

**TRANSNET FREIGHT RAIL**, a division of

**TRANSNET SOC LTD**

Registration Number 1990/000900/30

[hereinafter referred to as **Transnet**]

**REQUEST FOR QUOTATION [RFQ] No. ERAC-VAR-MJ01-22282**

**FOR ENVIRONMENTAL REHABILITATION FOR DIESEL LEAKAGE POLLUTION BETWEEN  
PHALABORWA & BRAKSPRUIT**

**TECHNICAL ENQUIRIES CONTACT PHILIP MNISI: 083 701 6311**

**COMMERCIAL ENQUIRIES CONTACT MATHETHA MELETSE ON: 013 658 2474**

**ISSUE DATE: 08 SEPTEMBER 2016**

**CLOSING DATE: 15 SEPTEMBER 2016**

**CLOSING TIME: 10:00**

**VALIDITY DATE: 23 JANUARY 2017**

## 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:** Submit physically in the Tender Box

**CLOSING VENUE:** Transnet Freight Rail  
Nzasm Building,  
Tender Advice Centre, Ground Floor  
Room G16  
Corner of Paul Kruger and Minnaar Street  
Pretoria  
0001

**NB: Tender box are only available from Monday to Friday from 07h00 to 16h00. Tender box is not available 24 hours**

#### 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 less than R1 000 000 (all applicable taxes included) and therefore the 80/20 system shall be applicable.**

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

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

##### 2.1 B-BBEE Improvement Plan

**2.2** Transnet encourages its Suppliers/Service Providers to constantly strive to improve their B-BBEE rating. Whereas Respondents will be allocated points in terms of a preference point system based on its B-BBEE scorecard to be assessed as detailed in paragraph 2.1 above, in addition to such scoring, Transnet also requests that Respondents submit a B-BBEE improvement plan. Respondents are therefore requested to indicate the extent to which they will maintain or improve their B-BBEE status over the contract period. Respondents are requested to

submit their B-BBEE Improvement Plan as an additional document with their Proposals by completion of **Annexure A** appended hereto.

### 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: **Morris Mhlongo**  
Email: **morris.mhlongo@transnet.net**  
Telephone: **(012) 315 4122**

Respondents may also, at any time **after the closing date of the RFQ**, communicate with the Buyer of the Transnet Freight Rail on any matter relating to its RFQ response:

Name: **Mathene Meletse**  
Email: **mathene.meletse@transnet.net**  
Telephone: **(013) 658 7474**

### 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.

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

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

## 10 Specification/Scope of Work

### PROJECT SPECIFICATIONS FOR POLLUTION REHABILITATION: TRAIN DIESEL LEAKAGE POLLUTION BETWEEN PHALABORWA AND BRAKSPRUIT

#### 10.1 Purpose of the document

The document aims at outlining the minimum scope of work and expectations required from the potential service provider who is an expert and specialist in determining the potential pollution or impact caused by Train diesel leaks between Phalaborwa and Brakspuit and then ensures proper environmental remediation of the pollution to the acceptable pollution limits.

#### 10.2 Background information

On the 16 June 2016 Train diesel leaks or spillage pollution was reported from Phalaborwa operations, this was said to having been caused by defective locomotive diesel valve or a valve that was not too tight.

#### 10.3 Scope of Work

Given the background stipulated above with due consideration of the company's commitment to legal compliance, as well as conformance to its internal adopted systems, procedures and policies (IMS Policy / Transnet Group: Compliance Risk Management Framework of July 2011 and etc.), the given occurrence must be resolved through rehabilitation process.

The existing pollution can only be addressed or corrected by means of employing environmental rehabilitation techniques while internally considering continuous preventative measures for future recurrences.

Remediation will therefore require but not limited to the following:

- Where the competent and experienced service provider should:-
  - a) Determine and establish the extent of pollution as well as the potential negative impact on the surrounding environment, and advice the Environmental Specialist on such findings on a written report.
  - b) Remediate or treat either through spraying the oil cap or other solution that deals with diesel contaminants on ballast stone and on soil surface with ability to leave no further effects to the environment, or other most viable and reasonable remediation means to all interested and affected parties about the occurrence, the work to be done shall ensure that a minimum requirements for any remediation of hydrocarbon pollution are complied with, where such should be proven by analysis results from an approved or accredited laboratory, that will mean samples should be taken for

