

REQUEST FOR QUOTATIONS

Transnet Freight Rail RME a Division of Transnet SOC Ltd. invites all interested parties to respond to a request for quotation (RFQ) as indicated below. All RFQ's should be submitted on the appropriate tender forms and should be faxed/e-mailed before 10h00 on or before the closing date of the RFQ/s.

Fax and E-mail details are as follows: 011-774 9760 / 011-774 9129 or 011-774 9186, and e-mail: Nomsa.Maseko@transnet.net

Please fax/ e-mail your "PROOF" (Fax Report or E-mail Proof) to 086 515 9978 or TCPtendersRichardsBay@Transnet.net as proof that your submission was submitted successfully.

RFQ documents may be obtained **Free Of Charge** on and after **Thursday , 16 July 2015 and must be collected before 15h00 on 28 July 2015** at Transnet Freight Rail RME, Malahle House, Tender office, 4 Kiewiet street, Empangeni during the office hours **09h00 to 15h00** during weekdays.
(NB: No tenders will be issued after this deadline).

RFQ documents may be viewed from the website by clicking on the RFQ number that is highlighted in red on the website: <http://www.transnetfreightrail-tfr.net/Supplier/Pages/Tenders.aspx>

RFQ NUMBER: ERAC-EMU-18276

DESCRIPTION: PROVISION OF GROUND MAINTENANCE AT EMPANGENI AND SURROUNDING AREAS FOR A PERIOD OF 12 MONTHS

REQUIRED AT: EMPANGENI AND SURROUNDING AREAS

COMPULSORY BRIEFING SESSION WILL BE AS FOLLOW:

DATE : 29 July 2015 AT 08:30AM

VENUE : 4 KIEWIET STREET MALAHLE HOUSE, EMPANGENI (BOARDROOM 253)

NB: Document should be collected on or before 28 July 2015 @ 15h00

CLOSING DATE: 06 August 2015 @ 10H00

For enquiries regarding the RFQ tender document you can contact,

Name: Malibongwe Ngobese

Tel. No.: 035 906 7343

E-Mail: Malibongwe.Ngobese@transnet.net

Transnet Freight Rail urges Clients & Suppliers to report fraud/corruption at **Transnet to TIPOFFS ANONYMOUS: 0800 003 056**



Transnet Freight Rail, a division of

TRANSNET SOC LTD

Registration Number 1990/000900/30

[hereinafter referred to as **Transnet**]

REQUEST FOR QUOTATION [RFQ] NO. FRAC-EMU-18276

**FOR THE PROVISION OF GROUND MAINTENANCE AT EMPANGENI AND
SURROUNDING AREAS FOR A PERIOD OF 12 MONTHS**

FOR DELIVERY TO: EMPANGENI AND SURROUNDING AREAS

ISSUE DATE: 16 July 2015 TO 28 JULY 2015

COMPULSORY BRIEFING SESSION WILL BE AS FOLLOWS:

DATE: 29 JULY 2015 AT 08:30AM

VENUE: 4 KIEWIET STREET, MALAHLE HOUSE, EMPANGENI (BOARDROOM 253)

CLOSING DATE: 06 AUGUST 2015

CLOSING TIME: 10:00

PREVIEW COPY ONLY!!!

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: Tender box only

CLOSING VENUE:

Transnet Freight Rail,
The Chairman of the Acquisition Council,
Inyanda House 1, 21 Wellington Road,
Parktown, Gauteng
Fax numbers and e-mail details are as follows:
Fax numbers: 011 774 9760, 011 774 9129 or 011 774 9186 and
E-mail: Nomsa.Maseko@transnet.net

Note: Contact numbers to verify if your tender was received in good order: 011 584 9202 or 011 544 9484

1 Responses to RFQ

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

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

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

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

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

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

3 Communication

Respondents are warned that a response will be liable for disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer(s) or employee of Transnet in respect of this RFQ between the closing date and the date of the award of the business.

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

Name: Mailibongwe Ngobese

Email: Mailibongwe.Ngobese@transnet.net

Telephone: 035 – 906 7343

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

Telephone: 035 - 906 7305

Email: Lizelle.Smith@transnet.net

4 Legal Compliance

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

5 Changes to Quotations

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

6 Pricing

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

7 Prices Subject to Confirmation

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

8 Binding Offer

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

9 Disclaimers

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

- modify the RFQ's goods / service(s) and request Respondents to re-bid on any changes;
 - reject any Quotation which does not conform to instructions and specifications which are detailed herein;
 - disqualify Quotations submitted after the stated submission deadline;
 - not necessarily accept the lowest priced Quotation or an alternative bid;
 - reject all Quotations, if it so decides;
 - place an order in connection with this Quotation at any time after the RFQ's closing date;
 - award only a portion of the proposed goods / service/s which are reflected in the scope of this RFQ;
 - split the award of the order/s between more than one Supplier/Service Provider should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations ;
- 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.

