

## Transnet Pipelines

an Operating Division of **TRANSNET SOC LTD**

[hereinafter referred to as **Transnet**]

[Registration No. 1990/000900/30]

### **EXPRESSIONS OF INTEREST [EOI]**

are sought to establish information from the market to enable Transnet to **reserve pipeline capacity in the Repurposed Lilly Pipeline to enable transmission of natural gas into the South African market**

**TRANSNET MAY, AT ITS SOLE DISCRETION DECIDE TO EMBARK ON A SEPARATE "REQUEST FOR PROPOSAL" [RFP] PROCESS WHICH WILL BE OPEN TO THE MARKET**

**EOI NUMBER: TPL/2024/08/0002/73188/EOI**

**ISSUE DATE: 05 August 2024**

**CLOSING DATE: 30 August 2024**

**CLOSING TIME: 17:00 PM**

#### **Note to the bidders:**

*Bidders are required to ensure that electronic bid submissions are done at least a day before the closing date to prevent issues which they may encounter due to their internet speed, bandwidth or the size of the number of uploads they are submitting. Transnet will not be held liable for any challenges experienced by bidders as a result of the technical challenges. Please do not wait for the last hour to submit. A Bidder can upload 30mb per upload and multiple uploads are permitted.*

## SCHEDULE OF CONTENTS

Section No	Page
SECTION 1: SBD1 FORM.....	3
PART A .....	3
PART B .....	4
SECTION 2 : NOTICE TO RESPONDENTS .....	6
1 EXPRESSION OF INTEREST [EOI] .....	6
2 RESPONSE SUBMISSION.....	7
3 EOI INSTRUCTIONS .....	7
4 B-BBEE LEVEL.....	7
5 COMMUNICATION .....	7
6 CONFIDENTIALITY .....	8
7 STATUS OF THIS EOI AND SUBSEQUENT PROCESS .....	8
8 DISCLAIMERS .....	8
9 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE .....	8
10 TAX COMPLIANCE .....	8
SECTION 3: EOI SCOPE OF REQUIREMENTS .....	10
6. GENERAL RESPONDENT OBLIGATIONS.....	13
7. CONFIDENTIALITY AND COMPLIANCE .....	13
8. UNDERTAKINGS BY RESPONDENT.....	13
9. COSTS TO RESPOND TO THE EOI .....	13
10. AUTHORITY OF SIGNATORY .....	13
11. OFFERING OF COMMISSION OR GRATUITY.....	14
12. UNDERTAKING BY TRANSNET .....	14
SECTION 4: EXPRESSION OF INTEREST .....	15
SECTION 5: EOI CLARIFICATION REQUEST FORM.....	17
SECTION 6: SBD 4 - BIDDER'S DISCLOSURE .....	18
SECTION 7: PROTECTION OF PERSONAL INFORMATION .....	21

### ANNEXURE A EOI SCOPE OF REQUIREMENTS

**EXPRESSIONS OF INTEREST [EOI] TO ENABLE TRANSNET TO RESERVE PIPELINE CAPACITY IN THE  
REPURPOSED LILLY PIPELINE TO ENABLE TRANSMISSION OF NATURAL GAS INTO THE SOUTH AFRICAN  
MARKET  
FOR TRANSNET SOC LTD OPERATING AS TRANSNET PIPELINES**

**SECTION 1: SBD1 FORM**

**PART A**

**INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET PIPELINES, A DIVISION OF TRANSNET SOC LTD</b>							
BID NUMBER:	TPL/2024/08/0002/73188/EOI	ISSUE DATE:	05 AUGUST 2024	CLOSING DATE:	30 AUGUST 2024	CLOSING TIME:	17:00
DESCRIPTION	<b>EXPRESSIONS OF INTEREST [EOI] TO ENABLE TRANSNET TO RESERVE PIPELINE CAPACITY IN THE REPURPOSED LILLY PIPELINE TO ENABLE TRANSMISSION OF NATURAL GAS INTO THE SOUTH AFRICAN MARKET</b>						
<b>BID RESPONSE DOCUMENTS SUBMISSION</b>							
RESPONDENTS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH BID/EOI/EOI SELECTED (please refer to section 2, paragraph 4 for a detailed process on how to upload submissions): <a href="https://transnetetenders.azurewebsites.net">https://transnetetenders.azurewebsites.net</a>							
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>				<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>			
CONTACT PERSON	Carol Khumalo			CONTACT PERSON	Carol Khumalo		
TELEPHONE NUMBER	031 361 1539			TELEPHONE NUMBER	031 361 1539		
FACSIMILE NUMBER	N/A			FACSIMILE NUMBER	N/A		
E-MAIL ADDRESS	<a href="mailto:carol.khumalo@Transnet.net">carol.khumalo@Transnet.net</a>			E-MAIL ADDRESS	<a href="mailto:carol.khumalo@Transnet.net">carol.khumalo@Transnet.net</a>		
<b>SUPPLIER INFORMATION</b>							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE			NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:			OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No	

