p> <p>Alternatively, this RFQ may be purchased at R100 [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 tender document is required, prior arrangements must be made one (1) day in advance and the tender document may be collected between 09:00 and 15:00 from 10 April 2017 until 19 April 2017</p> <p>This RFQ then can be picked up from the following address: RECEPTION, TENDER ADVICE CENTRE, INYANDA HOUSE 1, GROUND FLOOR, 21 WELLINGTON ROAD, PARKTOWN, JOHANNESBURG</p>												
<p>TENDERS COLLECTED FROM NT PORTAL:</p> <p>IMPORTANT INFORMATION</p>	<p>If Bidders intend to download the bid off the Portal, they are required to indicate their intention to respond to this bid by 19 April 2017 by sending an email with their contact details to the following address: Anthonie.Erasmus@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.</p> <p>Transnet will not be held liable if Bidders do not respond by this date and do not receive the latest information regarding this Bid as a result thereof.</p>												
<p>BID FEE AND BANKING DETAILS</p>	<p>If the bidder chooses to collect the document from Transnet, the following bank details must be used</p> <p>R100.00 [inclusive of VAT] per set. Payment is to be made as follows:</p> <table border="0"> <tr> <td>Account Name</td> <td>:</td> <td>Transnet Freight Rail</td> </tr> <tr> <td>Account</td> <td>:</td> <td>Standard Bank</td> </tr> <tr> <td>Account number</td> <td>:</td> <td>203158598</td> </tr> <tr> <td>Branch code</td> <td>:</td> <td>004805</td> </tr> </table> <p>NOTE – This amount is not refundable. A receipt for such payment made must be presented when collecting the RFP documents and submitted thereafter with your Proposal.</p>	Account Name	:	Transnet Freight Rail	Account	:	Standard Bank	Account number	:	203158598	Branch code	:	004805
Account Name	:	Transnet Freight Rail											
Account	:	Standard Bank											
Account number	:	203158598											
Branch code	:	004805											
<p>COMPULSORY/NON COMPULSORY BRIEFING SESSION</p>	<p>A compulsory pre-proposal site meeting will be conducted at Boardroom Swartkops Diesel Depot, John Tallang Road, Port Elizabeth on the 20 April 2017, at 10:00 [time] for a period of ± two (02) hours. [Respondents to provide own transportation and accommodation]. The briefing session will start punctually and information will not be repeated for the benefit of Respondents arriving late.</p> <p>1.1. <i>A Certificate of Attendance set out in Section hereto must be completed and submitted with your Proposal as proof of attendance is required for a compulsory site meeting and/or RFP briefing.</i></p> <p>1.2. <i>Respondents failing to attend the compulsory site meeting and/or RFP briefing will be disqualified.</i></p>												

<p>CLOSING DATE</p>	<p>10:00 on Tuesday 25 April 2017 This tender shall close punctually at the following address: The Chairperson, Transnet Freight Rail Acquisition Council, Inyanda House 1, 21 Wellington Rd, Parktown, JOHANNESBURG, 2001. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.</p>
<p>VALIDITY PERIOD</p>	<p>90 Business Days from Closing Date. End of validity period: 31 August 2017 Bidders are to note that they may be requested to extend the validity period of their bid, on the same terms and conditions, if the internal evaluation process has not been finalised within the validity period.</p>
<p>SUPPLIER REGISTRATION ON THE NATIONAL TREASURY CENTRAL SUPPLIER DATABASE (CSD)</p>	<p>In terms of paragraph 3 of the NATIONAL TREASURY SCM INSTRUCTION NO 4 OF 2016/2017, which became effective on 1 May 2016, Transnet must ensure that</p> <p>3.1.1 Suppliers are registered on the Central Supplier Database [CSD] before any procurement related activities commences;</p> <p>3.1.2 The CSD can be used as the single on only list of prospective suppliers for Transnet</p> <p>Furthermore, according to paragraph 5.6</p> <p>5.6 Transnet may only award bids to suppliers after verifying that the supplier is registered as prospective suppliers on the National Treasury Central Supplier Database.</p> <p>Please ensure that you register your company on the CSD by following these steps:</p> <p>Step 1: Access the CSD site on https://secure.csd.gov.za/</p> <p>Step 2: Register a new CSD account https://secure.csd.gov.za/Account/Register</p> <p>Step 3: Receive an activation email and click activate account</p> <p>Step 4: Activate account by requesting and entering the OTP</p> <p>Step 5: Log in the CSD</p> <p>Step 6: Complete supplier identification information</p> <p>Step 7: Complete contact information</p> <p>Step 8: Complete address information</p> <p>Step 9: Complete bank account information</p> <p>Step 10: Complete tax information</p> <p>Step 11: Complete directors/members information (if non-CIPC company)</p> <p>Step 12: Complete associations (if relevant)</p> <p>Step 13: Complete commodities information</p> <p>Step 14: Complete B-BBEE information (future phase)</p> <p>Step 15: Maintain users</p> <p>Step 16: Complete notification information</p> <p>Step 17: Complete accreditations</p> <p>Step 18: Click on submit</p> <p>Step 19: A CSD supplier number and unique registration reference number is auto-generated and communicated</p>

2 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.

3 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 explained in more detail in the B-BBEE Claim Form (Section 6), Transnet will award preference points to companies who provide proof of their B-BBEE status using either the latest version of the generic Codes of Good Practice or Sector Specific Codes (if applicable).

The value of this bid is estimated to be below R50 000 000 (all applicable taxes included); and therefore the **80/20** system shall be applicable.

Respondents are required to complete Section 6 and submit it together with valid proof of their B-BBEE Status as stipulated in the Claim Form in order to obtain preference points for their B-BBEE status.