10 Specification/Scope of Work

SPECIFICATIONS 2015-16 (Please read and comply with 2nd last paragraph)

Infra netcore, Empangeni station, Empangeni goods shed, Old Clinic, Signal & Infra road verge,Trolley shed, Scs yard, Insese road verge& carriage wagon, `Infra coal, Client Centre, Mtubatuba , Golela

- 1) Brushcut by means of a blade fitted brushcutter machine a maximum of 10cm in height
- 2) Noxious weeds to be mechanically cut and removed to an official dumpsite. This excludes spraying.
- 3) All litter/refuse to be disposed of at a legal registered dump/landfill site. Contractor to supply proof from dumping site.
- 4) PPE (Personal protection equipment) to be worn at all times during working hours.
 - 4.1. Hard hat with visor
 - 4.2. Goggles
 - 4.3. Safety Boots
 - 4.4. Reflective vest
 - 4.5. Mask and Gloves

5) The area is to be cut monthly in the following months **June ,September, October, November, December 2015, the January 2016, February, March, April, May, June and July 2016**. This excludes if area has been set alight. **A minimum of 20 days should lapse between monthly successive cuts.**

6) NB. December cut to be complete by the 10th for inspection purposes. No inspection and no invoice will be allowed after the due date.

ITEM	MEASURE	UNIT	Unit Price /Month
TOTAL	UNIT	RATE	
262 454		m2	

Contractors accounts to re-measure the area before submission of the quotation.

CONTRACTOR TENDER PRICE PER CUT

CONTRACTOR TENDER PRICE LIST FOR GROUNDS MAINTENANCE

CONTRACTOR TO SUPPLY ALL THE NECESSARY MACHINERY AND LABOUR.

Each cut to comply with specs throughout the year. All areas have been shown to the contractors, the grass cuttings and noxious weeds are to be removed to an official dumpsite.
The making of fires on Transnet property is strictly forbidden.

Please contact Moses (033) 897 2162 cell: (083 280 7189 alternatively Nonhlanhla Sithomo on 035 906 7639 for any clarity required.

All invoices to state name of area, purchase order number and date of completion, and be submitted to The Area Manager, Real Estate Management. Malahle House Empangeni.

Inspection will take place within 3 days after submission of original Invoice. No payment will be released without inspection and certification having undertaken. **Prices are per cut per specified month.**

Payment will be effected within thirty (30) days of receipt of off **Original** invoice and after inspection has been completed to the satisfaction of Transnet's Representative.

It is the contractor's responsibility to maintain the relevant areas as per specs throughout the year.

Please note that the onus rests with the contractor to ensure that all contract documents are read and understood in full. Invoice must state purchase order no. place and month when cutting was done and be invoiced to Transnet Freight Rail P.O.Box 8621 Johannesburg 2000.

NB. With immediate effect **all contractors working on or near the rail track must wear reflective clothing at all times.** In addition **hard hats with visors and safety footwear are necessary.** A contractor who is required to cross the track at any time during the duration of his contract must be protected by flagmen with a white flag 600m on either side of the work site, warning trains of people working on the track. **If this is not adhered to Transnet Inspectors can order the workers off the site.**

11 Respondent's Samples

Respondents are not required to submit samples of the Goods tendered for.

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

TIP-OFFS ANONYMOUS : 0800 003 056

PREVIEW ONLY

Returnable Document

**RFQ FOR THE PROVISION/SUPPLY OF GROUND MAINTENANCE AT EMPANGENI AND
 SURROUNDING AREAS FOR A PERIOD OF 12 MONTHS
 CLOSING VENUE INYANDA HOUSE 1, 21 WELLINGTON ROAD,
 PARKTOWN, GAUTENG
 CLOSING DATE & TIME: 06 AUGUST 2015
 VALIDITY PERIOD: 90 [NINETY] Business Days**

**SECTION 2
 EVALUATION CRITERIA AND RETURNABLE DOCUMENTS**

1 Evaluation Criteria

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

Criterion/Criteria	Explanation
Administrative responsiveness	Completeness of response and returnable documents
Substantive responsiveness	<p>Prequalification criteria, if any, must be met and whether the Bid materially complies with the scope and/or specification given.</p> <ul style="list-style-type: none"> All items in the Pricing Schedule should be priced; if not it will result in a bid being disqualified 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.
Functionality Threshold	As prescribed in terms of the Preferential Procurement Policy Framework Act (PPFA), Act 5 of 2000 and its Regulations, Respondents are to note that functionality is included as a threshold with a prescribed percentage threshold of 80%. Technical ability, certificate and training, compliance to specification and previous work experience will be considered as part of the technical evaluation [complete Annexure B – Technical Questionnaire]
Final weighted evaluation based on 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. This RFQ is valid until _____.