Respondent's Signature

Date and Company Stamp

<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]</b>			
<b>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	<b>2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER QUESTIONNAIRE BELOW ]
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.</b>			

## PART B

### TERMS AND CONDITIONS FOR BIDDING

<b>1. TAX COMPLIANCE REQUIREMENTS</b>
1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

(Proof of authority must be submitted e.g. company resolution)

DATE: \_\_\_\_\_

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

\_\_\_\_\_  
Date and Company Stamp

---

Respondent's Signature

---

Date and Company Stamp

## SECTION 2 : NOTICE TO RESPONDENTS

### 1 EXPRESSION OF INTEREST [EOI]

Respondents should note that Transnet is merely utilising the EOI process to determine what is available in the market and to learn more about possible solutions/products available in the market. Should it, depending on the information received, decide to proceed with this acquisition, it will be on the basis of a totally separate Open RFP Process to which anyone can respond. Respondents in this process will receive no preference in any subsequent open tender process, apart from their information supplied possibly being utilized in the preparation of the Transnet scope/specification.

DESCRIPTION	EXPRESSIONS OF INTEREST [EOI] TO ENABLE TRANSNET TO RESERVE PIPELINE CAPACITY IN THE REPURPOSED LILLY PIPELINE TO ENABLE TRANSMISSION OF NATURAL GAS INTO THE SOUTH AFRICAN MARKET
TENDER ADVERT	All Transnet tenders are advertised on the National Treasury's e-Tender Publication Portal and the Transnet website. Should one of these media (i.e. National Treasury's e-Tender Publication Portal or Transnet website) not be available, bidders are advised to check on the other media for advertised tenders.
EOI DOWNLOADING	<p>This EOI may be downloaded directly from National Treasury's e-Tender Publication Portal at <a href="http://www.etenders.gov.za">www.etenders.gov.za</a> free of charge.</p> <p>To download EOI and Annexures:</p> <ul style="list-style-type: none"> <li>Click on "Tender Opportunities";</li> <li>Select "Advertised Tenders";</li> <li>In the "Department" box, select Transnet SOC Ltd;</li> </ul> <p>Once the tender has been located in the list, click on the "Tender documents" tab and process to download all uploaded documents.</p> <p>The <b>EOI</b> may also be downloaded from the Transnet Portal at <a href="https://transnetetenders.azurewebsites.net">https://transnetetenders.azurewebsites.net</a> (please use <b>Google Chrome</b> to access Transnet link) free of charge (<i>refer to section 2, paragraph 3 below for detailed steps</i>)</p>
COMMUNICATION	<p>Any addenda to the EOI or clarifications will be published on the e-tender portal and Transnet website. Bidders are required to check the e-tender portal and Transnet website prior to finalising their bid submissions for any changes or clarifications to the EOI.</p> <p>Transnet will not be held liable if Bidders do not receive the latest information regarding this EOI.</p>
CLOSING DATE	<p><b>17:00 pm on Friday, 30 August 2024</b></p> <p>Bidders must ensure that bids are uploaded timeously onto the system.</p> <p>As a general rule, if a bid is late, it will not be accepted for consideration.</p> <p><b><i>Bidders are required to ensure that electronic bid submissions are done at least a day before the closing date to prevent issues which they may encounter due to their internet speed, bandwidth, or the size of the number of uploads they are submitting. Transnet will not be held liable for any challenges experienced by bidders as a result of the technical challenges. Please do not wait for the last hour to submit. A Bidder can upload 30mb per upload and multiple uploads are permitted.</i></b></p>
VALIDITY PERIOD	Not applicable since this is an EOI issued for information purposes only.

Any additional information or clarification will be published on the e-Tender portal and Transnet website, if necessary.