Respondents are required at all times to comply with the latest B-BBEE legislation and/or instruction notes as issued from time to time by the DTI.

Note: Failure to submit valid and original (or certified copy of) proof of the Respondent's compliance with the B-BBEE requirements stipulated in Section 6 of this RFQ (the B-BBEE Preference Points Claim Form) at the Closing Date of this RFQ, will result in a score of zero being allocated for B-BBEE.

4 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: Mohale Rapetswa Email: mohale.rapetswa@transnet.net
 Telephone: 011 584 0944

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:

Telephone 011 584 0821 **Email:** Prudence.nkabinde@transnet.net

5 Legal Compliance

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

6 Changes to Quotations

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

7 Pricing

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

8 Prices Subject to Confirmation

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

9 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.

10 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;
- make no award at all;
- validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Transnet to do so;
- request audited financial statements or other documentation for the purposes of a due diligence exercise; and/or
- not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provides for it.

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 and/or place the Respondent on Transnet's list of Restricted Suppliers.

Transnet reserves the right to award business to the highest scoring bidder/s unless objective criteria justify the award to another bidder. The objective criteria Transnet intends to apply in this bid process is: 80%.

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. In the event of any Respondent being notified of such short-listed/preferred bidder status, his bid, as well as any subsequent negotiated best and final offers (BAFO), will automatically be deemed to remain valid during the negotiation period and until the ultimate award of business.

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.

Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to provide the required goods at their quoted price, even after they have been issued with a Letter of Regret.

Transnet reserves the right to lower the threshold for Technical from **80%** to **75%** if no Bidders pass the predetermined minimum threshold.

11 Specification/Scope of Work

1. INTRODUCTION

Swartkops Fuel Facility is located at Nelson Mandela Metropolitan Municipality in the Eastern Cape Province following location: Latitude S: 33° 52' 40.14" Longitude E: 25° 36' 22.89

- a) All quantities are provisional, are an indication of the extent and type of work to be executed and have been inserted in order to obtain competitive tenders. All work carried out under this contract shall be measured and valued at schedule rates and in accordance with the Conditions of Contract.
- b) The prices and rates to be inserted in the schedules are to be full inclusive prices to the Employer for the work described under each item. Such prices shall cover all costs and expenses that may be required in and for the Repairs of the work described and shall cover the costs of all taxes (except VAT), general risks, liabilities and obligations set forth or implied in the documents on which the tender is based. The amount of VAT to be charged is to be stated separately in the Summary Page of the Schedule of Rates.
- c) No alteration, erasure or addition is to be made in the text of the schedules of rates. Should any alteration, erasure or addition be made it will not be recognised but the original wording of the schedule of rates will be adhered to.
- d) Any provisional sums shall be measured as executed and paid for according to prices in the schedule of rates. No work from which Provisional items are provided shall be commenced without written (PMI) instructions from the Project Engineer.

2. PURPOSE OF THE CONTRACT

The purpose of this contract is to arrange the provision of the specialised contracting service required for the rehabilitation of diesel polluted decanting area at Swartkops Fuel Facility

3. PROPOSED SCOPE OF WORK

The following summarizes Swartkops Fuel Facility Contaminated Soil Rehabilitation scope of work:

3.1. Contaminated Soil Rehabilitation:

The work shall involve the rehabilitation of the above mentioned product.

The scope of work entails the following activities:

Locomotive Decanting area (area of 2m²)

- a) Soil sampling to be done before bioremediation is done to determine the presence of pollution (diesel)
- b) Excavate polluted soil material to a depth of approximately 100mm
- c) If pollution goes further than 100mm , the environmental specialist must be consulted before continuing with excavating (**failure which extra excavation will be on the contractors account**)
- d) Removal of soil to allow remediation of it on site
- e) Soil sampling should be taken from the contaminated soil before the application of the enzymes and also ensure the polluted material reaches **TPH levels of less than 1000 ppm** through regular monitoring of the area , follow up should be taken after one month to ensure the cleanliness of the treated soil.
- f) Provide Transnet with a copy of the sample(s) report
- g) Provide Transnet with a safe Disposal certificate

ANNEXURE A –

CLAUSE BY CLAUSE COMPLIANCE DECLARATION 100%

Rehabilitation of Contaminated Soil

Item no	Comply	Do not comply	Reasons/comments for non-compliance to project specification
Description of work			
a) Soil sampling to be done before bioremediation is done to determine the presence of pollution (diesel)			
b) Excavate polluted soil material to a depth of approximately 100mm			
c) If pollution goes further than 100mm , the environmental specialist must be consulted before continuing with excavating (failure which extra excavation will be on the contractors account)			
d) Removal of soil to allow remediation of it on site			
e) Soil sampling should be taken from the contaminated soil before the application of the enzymes and also ensure the polluted material reaches TPH levels of less than 1000 ppm through regular monitoring of the area , follow up should be taken after one month to ensure the cleanliness of the treated soil			
f) Provide Transnet with a copy of the sample(s) report			
g) Provide Transnet with a safe Disposal certificate			

ANNEXURE B

Tenderer SHE Management System Questionnaire

This questionnaire forms part of the TFR tender evaluation process. It must be completed by all Tenderer's and submitted with their tender offer. The tenderer Health and Safety (SHE) Plan must also be submitted. The objective of the questionnaire is to provide an overview of the status of the Tenderer's SHE management system. Tenderers will be required to verify their responses noted in their questionnaire by providing evidence of their ability and capacity in relevant matters. The tenderer warrants that the information provided below is accurate and correct. **TFR may verify the accuracy of this information during the physical visit as part of the tender evaluation.**