3 Disclosure of Prices Quoted

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

Returnable Document

YES NO

4 Returnable Documents

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

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

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

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

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

Mandatory Returnable Documents	Submitted [Yes or No]
SECTION 3 : Quotation Form	
ANNEXURE B : Technical Submission/Questionnaire	
ANNEXURE C : Price 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 2 : Evaluation criteria and list of returnable documents	
- SECTION 4 : RFQ Declaration and Breach of Law Form	
- Valid and original, or a certified copy, of your entity's B-BBEE Verification Certification as per the requirements stipulated in Annexure A: B-BBEE Claims Form Note: failure to provide these required documents at the closing date and time of the RFQ will result in an automatic score of zero being allocated for preference	
- 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

Returnable Document

present Transnet with such renewals as and when they become due, Transnet shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which Transnet may have for damages against the Respondent.

“PREVIEW COPY ONLY”

Respondent's Signature

Date & Company Stamp

Returnable Document

**SECTION 3
QUOTATION FORM**

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

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

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

I/We accept that unless Transnet should otherwise decide and so inform me/us, this Quotation [and, if any, its covering letter and any subsequent exchange of correspondence], together with Transnet's acceptance thereof shall constitute a binding contract between Transnet and me/us.

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

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) All items to be priced

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:

Respondent's Signature

Date & Company Stamp

Returnable Document

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

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

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

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

SIGNED at _____ of this _____ day of _____ 20____

SIGNATURE OF WITNESSES

1 _____
 Name _____

2 _____
 Name _____

ADDRESS OF WITNESSES

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

 Respondent's Signature

 Date & Company Stamp

Returnable Document

SECTION 4

RFQ DECLARATION AND BREACH OF LAW FORM

NAME OF ENTITY: _____

We _____ do hereby certify that:

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

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

ADDRESS: _____

Indicate nature of relationship with Transnet: _____

Respondent's Signature

Date & Company Stamp

Returnable Document

[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 _____

Respondent's Signature

Date & Company Stamp

**RFQ FOR THE PROVISION OF GROUND MAINTENANCE AT EMPANGENI AND
SURROUNDING AREAS
FOR A PERIOD OF 12 MONTHS**

ANNEXURE A: B-BBEE PREFERENCE POINTS CLAIM FORM

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

1. INTRODUCTION

- 1.1 A total of 20 preference points shall be awarded for B-BBEE Status Level of Contribution.
- 1.2 Failure on the part of a Bidder to fill in and/or to sign this form and submit a B-BBEE Verification Certificate from a Verification Agency accredited by the South African Accreditation System [SANAS] or a Registered Auditor approved by the Independent Regulatory Board of Auditors [IRBA] or an Accounting Officer as contemplated in the Close Corporation Act [CCA] together with the bid will be interpreted to mean that preference points for B-BBEE Status Level of Contribution are not claimed.
- 1.3 Transnet reserves the right to require of a Bidder, either before a Bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by Transnet.

2. GENERAL DEFINITIONS

- 2.1 **"all applicable taxes"** include value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **"B-BBEE status contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **"Bid"** means a written offer in a prescribed or stipulated form in response to an invitation by Transnet for the provision of goods, works or services;
- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 [Act No. 53 of 2003];
- 2.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can utilised have been taken into consideration;
- 2.7 **"consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract;
- 2.8 **"contract"** means the agreement that results from the acceptance of a bid by Transnet;

Respondent's Signature

Date & Company Stamp

RFQ for the Provision of Ground maintenance at Empangeni and surrounding areas for a period of 12 months