- continuous monitoring on regular basis, or at least for three months until a minimum of less than or equal to 1 000 ppm is achieved. And a formal site closure letter is obtained especially from the leading authorities (DEA) or any other party concerned.
- c) Where excavation and disposal of soil or any waste is involved or considered a best option for parties and environment, the relevant disposal certificates and related documents shall be submitted to Transnet Freight Rail Environmental Management before payments can be finalized or processed to a particular service provider.
- d) Sites and pollution measurements
1. Brakspruit KMP 12/23 (see price schedule for measurements)
  2. Phalaborwa refuelling site (see price schedule for measurements)
  3. 210 litre oil rags/ hazardous waste removal and disposal
- e) Remediation activities and processes shall at all times be in compliance with all legal and other requirements of the organization (TFR).
- f) The pollution measurements will be taken and estimated on site at the date of site visit as a joint team with the contractors
- g) Safety is a priority within Transnet Freight Rail, especially when operating within Transnet's premises, infrastructure railway line or conducting any business with Transnet, so this means whatever we do, wherever we are, we do it safely, therefore **INDUCTION is a must be done** before any work can commence on sites.
- h) Last but not least, Contractor's progress and final reports on the job execution on site will be required during process and on completion.
- i) NB Payment shall be done on two phases, where first payment will be done on the completion of work on site to the satisfaction of the above scope, the environmental specialist and approved report submitted, 90% of the total cost will be paid on the submission of the correct invoice (Supply Chain Management Process also apply in this case), the remaining balance of costs (10%) shall be paid when all work or monitoring has been completed and results submitted to TFR environmental office, and a sign off received where necessarily, the second phase will normally take at least three months to complete.

#### 10.4 Report content

- Present a report detailing the findings of the pre-assessment done on site before rehabilitation.
- Describe the methodology applied on site for pollution remediation and the expected results of such methodology within a particular time frame depending on the effectiveness of the methodology.

- The reported should be supported with relevant documents such as the attachment of analysis results and its interpretation, as well as the Material Safety Data Sheet for the product used during remediation process.
- The before and after photos should be clearly indicated.
- The electronically signed report is mostly preferably for various reasons.
- Sampling results should flow from a laboratory accredited with SANAS.
- Attach a disposal certificate with full clear details of a registered waste transporter, disposer etc., where any part of waste is or was disposed.

### 10.5 REQUIREMENTS

- Proven competency and knowledge in specialised scientific environmental assessments associated with released pollutants to the receiving environment.
- The incumbent should be authorized and have valid documents to perform such activities in fulfilling the scope of this work.
- Be in good standing to do business with Transnet Freight Rail and meet all other requirements

Hope you find all the above details of the scope in good working order

Kind regards

Philix Mnisi (Environmental Specialist)

Cell: 083 701 6311

Tel: 013 752 9390

E-mail: [Philix.mnisi@transnet.net](mailto:Philix.mnisi@transnet.net)

**RFQ FOR ENVIRONMENTAL REHABILITATION FOR DIESEL LEAKAGE POLLUTION BETWEEN  
PHALABORWA & BRAKSPRUIT**

**CLOSING VENUE:  
TRANSNET FREIGHT RAIL, NZASM BUILDING,  
TENDER ADVICE CENTRE, GROUND FLOOR, ROOM G16  
CORNER OF PAUL KRUGER AND MINNAAR STREET  
PRETORIA, 0001  
CLOSING DATE & TIME 15 SEPTEMBER 2016 AT 10:00  
VALIDITY PERIOD: 90 DAYS**

**SECTION 2  
EVALUATION CRITERIA AND RETURNABLE DOCUMENTS**

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

<b>Criterion/Criteria</b>	<b>Explanation</b>
<b>Administrative</b>	<ul style="list-style-type: none"> <li>• Completeness of response and returnable documents</li> <li>• Verify the validity of returnable documents</li> <li>• Whether the bid has been lodged on time</li> <li>• Whether the bid contains a priced offer with a completed schedule of prices</li> </ul>
<b>Substantive responsiveness</b>	<ul style="list-style-type: none"> <li>• Provide at least two chemicals to be used with the MSDS's</li> <li>• Environmental related qualifications, registrations and authorizations</li> </ul> <p><b>NB: (Failure to submit the above mentioned documents, tender will not be evaluated to the next stage)</b></p>
<b>Functionality Threshold</b>	<ul style="list-style-type: none"> <li>• As prescribed in terms of Preferential Procurement Policy Framework Act (PPPFA) Act 5 of 2000 and its Regulations. Prequalification criteria, if any, must be met and whether the Bid materially complies with the scope and/or specification given.</li> <li>• Experience on pollution rehabilitation and monitoring – 40%</li> <li>• Health/Safety/Risk/Environmental Plan – 60%</li> </ul> <p>Respondents are to note that functionality is included as a technical threshold with a prescribed minimum percentage of <b>70%</b> must be obtained in order to advance to next stage</p>