The information provided in this questionnaire is an accurate summary of the company's occupational health and safety management system.		
Company Name:		
Signed:	Name:	
Position:	Date:	
Tender Description:		
Tender Number:		
Tenderer SHE Management System Questionnaire	Yes	No
1. SHE Policy		
- Is there a written company SHE policy? - If yes provide a copy of the policy		
2. SHE Management		
- Does the company have an independently audited or accredited SHE Management system e.g NOSA, OHSAS, IRCA System etc - If yes provide details or copy of accreditation		
3. SHE Organogram		
- Is there a company organogram indicating key SHE personnel? - If yes provide a copy		

4. Letter of good standing with COID		
<ul style="list-style-type: none"> - Is company registered with the Compensation Commissioner under the COID Act and up to date? - If yes provide proof of letter of good standing 		
5. SHE Cost		
<ul style="list-style-type: none"> - Has the tenderer made provision for the cost of safety in the tender price? - If yes provide evidence 		
6. Training Records		
<ul style="list-style-type: none"> - Is a record maintained of all training and induction programs undertaken for employees in your company? - If yes provide examples of safety training records 		
7. Health and Safety Plan (SHE Plan) Are the following arrangements included and adequately addressed in the Health and Safety Plan:		
<ul style="list-style-type: none"> - Are SHE responsibilities clearly identified for all levels of Management and employees? - If yes provide details 		
<ul style="list-style-type: none"> - Are Risk Assessments conducted and appropriate techniques used? - If yes provide details or copy of procedure 		
<ul style="list-style-type: none"> - Are safe operating procedures or specific safety instructions relevant to its operations available? - If yes provide a summary listing of procedures or instructions 		
<ul style="list-style-type: none"> - Description on how health and safety training is conducted in your company: -If yes provide details 		
<ul style="list-style-type: none"> - Health and safety inspections at worksites undertaken? -If yes provide details 		
<ul style="list-style-type: none"> - Health and Safety Communication i.e Safety talks, incident recalls? - If yes provide details 		

- Workplace SHE Committee? - If yes provide details		
- Appointment of SHE Representatives? - If yes provide details		
- SHE Incident Reporting and Investigation? - If yes provide details		
- Provision of Personal Protective Equipment (PPE)? - If yes provide details		
- Emergency Planning? - If yes provide details		
- Fall Protection? - If yes provide details		
- Project Security? - If yes provide details		
- Medical Surveillance? - If yes provide details		
- Substance abuse policy/procedure/testing? - If yes provide details		
- Selection, Procurement and management of Subcontractors? - If yes provide details		
- Operational Safety? - If yes provide details		
- Is there a system for recording and analysing health and safety performance statistics including injuries and incidents? - If yes provide details		
8. Health and Safety Violations		

<p>- Has the company been fined or convicted of an occupational health and safety offence?</p> <p>- If yes provide details</p>		

Safety Performance Report

Monthly DIFR for previous months

Previous Year	No of Disabling Injuries	Total Number of employees	DIFR calculated over 12 months
Jan			
Feb			
Mar			
Apr			
May			
Jun			
Jul			
Aug			
Sep			
Oct			
Nov			
Dec			

DIFR = Number of Disabling injuries x 200000 divided by number of manhours worked for the period

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Signed
 (Tenderer)

12 Legal review

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

13 Security clearance

Acceptance of this bid could be subject to the condition that the Successful Respondent, its personnel providing the goods and its subcontractor(s) must obtain security clearance from the appropriate authorities to the level of CONFIDENTIAL/ SECRET/TOP SECRET. Obtaining the required clearance is the responsibility of the Successful Respondent. Acceptance of the bid is also subject to the condition that the Successful Respondent will implement all such security measures as the safe performance of the contract may require.

14 National Treasury's Central Supplier Database

Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Transnet is required to ensure that price quotations are invited and accepted from prospective bidders listed on the CSD. Business may not be awarded to a Respondent who has failed to register on the CSD. The CSD can be accessed at <https://secure.csd.gov.za/>. Respondents are required to provide the following to Transnet in order to enable it to verify information on the CSD:

Supplier Number: _____ Unique registration reference number: _____.

15 Tax Compliance

Regulation 14 of the Preferential Procurement Regulations, 2011 issued in terms of the Preferential Procurement Policy Framework Act (PPPFA) states that no tender may be awarded to any person whose tax matters have not been declared by the South African Revenue Services (SARS) to be in order.

15.1 New Tax Compliance Status (TCS) System

SARS has implemented a new Tax Compliance Status (TCS) system in terms of which a taxpayer is now able to authorise any 3rd party to verify its compliance status in one of two ways: either through the use of an electronic access PIN, or through the use of a Tax Clearance Certificate obtained from the new TCS system.

Respondents are required to provide the following to Transnet in order to enable it to verify their tax compliance status:

Tax reference number: _____

Tax Clearance Certificate & TCC Number: _____ and PIN: _____.

15.2 Tax Compliance Requirements for Foreign Entities

Tax compliance requirements are not applicable to foreign bidders/individuals with no South African tax obligations. Where foreign bidders seek to be exempted from the requirement to submit a tax clearance certificate / tax clearance PIN issued by SARS, such entities are required to complete a sworn affidavit on their tax obligation categorization. The affidavit must confirm an answer of "No" to **all** questions below in order for a Respondent to be regarded as being exempt from submitting a tax clearance certificate or tax clearance PIN:

- a) Is the entity a tax resident of the Republic of South Africa (RSA)?
- b) Does the entity have a branch/locally registered entity in the RSA?
- c) Does the entity have a permanent establishment in the RSA?
- d) Does the entity have any source of income (income is defined as per the Income Tax Act 58 of 1962 as the amount remaining of the gross income of any person for any year or period of assessment after deducting therefrom any amounts exempt from normal tax under Part I of Chapter II of the Act) in the RSA in the current tax year?
- e) Is the entity liable in the RSA for any form of taxation in the current tax year?