- 2.9 **"EME"** means any enterprise with an annual total revenue of R5 [five] million or less as per the 2007 version of the B-BBEE Codes of Good Practice and means any enterprise with an annual total revenue of R10 [ten] million or less as per the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928;
- 2.10 **"firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs and excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **"non-firm prices"** means all prices other than "firm" prices;
- 2.13 **"person"** includes reference to a juristic person;
- 2.14 **"QSE"** means any enterprise with an annual total revenue between R5 [five] million and R35 [thirty five] million as per the 2007 version of the B-BBEE Codes of Good Practice and means any enterprise with an annual total revenue of between 41 [ten] million and R50 [fifty] million as per the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928
- 2.15 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.16 **"subcontract"** means the primary contractor's assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.17 **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Empowerment Act and promulgated in the Government Gazette on 9 February 2007;
- 2.18 **"trust"** means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.19 **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The Bidder obtaining the highest number of total points for the evaluation criteria as enumerated in Section 2 of the RFP will be awarded the contract, unless objective criteria justifies the award to another bidder.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts.
- 3.3 Points scored will be rounded off to 2 [two] decimal places.

RFQ for the Provision of Ground maintenance at Empangeni and surrounding areas for a period of 12 months

- 3.4 In the event of equal points scored, the Bid will be awarded to the Bidder scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more Bids have scored equal points including equal preference points for B-BBEE, the successful Bid will be the one scoring the highest score for functionality.
- 3.6 Should two or more Bids be equal in all respect, the award shall be decided by the drawing of lots.

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

- 4.1 In terms of the Preferential Procurement Regulations, 2011, preference points shall be awarded to a Bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points [Maximum 20]
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 4.2 Bidders who qualify as EMEs in terms of the 2007 version of the Codes of Good Practice 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 IPD's approval for the purpose of conducting verification and issuing EME's with B-BBEE Status Level Certificates.
- 4.3 Bidders who qualify as EMEs in terms of the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928 are only required to obtain a sworn affidavit on an annual basis confirming that the entity has an Annual Total Revenue of R10 million or less and the entity's Level of Black ownership.
- 4.4 In terms of the 2007 version of the Codes of Good Practice, Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 4.5 The Department of Trade and Industry recently revised the Codes of Good Practice on 11 October 2013 [Government Gazette No. 36928]. The Revised Codes will replace the Black Economic Empowerment Codes of Good Practice issued on 9 February 2007. The Revised Codes provide for a transitional period ending 30 April 2015. During the transitional period, companies may elect to be

Respondent's Signature

Date & Company Stamp

RFQ for the Provision of Ground maintenance at Empangeni and surrounding areas for a period of 12 months

measured in terms of the Revised Codes or the 2007 version of the Codes. Companies which are governed by Sector-specific Codes will be measured in terms of those Sector Codes.

4.6 As such, Transnet will accept B-BBEE certificates issued based on the Revised Codes. Transnet will also continue to accept B-BBEE certificates issued in terms of the 2007 version of the Codes provided it was issued before 1 May 2015. Thereafter, Transnet will only accept B-BBEE certificates issued based on the Revised Codes.

4.7 In terms of the Revised Codes of Good Practice, Bidders who qualify as QSEs must comply with all the elements of B-BBEE for the purposes of measurement. QSEs that are at least 51% or 100% Black owned are only required to obtain a sworn affidavit on an annual basis confirming that the entity has an Annual Total Revenue of R50 million or less and the entity's Level of Black ownership. Large enterprises must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.

4.8 A trust, consortium or joint venture will qualify for points for its B-BBEE status level as a legal entity, provided that the entity submits its B-BBEE status level certificate.

4.9 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such consolidated B-BBEE scorecard is prepared for every separate bid.

4.10 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialised scorecard contained in the B-BBEE Codes of Good Practice.

4.11 A person will not be awarded points for B-BBEE status level if it is indicated in the Bid documents that such a Bidder intends subcontracting more than 25% [twenty-five per cent] of the value of the contract to any other enterprise that does not qualify for at least the same number of points that such a Bidder qualifies for, unless the intended subcontractor is an EME that has the capability and ability to execute the subcontract.

4.12 A person awarded a contract may not subcontract more than 25% [twenty-five per cent] of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

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

5. B-BBEE STATUS AND SUBCONTRACTING

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

B-BBEE Status Level of Contributor _____ = _____ [maximum of 20 points]

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Note: Points claimed in respect of this paragraph 5.1 must be in accordance with the table reflected in paragraph 4.1 above and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or a sworn affidavit in the case of an EME or QSE.