## 2 RESPONSE SUBMISSION

Transnet has implemented a new electronic tender submission system, the e-Tender Submission Portal, in line with the overall Transnet digitalization strategy where suppliers can view advertised tenders, register their information, log their intent to respond to bids and upload their bid proposals/responses on to the system.

a) The Transnet e-Tender Submission Portal can be accessed as follows:

- Log on to the Transnet eTenders management platform website/ Portal ([transnetetenders.azurewebsites.net](https://transnetetenders.azurewebsites.net)) Please use **Google Chrome** to access Transnet link/site)
- Click on "ADVERTISED TENDERS" to view advertised tenders;
- Click on "SIGN IN/REGISTER – for bidder to register their information (must fill in all mandatory information);
- Click on "SIGN IN/REGISTER" - to sign in if already registered;
- Toggle (click to switch) the "Log an Intent" button to submit a bid;
- Submit bid documents by uploading them into the system against each tender selected.
- No late submissions will be accepted. The bidder guide can be found on the Transnet Portal [transnetetenders.azurewebsites.net](https://transnetetenders.azurewebsites.net)

## 3 EOI INSTRUCTIONS

- 3.1 All returnable documents listed in the expression of interest [section 5] in this EOI must be returned with your submission.
- 3.2 The person or persons signing the submission must be legally authorised by the respondent to do so.

## 4 B-BBEE LEVEL

Respondents are required to indicate the B-BBEE status and the categories of their enterprise in the table below:

Enterprise	Annual Turnover	Indicate what is applicable	B-BBEE status	Level
Large	>R50 Million			
QSE	>R10 Million <R50 Million			
EME	<R10 Million			

## 5 COMMUNICATION

- 5.1 For specific queries relating to this EOI a Clarification Request Form should be submitted onto the system and to [carol.khumalo@Transnet.net](mailto:carol.khumalo@Transnet.net) before **12:00 pm on 23 August 2024**, substantially in the form set out in Section 7 hereto. In the interest of fairness and transparency Transnet's response to such a query will be published on the e-tender portal and Transnet website.
- 5.2 After the closing date of the EOI a Respondent may only communicate with the Hlekane Maringa, at telephone number 031 361 1539, email [Carol.khumalo@trasnenet.net](mailto:Carol.khumalo@trasnenet.net) on any matter relating to its EOI Proposal.

## 6 CONFIDENTIALITY

All information related to this EOI is to be treated with strict confidence. In this regard Respondents are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information related to this EOI, written approval must be obtained from Transnet.

## 7 STATUS OF THIS EOI AND SUBSEQUENT PROCESS

7.1 This EOI is not an offer to purchase, and Transnet is under no obligation to accept any proposals in this process.

7.2 As this is a Request for Information only, no business will be awarded through this process.

## 8 DISCLAIMERS

8.1 Respondents are hereby advised that Transnet is not committed to any course of action as a result of its issuance of this EOI and/or its receipt of submissions in response to it. In particular, please note that Transnet reserves the right and at its sole and full discretion to:

- a) utilise any information provided to it in response to this EOI to draft the scope of requirements for inclusion in an RFP;
- b) take no further action whatsoever, if it so decides
- c) withdraw from this process and the provisions of this project at any time;
- d) select the EOI participants based on Transnet's criteria;
- e) not bind itself to accept any or all of the EOIs;
- f) increase or decrease the quantities/scope as indicated in the EOI; and/or
- g) 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.

8.2 Kindly note that Transnet will not reimburse any Respondent for any preparatory costs or other work performed in connection with this submission.

## 9 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. Respondents must register on the CSD prior to submitting their bids. Only foreign suppliers with no local registered entity need not register on the CSD.

**For this purpose, the attached SBD 1 Form must be completed and submitted as a returnable document by the closing date and time of the bid.**

## 10 TAX COMPLIANCE

Respondents must be compliant when submitting a proposal to Transnet with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).



It is a condition of this bid that the tax matters of the successful Respondents be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

The Tax Compliance status requirements are also applicable to foreign Respondents / individuals who wish to submit bids.