<p><b>Final weighted evaluation based on 80/20 preference point</b></p>	<ul style="list-style-type: none"> <li>• Pricing and price basis [firm]</li> <li>• B-BBEE status of company - Preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table indicated in Annexure A: B-BBEE Claim Form.</li> </ul>
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**11 Validity Period**

Transnet desires a validity period of 90 [ninety] Business Days from the closing date of this RFQ. This RFQ is valid until **23 January 2017**.

**12 Disclosure of Prices Quoted**

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

YES  NO

**13 RETURNABLE DOCUMENTS**

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

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

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

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

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

Mandatory Returnable Documents	Submitted [Yes or No]
<ul style="list-style-type: none"> <li>• Section 3 – Quotation Form</li> <li>• Provide at least two chemicals to be used with the MSDS's</li> <li>• Environmental related qualifications, registrations and authorizations</li> </ul>	

- 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]	
- Confirmation/ Original Letter of Good Standing from Department of Labour	
- Submit Health/Risk and Safety Plan	
- Proven Experience on pollution rehabilitation and monitoring	

In terms of paragraph 5.6 of the NATIONAL TREASURY SCM INSTRUCTION NO 4 OF 2017/2017, which became effective on 1 May2016, Transnet may only award bids to suppliers after verifying that the supplier is registered as prospective suppliers on the National Treasury Central Supplier Database.

Supplier Number	Unique Registration Reference	Yes/No

If Yes column above, please confirm registration by providing National Treasury Unique Vendor Number

If No column above, please register your company on the National Treasury Central Supplier Database and confirm registration by submitting National Treasury with "MAAA" Supplier Reference number.

**CONTINUED VALIDITY OF RETURNABLE DOCUMENTS**

The successful Respondent will be required to ensure the validity of all returnable documents, including but not limited to its Tax Clearance Certificate and valid B-BBEE Verification Certificate, for the duration of any contract emanating from this RFQ. Should the Respondent be awarded the contract [**the Agreement**] and fail to present Transnet with such renewals as and when they become due, Transnet shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement forthwith without any liability and without prejudice to any claims which Transnet may have for damages against the Respondent.

Preview copy

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Respondent's Signature

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Date & Company Stamp

**SECTION 3**  
**QUOTATION FORM**

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

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

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

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

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

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

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

### Price Schedule

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

**A successful service provider will be required to conduct diesel pollution remediation processes at Phalaborwa and Brakspruit site**

<b>SCHEDULE OF WORK AND PRICES</b>		
<b>Item</b>	<b>Nelspruit fuel site assessment for underground historic diesel pollution</b>	<b>Price</b>
1.	Travel Costs (per / Km) and in total	R
2.	Conduct in-situ bioremediation through high pressure washing over the ballast, where diesel spillage occurred with a solution (oil cap + water) or other effective chemical to dissolve or breakdown chemicals from stones and soil without cumulative pollution to the ground water, at an estimated area of about 100m x 1m between the line	R
3.	Conduct bioremediation on the diesel contaminated soil at Phalaborwa refuel site of the measurements below: <ul style="list-style-type: none"> <li>• Spot A: 6MX1M</li> <li>• Spot B: 4MX3M</li> <li>• Spot C: 2MX1M</li> <li>• Spot D: 1MX1M</li> <li>• Spot E: 1MX1M</li> <li>• Spot F: 1MX1M</li> <li>• Spot G: 1MX1M</li> </ul>	R
4.	Removal and disposal of oil rags (oil/diesel contaminated waste) from pump house of about 210 litre drum volume	R
5.	Provide detailed remediation report depicting photographs within 7 days of work done and the waste disposal certificate	R
6.	Conduct soil sampling and analysis on monthly basis after rehab for three months or until less than 1000 ppm results	R

	are obtained, reports should be submitted to environmental specialist Nelspruit office.	
	<b>GROSS TOTAL</b>	<b>R</b>
	<b>14% V.A.T.</b>	<b>R</b>
	<b>AMOUNT DUE</b>	<b>R</b>

**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.

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.