5.2 **Subcontracting:**

Will any portion of the contract be subcontracted? YES/NO [delete which is not applicable]

If YES, indicate:

- (i) What percentage of the contract will be subcontracted?%
- (ii) The name of the subcontractor
- (iii) The B-BBEE status level of the subcontractor
- (iv) Is the subcontractor an EME? YES/NO

5.3 Declaration with regard to Company/Firm

- (i) Name of Company/Firm.....
- (ii) VAT registration number.....
- (iii) Company registration number.....
- (iv) Type of Company / Firm [TICK APPLICABLE BOX]
 - Partnership/Joint Venture/Consortium
 - One person business/Sole Propriety
 - Close Corporation
 - Company (Pty) Ltd.
- (v) Describe Principal Business Activities
.....
- (vi) Company Classification [TICK APPLICABLE BOX]
 - Manufacturer
 - Supplier
 - Professional Service Provider
 - Other Service Providers, e.g Transporter, etc
- (vii) Total number of years the company/firm has been in business.....



BID DECLARATION

I/we, the undersigned, who warrants that he/she is duly authorised to do so on behalf of the company/firm, certify that points claimed, based on the B-BBEE status level of contribution indicated in paragraph 4 above, qualifies the company/firm for the preference(s) shown and I / we acknowledge that:

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed as shown in

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paragraph 6 above, the contractor may be required to furnish documentary proof to the satisfaction of Transnet that the claims are correct.

(iii) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, Transnet may, in addition to any other remedy it may have:

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) restrict the Bidder or contractor, its shareholders and directors, and/or associated entities, or only the shareholders and directors who acted in a fraudulent manner, from obtaining business from Transnet for a period not exceeding 10 years, after the *audi alteram partem* [hear the other side] rule has been applied; and/or
- (e) forward the matter for criminal prosecution.

WITNESSES:

1.

2.

SIGNATURE OF BIDDER

DATE:.....

COMPANY NAME:

ADDRESS:.....

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Respondent's Signature

Date & Company Stamp

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Contractor submission (To be completed by contractor and return with document)

❖ **Key personnel (CV) (Total points = 20) not submitted = Zero(0)**

Supervisor:

Name(s) in full	:	
Identity number	:	
Contact details	:	

❖ <u>No.of staff certified</u>	
Brushcutters operator certificate :	; Please attach copies
Chainsaws operators certificate :	; Please attach copies
Drivers licence code :	; Please attach copies

❖ Previous work experience (Total points = 30) not submitted = Zero(0)

Transnet references	: contact details	vendor code	year
1.			
2.			
Other organisations	: name of company	contact	year
1.			
2			
1. Reference person	: name	contact	year
2. Reference person	: name	contact	year

"PREVIEW COPY ONLY"

 Respondent's Signature

 Date & Company Stamp

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ANNEXURE B – Technical Submission/ Questionnaire

Contractor submission (To be completed by contractor and return with document)

- ❖ **Technical ability (Total points = 30) not submitted = Zero(0)**

The company assets available relating to the contract:

Utility vehicles	Serial Numbe/ reg .no's	QTY
Heavy duty trucks		
LDV's		
Machinery		
Brushcutters		
Chainsaws		
Lawnmowers		

- ❖ **Compliance to specification (Total points = 20) not submitted = Zero(0)**

Does the contractor understand what he/she is going to be required to budget for the contracted sites? How many personnel he intends using, what kind of equipment he/she envisages and over what period of time they estimate will be required in order to complete one monthly cycle.

Utility vehicles	number of operators	period of time per cycle
Heavy duty trucks		
LDV's		
Machinery		
Brushcutters		
Chainsaws		
Lawnmowers		

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ANNEXURE C – Price Schedule

SCHEDULE OF WORK AND PRICES					
GRASS CUTTING-Period 12 months	QTY	UNIT	RATE	AMOUNT	
Empangeni –infracore + Soccer field vacant land 18000 M ²	18000	M ²			
Empangeni station 10000 m2	10 000	M ²			
Empangeni Goods shed area 50 000 m2	50 000	M ²			
Empangeni Old clinic 1500 m2	1500				
Empangeni Signal & Infra road verge 5000 m2	5000	M ²			
Trolley shed 5000 m2	5000	M ²			
SCS Yard 40000 m2	40 000	M ²			
Insease road verges+ carriage wagon 24000 m2	24000				
Infra coal(Outside PWT) 15000 m2	15000	M ²			
Client Centre 39104 m2	39104	M ²			
Mtubatuba station yard 40000 m2	40000	M ²			
Golela station openlands 14850 m2	14850	M ²			
This should include for health and safety obligations	1	Item			
GROSS TOTAL R					
14% V.A.T. R					
AMOUNT DUE R					

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Respondent's Signature

Date & Company Stamp