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

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

**TIP-OFFS ANONYMOUS:**

**Ethics Helpdesk** (Pty) Ltd.  
Ethics Management System™

**You can choose to be Anonymous or Non-Anonymous on ANY of the platforms**  
**PLEASE RETAIN YOUR REFERENCE NUMBER**

				
	<b>AI Voice Bot "Jack"</b> Speak to our AI Voice Chat Bot "JACK", you converse with him like chatting to a human, with the option to record a message and speak to an agent at anytime.	<b>What's App</b> Speak to an Agent via What's App.	<b>Speak to an Agent</b> Speak to an Agent via the platform with no call or data charge	<b>Telegram</b> Speak to an Agent via Telegram

**0800 003 056**

**086 551 4153**

**reportit@ethicshelpdesk.com**

**\*120\*0785980808#**

## SECTION 3: EOI SCOPE OF REQUIREMENTS

### 1. Background and Overview

#### 1.1. Transnet Pipelines

Transnet Pipelines established in 1965, is an operating division of Transnet SOC Ltd, a South African state-owned company which plays a critical role in the energy industry in the South African economy. Transnet Pipelines core strategic mandate is to ensure petroleum security of supply for the inland market and gas security of supply for the KwaZulu Natal market using environmentally responsible methods while ensuring optimal efficiencies. Transnet Pipelines has more than 55 years' experience of operating and maintaining 3 114 km high pressure petroleum and gas pipeline network in South Africa.

Transnet Pipelines is currently servicing two key industries, fuel and gas, by transporting petroleum and gas products over varying distances. Transnet Pipelines currently handles products including Methane Rich Gas (MRG), Crude Oil, Diesel, Unleaded Petrol and Aviation Turbine Fuel. Transnet Pipelines is regulated by the National Energy Regulator of South Africa (NERSA).

#### 1.2. Development Context

Transnet has committed to spearheading the development of the gas sector in South Africa. The demand for natural gas in the country is expected to grow significantly over the medium to long term. By taking a proactive role in early development of the Liquefied Natural Gas (LNG) value chain, Transnet aims to safeguard the strategic interests of South Africa. This initiative will position Transnet's Natural Gas Networks business as a vital contributor to the long-term economic growth and transformation in South Africa.

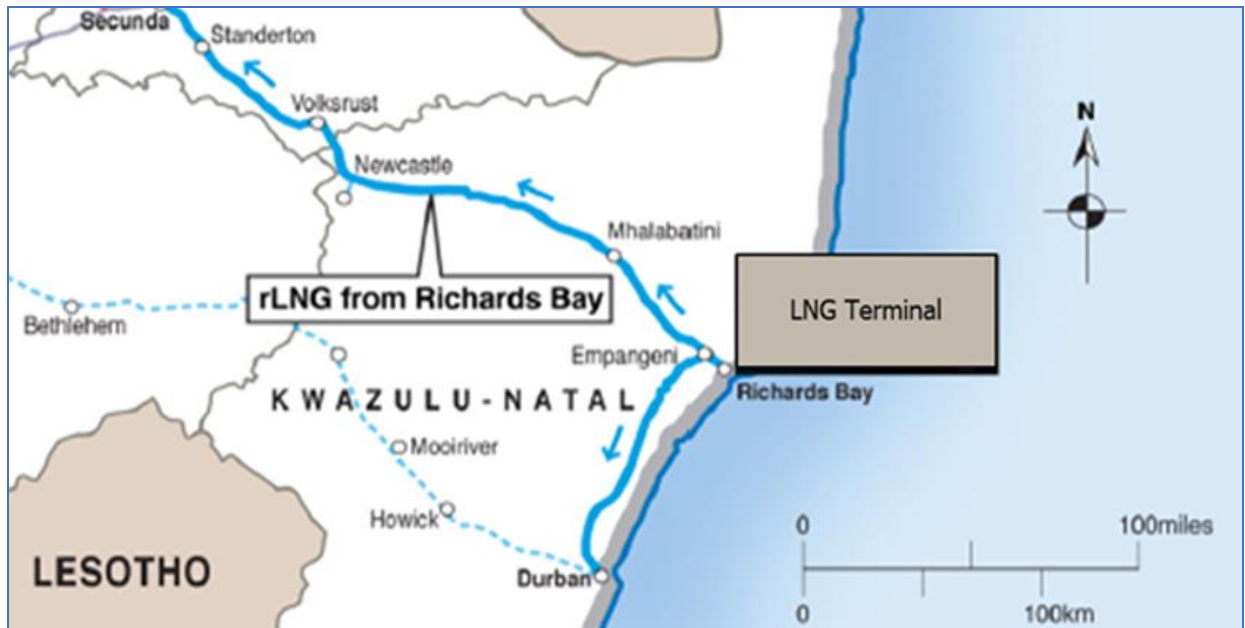
Transnet Pipelines is ideally positioned as an enabler in delivering the Transnet Natural Gas Network Strategy which is aligned to the country's energy demand in conjunction with other relevant State-owned entities and stakeholders. This will be achieved through utilizing existing infrastructure (the Lilly Pipeline) as a base to grow the natural gas supply chain logistics network.