Preview Copy

**By signing this Quotation Form the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar, and agrees, with all the conditions governing this RFQ, including those contained in any printed form stated to form part hereof, including but not limited to the documents stated below and Transnet SOC Ltd will recognise no claim for relief based on an allegation that the Respondent overlooked any such condition or failed properly to take it into account for the purpose of calculating tendered prices or otherwise:**

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

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

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

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

SIGNED at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 \_\_\_\_\_  
Name \_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_  
Name \_\_\_\_\_

\_\_\_\_\_

SIGNATURE OF RESPONDENT’S AUTHORISED REPRESENTATIVE: \_\_\_\_\_

NAME: \_\_\_\_\_

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

**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 normally 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 5: SUPPLIER DECLARATION FORM**

Respondents are to furnish the following documentation and complete the Vendor Application Form below:

1. **Original** cancelled cheque **OR** letter from the Respondent's bank verifying banking details [**with bank stamp**]
2. **Certified copy** of Identity Document(s) of Shareholders/Directors/Members [*where applicable*]
3. **Certified copies** of the relevant company registration documents from Companies and Intellectual Property Commission (CIPC)
4. **Certified copies** of the company's shareholding/director's portfolio
5. **Original** letterhead confirm physical and postal addresses
6. **Original** valid SARS Tax Clearance Certificate [RSA entities only]
7. **Certified copy** of VAT Registration Certificate [RSA entities only]
8. **A valid and original** B-BBEE Verification Certificate / sworn affidavit **or certified copy** thereof meeting the requirements for B-BBEE compliance as per the B-BBEE Codes of Good Practice; **Certified copy** of valid Company Registration Certificate [*if applicable*]

**Note: No agreement shall be awarded to any South African Respondent whose tax matters have not been declared by SARS to be in order**

Company Trading Name							
Company Registered Name							
Company Registration Number Or ID Number If A Sole Proprietor							
Form of entity	CC	Trust	Pty Ltd	limited	Partnership	Sole Proprietor	
How many years has your company been in business							
VAT number (if registered)							
Company Telephone Number							
Company Fax Number							
Company E-Mail Address							
Company Website Address							
Bank Name				Branch & Branch code			
Account Holder				Bank account number			
Postal Address						Code	
						Code	
Physical Address						Code	
						Code	

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

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

Contact Person					
Designation					
Telephone					
Email					
Annual Turnover Range (Last Financial Year)	< R5 Million		R5-35 million		> R35 million
Does Your Company Provide	Products		Services		Both
Area Of Delivery	National		Provincial		Local
Is Your Company A Public Or Private Entity			Public		Private
Does Your Company Have A Tax Directive Or IRP30 Certificate			Yes		No
Main Product Or Service Supplied (E.G.: Stationery/Consulting)					

BEE Ownership Details					
% Black Ownership	% Black women ownership		% Disabled person/s ownership		
Does your company have a BEE certificate	Yes		No		
What is your broad based BEE status (Level 1 to 9 / Unknown)					
How many personnel does the firm employ	Permanent		Part time		

Transnet Contact Person					
Contact number					
Transnet operating division					

Duly Authorised To Sign For And On Behalf Of Firm / Organisation			
Name		Designation	
Signature		Date	

Stamp And Signature Of Commissioner Of Oath			
Name		Date	
Signature		Telephone	

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

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

## 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

A total of 10 preference points shall be awarded for B-BBEE Status Level of Contribution.

- 1.1 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.
- 1.2 Transnet reserves the right to require of a Bidder, either before a Bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by Transnet.

### 2. GENERAL DEFINITIONS

- 2.1 **"all applicable taxes"** include value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **"B-BBEE status of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **"Bid"** means a written offer in a prescribed or stipulated form in response to an invitation by Transnet for the provision of goods, works or services;
- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 [Act No. 53 of 2003];
- 2.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can utilised have been taken into consideration;
- 2.7 **"consortium or joint venture"** means an association of persons for the purpose of combining their expertise, property, capital, efforts, skills and knowledge in an activity for the execution of a contract;
- 2.8 **"contract"** means the agreement that results from the acceptance of a bid by Transnet;
- 2.9 **"EME"** means any enterprise with an annual total revenue of R5 [five] million or less as per the 2007 version of the B-BBEE Codes of Good Practice and means any enterprise with an annual total revenue of R10 [ten] million or less as per the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928;
- 2.10 **"firm price"** means the price that is only subject to adjustments in accordance with the actual

increase or decrease resulting from the change, imposition, or abolition of customs and excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;