If a Respondent's answers to any one (or more) of the questions above changes to a "Yes" at any time during the bid process and/or after award of the contract (should a particular Respondent be successful), then the Respondent undertakes to comply with its tax obligations and to report to Transnet accordingly with either a tax clearance certificate / tax clearance PIN issued by SARS.

16 Protection of Personal Data

In responding to this bid, Transnet acknowledges that it may obtain and have access to personal data of the Respondents. Transnet agrees that it shall only process the information disclosed by Respondents in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law. Furthermore, Transnet will not otherwise modify, amend or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, Transnet requires Respondents to process any personal information disclosed by Transnet in the bidding process in the same manner. The detailed mutual duties of Transnet and the Respondents to protect personal information is contained in paragraph 37 of the General Bid Conditions.

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

TIP-OFFS ANONYMOUS: 0800 003 056

Transnet Request for Quotation No CRAC-JHB-23465
RFQ for the Provision of Rehabilitation of soil contamination at Swartkops Fuel
Facility Locomotive Decanting Area

<p>RFQ FOR THE REHABILITATION OF SOIL CONTAMINATION AT SWARTKOPS FUEL FACILITY LOCOMOTIVE DECANTING AREA</p> <p>CLOSING VENUE: 21 WELLINGTON ROAD INYANDA HOUSE 1 PARKTOWN, GROUND FLOOR TENDER BOX</p> <p>CLOSING DATE & TIME: 25 APRIL 2017, 10:00 AM</p> <p>VALIDITY PERIOD: 31 AUGUST 2017</p>
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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	<ul style="list-style-type: none"> • Completeness of response and returnable documents • Submission of Essential Documents / Schedules • Submission of Other Documents / Schedules • All pages of the tender submission is signed by the Bidder/Respondent
Substantive responsiveness - Mandatory	<ul style="list-style-type: none"> • Hazmart Technician Certificate • Clause by Clause Declaration to Specification 100% (Compliance to Transnet Specifications) Annexure B. • Completion of Tender SHE Management Questionnaire, Annexure C • Pricing Schedule Submitted & All Items on Quotation form / Pricing Schedule Priced
Functionality Threshold 100%	<p>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 minimum threshold of 80%.</p> <ul style="list-style-type: none"> • Method Statement = 30%, • Work plan /Programme = 30%, • Comparable Projects (Previous Work Done) = 30%, • Health and Safety Plan (Submission of evidence in line with Tender SHE questionnaire), will be considered as part of the technical evaluation = 10% <p>Transnet reserves the right to lower the threshold for Technical from 80% to 75% if no Bidders pass the predetermined minimum threshold.</p>
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 Annexure A: B-BBEE Claim Form.

2 Validity Period

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

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Facility Locomotive Decanting Area

Bidders are to note that they may be requested to extend the validity period of their bid, on the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.

With regard to the validity period of short-listed bidders, please refer to Section 1, paragraph 9.

This RFQ is valid until _____.

3 Disclosure of Prices Quoted

Respondents are to note that, on award of business, Transnet is required to publish the tendered prices and preferences claimed of the successful and unsuccessful Respondents *inter alia* on the National Treasury e-Tender Publication Portal, (www.etenders.gov.za), as required per National Treasury Instruction Note 01 of 2015/2016.

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 / Pricing Schedule Submitted & All Items on Pricing Schedule Priced	
Hazmart Technician Certificate	
ANNEXURE A : Clause by clause declaration to specification	
ANNEXURE B: Completion of Tender SHE Management Questionnaire	
SECTION 7 : Certificate of attendance of compulsory RFQ Briefing	

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Minimum Threshold 80% for Technical Criteria

The test for the Technical and Functional threshold will include the following:

Technical Criteria	% Weightings
• Method Statement	30%
• Work Plan / Programme	30%
• Comparable Projects (Previous Work Done)	30%
• Health & Safety Plan (submission of evidence in line with Tender SHE questionnaire)	10%
Total Weighting:	100%
Minimum qualifying score required:	80%

Transnet reserves the right to lower the threshold for Technical from 80% to 75% if no Bidders pass the predetermined minimum threshold.

SCORING MATRIX FOR TECHNICAL EVALUATION CRITERIA**1. Method Statement (Technical approach and methodology)**

This document should detail the way each activity or process is to be completed. The method statement should also outline the hazards involved and include a step by step guide on how to do the job safely. It should again detail control measures to be introduced to ensure the safety of anyone who will be affected by the projects activities. The method statement cannot be used as safety plan but a technical approach and methodology on the actual work execution. The company special and practical knowledge in business services is required. The contractor must supply/provide and identify his/her proposed technical team. And state their job description, experience and qualifications. A company profile and organogram can be provided as well as the organograms for this project.

➤ **Practical (scoring) 30%**

Indicator for scoring	Percentage Score	Unit score	final
1. The technical approach and/ or methodology are poor/ are unlikely to satisfy project objectives and requirements. The bidder has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the projects	Poor 5 %		
2. The approach is generic and not tailored to address the specific project objectives and requirements. The approach does not adequately deal with the critical characteristics of the project. The quality plan is too generic	Satisfactory 10 %		
3. The approach is specifically tailed to address the specific project objectives and requirements and is sufficient flexible to accommodate changes that may occur during execution. The quality plan is specifically tailed to the critical characteristics of the project.	Good 15 %		
4. Besides meeting the 'good' rating, the important issues are approached in an innovative and efficient way, indicating that the bidder has outstanding knowledge of state –of-the-art approaches. The approach paper details ways to improve the project outcomes and the quality.	Very good 30 %		
5. Not Submitted	0 %		

1. Work Plan/ Programme.

The contractor must state when he/she intends to start and complete the job. This must also be supported by providing a working programme, which after awarding will then be used as a monitoring tool on work progress. Points given should be based on the duration and sequential project activities. (E.g. dig a foundation before pouring concrete and not vice versa)

➤ **Practical (scoring) 30%**

Indicator for scoring	Percentage Score	Unit score	Final
1. The activity schedule omits important tasks or the timing of the activities and correlation among them are inconsistent with the approach paper. There is a lack of clarity and logic in sequencing	Poor 5%		
2. All key activities are included in the activity schedule, but are not detailed. There are minor inconsistencies between timing, project deliverables and the proposed approach.	Satisfactory 10 %		
3. The work plan fits the approach paper well; all important activities are indicated in the activity schedule and their timing and sequences with project objectives and requirements. There is a fair degree of detailed that facilitates understanding of the proposed work plan	Good 15%		
4. Besides meeting the "good" rating, decision points and the sequencing and timing of activities are very well defined, indicating that the bidder has optimized the use of resources. The work plan permits flexibility to accommodate contingencies.	Very good 30%		
5. Not Submitted	0%		

2. Comparable Projects (Previous work done)

Work Experience with respect to specific aspects of the project/ Comparable projects. Greater weight should be given to project of a similar nature for the last 5 years. The contractor should have done and completed any Carport project or steel work projects.

➤ **Practical (scoring). 30%**

Indicator for scoring	Percentage Score	Unit score	Final
1. Contractor has limited work experience. Projects completed - 1	Poor 5%		
2. Contractor has relevant experience but has not dealt with the critical issues specific to the assignment. Project completed 2 - 3	Satisfactory 10 %		
3. Contractor has extensive experience in relation to the project and has worked previously under similar conditions & circumstances. Projects completed 3-4	Good 15%		
4. The contractor has outstanding experience in project of a similar nature. 5 or more projects.	Very good 30%		
5. Not Submitted.	0		

4. Health and Safety Plan (Submission of evidence in line with tender SHE management questionnaire).

➤ **Practical (scoring). 10%**

SCORING MATRIX FOR EVALUATION OF TENDERER SHE MANAGEMENT SYSTEM

Evaluation of Tenderer SHE Management System	Score criteria	Score	N/A
Company Name:			
Tender Description:			
Tender Number:			
Date:			
1. SHE Policy			
<p><i>The Policy provided by the Tenderer is:</i></p> <ul style="list-style-type: none"> - Outlines clear statement of objectives - Shows commitment to improve performance - Relevant to company operations - Reviewed on a regular basis 	<p>2 – Complies to all 1 – Partially compliant 0 – Not submitted</p>		
2. SHE Management			
<p><i>Demonstrates that the tenderer meets externally audited SHE Management System (SMS). These may include:</i></p> <ul style="list-style-type: none"> - OHSAS - NOSA 5 star System - IRCA CAP System - Others 	<p>2 – Credible externally audited SMS i.e OHSAS, NOSA, IRCA, RSR 1- Other / In-house audited system 0 – No SMS</p>		
3. SHE Organogram			
<p><i>The company Organogram includes as a minimum:</i></p> <ul style="list-style-type: none"> - Legal appointees required for this project i.e Management appointments, SHE Reps, First Aiders, Risk Assessor, Safety Officer etc 	<p>2 – Incl all minimum appointees 1- Partially compliant 0 –Not submitted</p>		
4. Letter of good standing			
<p><i>Tenderer provides evidence of:</i></p> <ul style="list-style-type: none"> - Up to date Letter of good standing with the Compensation Commissioner, FEMA or Rand Mutual 	<p>2 – Complies to all 0 – Not submitted or not up to date</p>		
5. SHE Cost			
<p><i>The tenderer is able to demonstrate that he has made provision for the cost of health and safety for the project:</i></p> <ul style="list-style-type: none"> - Proof that cost of health and safety included in tender price - Cost breakdown submitted 	<p>2 – Complies to all 1 – Partially compliant 0 – Not submitted</p>		
6. Training Records			
<p><i>Tenderer able to demonstrate evidence of:</i></p> <ul style="list-style-type: none"> - SHE training analysis, certificates, or Job specific training - Induction training program 	<p>2 – Complies to all 1 – Partially compliant 0 – Not comply to all</p>		