- 2.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **"non-firm prices"** means all prices other than "firm" prices;
- 2.13 **"person"** includes reference to a juristic person;
- 2.14 **"QSE"** means any enterprise with an annual total revenue between R5 [five] million and R35 [thirty five] million as per the 2007 version of the B-BBEE Codes of Good Practice and means any enterprise with an annual total revenue of between R10 [ten] million and R50 [fifty] million as per the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928
- 2.15 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.16 **"subcontract"** means the primary contractor's assigning or leasing or making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract;
- 2.17 **"total revenue"** bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Empowerment Act and promulgated in the Government Gazette on 9 February 2007;
- 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

3. **"trustee"** means any person, including the founder of a trust, to whom property is bequeathed in

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

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

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

B-BBEE Status Level of Contributor	Number of Points [Maximum 10]	Number of Points [Maximum 10]
1	20	10
2	18	9
3	16	8
4	12	5
5	8	4
6	6	3
7	4	2
8	2	1
Non-compliant contributor	0	0

- 4.2 Bidders who qualify as EMEs in terms of the 2007 version of the Codes of Good Practice must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EME's with B-BBEE Status Level Certificates.
- 4.3 Bidders who qualify as EMEs in terms of the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928 are only required to obtain a sworn affidavit on an annual basis confirming that the entity has an Annual Total Revenue of R10 million or less and the entity's Level of Black ownership.
- 4.4 In terms of the 2007 version of the Codes of Good Practice, Bidders other than EMEs must submit 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 In terms of the Revised Codes of Good Practice issued on 11 October 2013 in terms of Government Gazette No. 36928, Bidders who qualify as QSEs 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.
- 4.6 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.
- 4.7 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 4.8 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.

- 4.9 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.
- 4.10 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.
- 4.11 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 10 points]

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

5.2 **Subcontracting:**

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

If YES, indicate:

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

5.3 Declaration with regard to Company/Firm

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

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

(v) Describe Principal Business Activities

.....  
.....

(vi) Company Classification [TICK APPLICABLE BOX]

Manufacturer

Supplier

Professional Service Provider

Other Service Providers, e.g Transporter, etc

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

**BID DECLARATION**

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

- (i) The information furnished is true and correct.
- (ii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 6 above, the contractor may be required to furnish documentary proof to the satisfaction of Transnet that the claims are correct.
- (iii) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, Transnet may, in addition to any other remedy it may have:
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) restrict the Bidder or contractor, its shareholders and directors, and/or associated entities, or only the shareholders and directors who acted in a fraudulent manner, from obtaining business from Transnet for a period not exceeding 10 years, after the *audi alteram partem* [hear the other side] rule has been applied; and/or
  - (e) forward the matter for criminal prosecution.

**WITNESSES:**

1. ....

2. ....

SIGNATURE OF BIDDER
---------------------

DATE:.....

COMPANY NAME: .....

ADDRESS:.....



**ANNEXURE B**

**MINIMUM CONTENTS FOR SAFETY HEALTH/RISK AND ENVIRONMENTAL PLAN AND THE EQUIPMENTS RELEVANT TO THE PROJECT**

The Respondents are required to submit the Health/Risk and Safety Plan relevant to the project and shall take note of the following when compiling Health/Risk and Safety Plan

1. Safety Plan: the potential supplier should outline the safety plan to be implemented on site, should he / she be given an opportunity to do the job, where below listed items are the pre-requisite and therefore proof of copies should be attached
  - 2.1 Contractor SHEQ Policy Statement
  - 2.2 SHEQ Performance Report or Statistics
  - 2.3 Incidents and or Injuries (reporting, recording and investigations)
  - 2.4 Medical Surveillance certificate of fitness and Occupational Diseases
  - 2.5 Recent Legal Compliance audit report and Corrective Action
  - 2.5 Proof of routine substance abuse testing
  - 2.7 Firefighting appliance register
  - 2.8 Personal Protective Equipment and Clothing
  - 2.9 Risk Identification, Analysis, Mitigating steps, Monitoring and Review Plan
  - 2.10 Education and Training: Induction training, Certificates of competency e.g. operator licenses and permits
  - 2.11 Evacuation plan and emergency numbers
  - 2.12 Toolbox talks and incident recall
  - 2.13 Safe working procedures
  - 2.14 Safety officer, First Aider and First Aid certificate
  - 2.15 Flag man x2 and Certificate