Evaluation of Tenderer SHE Management System	Score criteria	Score	N/A
7. Health and Safety Plan (SHE Plan)			
<p>- SHE Responsibilities <i>SHE responsibilities in the company documented and comprise:</i></p> <ul style="list-style-type: none"> - SHE responsibility defined - Part of employee's job description - Part of formal and informal performance appraisal 	<p>2 – Complies to all 1 – Partially compliant 0 – Not comply to all</p>		
<p>- Risk Assessments <i>Tenderer has mechanisms in place for the identification of hazards, assessment of risks and the implementation of control measures associated with work. This includes:</i></p> <ul style="list-style-type: none"> - Documented risk assessments for relevant work or risk assessment procedure - Competent persons responsible for undertaking risk assessments - Risk Assessment conducted in consultation with SHE Committee - Recommendation actioned 	<p>2 – Complies to all 1 – Partially compliant 0 – Not comply to all</p>		
<p>- Safe Work Procedures <i>The tenderer is able to demonstrate safe work procedures which:</i></p> <ul style="list-style-type: none"> - Developed from risk assessment process - Developed for all high risk tasks - Employees trained on Safe Work Procedures 	<p>2 – Complies to all 1 – Partially compliant 0 – Not comply to all</p>		
<p>SHE Training <i>Tenderer able to demonstrate:</i></p> <ul style="list-style-type: none"> - Training needs analysis done - Training based on risks/hazards identified - Induction training program 	<p>2 – Complies to all 1 – Partially compliant 0 – Not comply to all</p>		
<p>- Regular Inspections <i>Tenderer able to demonstrate:</i></p> <ul style="list-style-type: none"> - Workplace inspection schedules, minimum monthly - Types of inspections undertaken 	<p>2 – Complies to all 1 – Partially compliant 0 – Not comply to all</p>		
<p>- Health and Safety Communication <i>Tenderer able to demonstrate:</i></p> <ul style="list-style-type: none"> - Tool box/Daily safety talks meetings conducted to discuss hazards on site, incident recall, safety performance etc 	<p>2 – Complies to all 1 – Partially compliant 0 – Not comply to all</p>		
<p>- SHE Committee <i>Tenderer able to demonstrate:</i></p> <ul style="list-style-type: none"> - Structure of committee - Meeting schedule - Minutes of meetings recorded 	<p>2 – Complies to all 1 – Partially compliant 0 – Not comply to all</p>		
<p>- SHE Representative <i>Tenderer able to demonstrate:</i></p> <ul style="list-style-type: none"> - Health and safety representatives nominated by employees - Health and safety representatives appointed in writing - Involvement in inspection, accident investigation 	<p>2 – Complies to all 1 – Partially compliant 0 – Not comply to all</p>		
<p>- SHE Incident Reporting and Investigation) <i>Tenderer able to demonstrate:</i></p> <ul style="list-style-type: none"> - Incident register is kept 	<p>2 – Complies to all 1 – Partially compliant</p>		

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Evaluation of Tenderer SHE Management System	Score criteria	Score	N/A
<ul style="list-style-type: none"> - Register include first aid and medical case - Incident investigation conducted 	0 – Not comply to all		
<ul style="list-style-type: none"> - Personal Protective Equipment (PPE) <i>Tenderer able to demonstrate:</i> <ul style="list-style-type: none"> - PPE needs analysis done or is it issued based on risk - PPE issue records kept - PPE issued free of charge 	2 – Complies to all 1 – Partially compliant 0 – Not comply to all		
<ul style="list-style-type: none"> - Emergency Planning <i>Tenderer able to demonstrate:</i> <ul style="list-style-type: none"> - Emergency plan or procedure will be available - Employees trained on procedure 	2 – Complies to all 1 – Partially compliant 0 – Not comply to all		
<ul style="list-style-type: none"> - Fall Protection <i>Tenderer able to demonstrate:</i> <ul style="list-style-type: none"> - Work at heights undertaken under competent supervision - Employees working at height trained and medically fit - Fall protection plan include rescue plan, risk assessment, inspection, testing and maintenance of fall protection equipment 	2 – Complies to all 1 – Partially compliant 0 – Not comply to all		
<ul style="list-style-type: none"> - Project Security <i>Tenderer able to demonstrate:</i> <ul style="list-style-type: none"> - Security assessment done for the site - Measure put in place to ensure security of employees and equipment 	2 – Complies to all 1 – Partially compliant 0 – Not comply to all		
<ul style="list-style-type: none"> - Medical Surveillance <i>Tenderer able to demonstrate:</i> <ul style="list-style-type: none"> - All employees with undergo medical surveillance - Competent first aiders and first aid equipment will be provided 	2 – Complies to all 1 – Partially compliant 0 – Not comply to all		
<ul style="list-style-type: none"> - Substance abuse policy/testing/procedure <i>Tenderer able to demonstrate:</i> <ul style="list-style-type: none"> - Daily alcohol testing will be conducted - Process to deal with positive results 	2 – Complies to all 1 – Partially compliant 0 – Not comply to all	2	
<ul style="list-style-type: none"> - Selection, procurement and management of subcontractors <i>Tenderer able to demonstrate:</i> <ul style="list-style-type: none"> - Assess contractors whether they have resources to perform work safely - Appoint subcontractors who demonstrate that they will do the work safely 	2 – Complies to all 1 – Partially compliant 0 – Not comply to all	2	
<ul style="list-style-type: none"> - Operational Safety <i>Tenderer able to demonstrate:</i> <ul style="list-style-type: none"> - All operational safety issues identified - Safety measures / standards to be implemented 	2 – Complies to all 1 – Partially compliant 0 – Not comply to all		
<ul style="list-style-type: none"> - Safety Performance Statistics <i>Tenderer able to demonstrate:</i> <ul style="list-style-type: none"> - Reports on company health and safety statistics developed - Performance targets established (eg lost time injuries, person days lost) - Performance measured against targets - Reports published on notice boards 	2 – Complies to all 1 – Partially compliant 0 – Not comply to all		

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Evaluation of Tenderer SHE Management System	Score criteria	Score	N/A
8. Health and Safety Violations			
<ul style="list-style-type: none"> - Convicted of Health and Safety Offence <p><i>If conviction reported, determine:</i></p> <ul style="list-style-type: none"> - Nature and circumstances of incident - Corrective actions undertaken 	2 – No conviction 1 – No convictions within last two years 0 – Conviction within two years		
- Marks obtained			
- Total Marks			50
- PERCENTAGE OF SCORE			

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b) **Essential Returnable Documents**

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

Essential Returnable Documents required for evaluation purposes:

Failure to provide all Essential Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent's disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion. Bidders are therefore urged to ensure that all these documents are returned with their Proposals.

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

ESSENTIAL RETURNABLE DOCUMENTS USED FOR SCORING	SUBMITTED [Yes or No]
- Valid and original (or a certified copy) proof of Respondent's compliance to B-BBEE requirements stipulated in Section 6 of this RFQ:	
- Valid Letter Of Good Standing from Department of Labour	
- Proof of Registration with National Treasury Supplier Database	

Other Essential Returnable Documents:

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

Please confirm submission of these essential Returnable Documents by indicating Yes or No in the table below:

OTHER ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
- In the case of Joint Ventures, a copy of the Joint Venture Agreement or written confirmation of the intention to enter into a Joint Venture Agreement	
SECTION 7 : Certificate of compulsory attendance RFQ Briefing	
Tax Clearance Certificate or electronic access PIN obtained from SARS's new Tax Compliance Status (TCS) system [Consortia / Joint Ventures must submit a separate Tax Clearance Certificate for each party]	
SECTION 4: Certificate of Acquaintance with RFQ Documents	
SECTION 5: RFQ Declaration and Breach of Law Form	
SECTION 6: B-BBEE Preference Claim Form	

5 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 3:

QUOTATION FORM AND CERTIFICATE OF ACQUAINTANCE WITH RFQ DOCUMENT

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:

- 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.

Price Schedule

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

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ITEM NO.	DESCRIPTION	UNIT	QTY	RATE	AMOUNT
	SECTION A: PRELIMINARY & GENERAL				
	Fixed-charge items				
A1	Contractual Requirements				
A1.1	Site supervision staff	No.	2		
A1.2	Repairs Program	No.	1		
A1.4	Provision of site PPE for contractors	No.	6 - 8		
	SECTION B: SOIL REHABILITATION				
B1	Soil Sampling	M ²	2m ²		
B2	Excavating Polluted soil material	M ²	2m ²		
B3	Removal of soil to allow remediation Soil Remediation	M ²	2m ²		
B4	Soil sampling report	Item	1		
B5	Safe disposal Certificate	Item	1		
	SUMMARY				
A	SECTION A: PRELIMINARY & GENERAL				
B	SECTION B: REPAIRS WORK				
	SUB-TOTAL				
	VAT@14%				
	TOTAL				

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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) 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.
- c) 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.

SECTION 4:

CERTIFICATE OF ACQUAINTANCE WITH RFQ DOCUMENTS

By signing this certificate the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with, and agrees with all the conditions governing this RFQ. This includes those terms and conditions contained in any printed form stated to form part hereof, including but not limited to the documents stated below. As such, Transnet 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 in calculating tendered prices or any other purpose:

1. Transnet’s General Bid Conditions*
2. Standard RFQ Terms and Conditions for the supply of Goods or Services to Transnet
3. Transnet’s Supplier Integrity Pact*
4. Vendor Application Form* and all supporting documents (first time vendors only). Alternatively, for all existing vendors, please complete the table below under the heading “Existing vendors”.
Respondents are to note that the documents marked with a “*” are available on request or at the Transnet website (www.transnet.net). Please click on “Business with Us”, proceed to the tab “Tenders” and then click on “Standard Bid Documents”.

Existing vendors: existing vendors are required to confirm whether all the information (e.g. company address, contact details, banking details, etc.) relating to the existing vendor number is still correct at the time of submission of this bid or update their information in the table below:

Transnet Operating Division [e.g. TFR, TE, etc.]	Vendor Number	Information still current [tick if applicable]	Information change [indicate detail of change/s & attach appropriate proof]

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFQ unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by Transnet’s Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from the Standard terms or conditions could result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid to which they intend to respond, before submitting the bid. The Bidder agrees that he/she will have no claim based on an allegation that any aspect of this RFQ was unclear but in respect of which he/she failed to obtain clarity.

The bidder understands that his/her Bid will be disqualified if this Certificate of Acquaintance with RFQ documents included in the RFQ as a returnable document, is found not to be true and complete in every respect.

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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: _____

SECTION 5:

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:

[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 _____

SECTION 6:

B-BBEE PREFERENCE POINTS CLAIM FORM

This preference form must form part of all bids invited. It contains general information and serves as a claim for preference points for Broad-Based Black Economic Empowerment [B-BBEE] Status Level of Contribution.

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

1.2 The value of this bid is estimated to be below R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80%
B-BBEE STATUS LEVEL OF CONTRIBUTION	20%
Total points for Price and B-BBEE must not exceed	100

1.5 **Failure on the part of a bidder to 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 a sworn affidavit confirming annual turnover and level of black ownership in case of all EMEs and QSEs with 51% black ownership or more together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution **are not claimed**.

1.6 The purchaser 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 the purchaser.

2. DEFINITIONS

- (a) **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **"B-BBEE status level 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;
- (d) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **"CIPC"** means the Companies and Intellectual Property Commission, formerly known as CIPRO, the Companies and Intellectual Property Registration Office.
- (g) **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- (h) **"consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;
- (i) **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- (j) **"EME"** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (k) **"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 or 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;
- (l) **"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;
- (m) **"non-firm prices"** means all prices other than "firm" prices;
- (n) **"person"** includes a juristic person;
- (o) **"QSE"** means a Qualifying Small EEnterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (p) **"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;
- (q) **"sub-contract"** means the primary contractor's assigning, leasing, 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;
- (r) **"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 Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;

- (s) **"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
- (t) **"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 will be awarded the contract.
- 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 must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one 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 must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- P_s = Points scored for comparative price of bid under consideration
- P_t = Comparative price of bid under consideration
- P_{min} = Comparative price of lowest acceptable bid

5. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 5.2 A bidder who qualifies as an EME in terms of the B-BBEE Act **must submit a sworn affidavit confirming Annual Total Revenue and Level of Black Ownership**. Furthermore EMEs may also obtain a sworn affidavit from CIPC (formerly CIPRO) Self Service Terminals when registering a business or filing annual returns. In these instances Transnet would require proof of turnover as well as proof of ownership. Sworn affidavits must substantially comply with the format that can be obtained on the DTI's website at www.dti.gov.za/economic_empowerment/bee_codes.jsp.
- 5.3 **QSEs that are at least 51% Black owned or higher 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.
- 5.4 A Bidder other than EME or a QSE that is at least 51% Black owned 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.
- 5.5 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.6 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.
- 5.7 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.8 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 sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.9 A person awarded a contract may not sub-contract more than 25% 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 sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- 5.10 Bidders are to note that the rules pertaining to B-BBEE verification and other B-BBEE requirements may be changed from time to time by regulatory bodies such as National Treasury or the DTI. It is the Bidder's responsibility to ensure that his/her bid complies fully with all B-BBEE requirements at the time of the submission of the bid.

6. BID DECLARATION

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

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 5.1

- 7.1 B-BBEE Status Level of Contribution: =(maximum of 20 points)

Transnet Request for Quotation No CRAC-JHB-23465
RFQ for the Provision of Rehabilitation of soil contamination at Swartkops Fuel
Facility Locomotive Decanting Area

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 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.

8. SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

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

8.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....
- iv) Whether the sub-contractor is an EME.

(Tick applicable box)

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

9. DECLARATION WITH REGARD TO COMPANY/FIRM

- v) Name of company/firm:.....
- vi) VAT registration number:.....
- vii) Company registration number:.....

9.1 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

9.2 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

9.3 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.4 Total number of years the company/firm has been in business:.....

9.5 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the

foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) 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, the purchaser 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, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES
1.
2.

..... SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS
.....

SECTION 7

CERTIFICATE OF ATTENDANCE OF COMPULSORY RFQ BRIEFING

It is hereby certified that –

1. _____

2. _____

Representative(s) of _____ *[name of entity]*

attended the RFQ briefing in respect of the proposed Services to be rendered in terms of this RFP on
_____ 20__

TRANSNET'S REPRESENTATIVE

RESPONDENT'S REPRESENTATIVE

DATE _____

DATE _____

EMAIL _____

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.

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

NO B-BBEE CERTIFICATES REQUIRED BUT A SWORN AFFIDAVIT

NB: ANNEXURE C: B-BBEE PREFERENCE POINTS CLAIM FORM (5.4 – 5.8)

PLEASE NOTE THAT ALL COMPANIES THAT FALL UNDER THIS CATEGORY WILL GET ZERO POINTS THIS NOTIFICATION BE IGNORED

Appendix III

Example of an Affidavit or Solemn Declaration as to EME B-BBEE Status

SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE

I, the undersigned,

Full Name & Surname	
Identity Number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf.

Enterprise Name	
Trading Name	
Registration Number	
Enterprise Address	

3. I hereby declare under oath that:

- The enterprise is _____ % black owned;
- The enterprise is _____ % black woman owned;
- The enterprise is _____ % black youth owned;
- The enterprise is _____ % black disabled owned;
- Based on the management accounts and other information available for the _____ financial year, the income did not exceed R10, 000,000.00 (ten million rand).

Please confirm on the table below the B-BBEE level contributor, by ticking the applicable box.

100% black owned	Level One (135% B-BBEE procurement recognition) More than 51% black	
More than 51% black owned	Level Two (125% B-BBEE procurement recognition) Less than 51% black	
Less than 51% black owned	Level Four (100% B-BBEE procurement recognition)	

4. The entity is an empowering supplier in terms of the dti Codes of Good Practice.
5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.
6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date: _____

**Commissioner of Oaths
Signature & stamp**

Returnable Document

Appendix IV

Example of an Affidavit or Solemn Declaration as to QSE B-BBEE Status

SWORN AFFIDAVIT – B-BBEE QUALIFYING SMALL ENTERPRISE

I, the undersigned,

Full Name & Surname	
Identity Number	

Hereby declare under oath as follows:

- The contents of this statement are to the best of my knowledge a true reflection of the facts.
- I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf.

Enterprise Name	
Trading Name	
Registration Number	
Enterprise Address	

3. I hereby declare under oath that:

- The enterprise is _____ % black owned;
- The enterprise is _____ % black woman owned;
- The enterprise is _____ % black youth owned;
- The enterprise is _____ % black disabled owned;
- Based on the management accounts and other information available for the _____ financial year, the income did not exceed R50,000,000.00 (fifty million rand);
- The entity is an empowering supplier in terms of Clause 3.3 (a) or (b) or (c) or (d) or as amended 3.3 (e) of the dti Codes of Good Practice. **(Tick appropriate box in table below).**

(a) At least 25% of cost of sales, (excluding labour costs and depreciation) must be procurement from local producers or suppliers in South Africa; for the services industry include labour costs but capped at 15%		(b) Job Creation – 50% of jobs created are for black people, provided that the number of black employees in the immediate prior verified B-BBEE measurement is maintained	
(c) At least 25% transformation of raw material / beneficiation which include local manufacturing, production and /or assembly, and / or packaging		(d) At least 12 days per annum of productivity deployed in assisting QSE and EME beneficiaries to increase their operation or financial capacity	
(e) At least 85% of labour costs should be paid to South African employees by service industry entities			

Please confirm on the table below the B-BBEE level contributor, by ticking the applicable box.

100% black owned	Level One (135% B-BBEE procurement recognition)	
More than 51% black owned	Level Two (125% B-BBEE procurement recognition)	

5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.

6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date: _____

**Commissioner of Oaths
 Signature & stamp**

Respondent's Signature_____
Date & Company Stamp