### 2. Project Scope

Transnet Pipelines currently transports MRG from Secunda to Durban with various offtake points as described in the above figure 1 and an existing capacity of 23 Petajoules per annum. On January 9, 2024, Transnet National Ports Authority appointed the Transnet Pipelines and Vopak Terminals Durban consortium under a Joint Development Agreement, as the preferred bidders to develop and operate the LNG terminal at the Port of Richards Bay hereafter referred to as Zululand Energy Terminal (ZET).

The Lilly Pipeline has the potential to supply KwaZulu Natal, Mpumalanga and Gauteng provinces' gas markets once flow is reversed from Empangeni to Secunda with degasified LNG that will be imported via ZET. It is also expected that when the connection from the ZET to the Lilly Pipeline is completed at Empangeni, the capacity of the Lilly Pipeline will increase.

Transnet Pipelines, therefore, intends to repurpose the Lilly Pipeline from the transportation of MRG to the transportation of degasified LNG.



*Figure 1: Repurposing of the Lilly Pipeline project scope*

To this end, Transnet Pipelines has commissioned a project to repurpose the Lilly Pipeline for regassified LNG. The project scope includes:

- constructing an intake station near Empangeni for the connection with ZET;
- splitting the flow at Empangeni resulting in flow both from Empangeni to Durban and Empangeni to Secunda servicing industrial gas users along the Lilly Pipeline route as well as the Gauteng gas market; and
- debottleneck by modelling and design of both Lilly Pipeline legs for maximum future capacity. Increasing Lilly Pipeline capacity will depend on market demand and committed commercial agreements.

The completion of the project will result in increased pipeline capacity for which Transnet Pipelines seeks to ascertain market interest to take up capacity in the repurposed Lilly Pipeline. The responses to the EOI will be incorporated into the pre-feasibility study in order to quantify the market demand as well as used to frame the request for proposal. Customers will be responsible for securing their own regassified LNG supply and will enter into Gas Transportation Agreements (GTA) with Transnet Pipelines for provision of regassified LNG transportation

services. Transnet Pipelines is currently at the pre-feasibility study phase of the repurposing of the Lilly Pipeline project.

### 3. Expression of Interest (EOI)

Transnet Pipelines would like to invite parties interested in securing pipeline capacity on the repurposed Lilly Pipeline to submit expressions of interest by completing, in full, the table set out in section 5.2 below. Interested parties are requested to refer to section 5.1 for more details on the desired format of the response. The information supplied by interested parties will be treated as confidential by Transnet Pipelines and, likewise, any information supplied by Transnet Pipelines is to be considered confidential and must be treated as such. Respondents should note that this EOI is separate from that conducted by the Transnet Pipelines and Vopak Terminals Durban consortium for ZET.

### 4. General Provisions

The purpose of this EOI is to provide the project information to interested parties and to assist Transnet Pipelines in understanding the preliminary market interest in the repurposed Lilly Pipeline.

- This EOI does not, and will not be deemed to constitute an agreement or an offer by Transnet Pipelines that is capable of acceptance and any response to, or signature of, this EOI shall not give rise to any obligations on the part of Transnet Pipelines.
- This EOI is, accordingly, mutually non-binding. Whilst this document has been prepared in good faith, Transnet Pipelines does not make any representation, express or implied, as to the accuracy or completeness of the information set out herein.
- Transnet Pipelines will not have any liability to any party arising in connection, whether directly or indirectly, with this EOI or any response received by an interested party.
- Transnet Pipelines reserves the right to amend, modify or withdraw this EOI, or any part of it, or to terminate or amend the plans for repurposing the Lilly Pipeline, at any time, without prior notice and without liability to compensate or reimburse any person pursuant to such amendment, modification, withdrawal, or termination.
- A respondent to this EOI warrants that the information provided is true, accurate and complete and undertakes to be bound by the terms and conditions of this EOI as set out herein.

### 5. Information to be provided by the respondent to this EOI

**NOTE: Refer to the Full scope requirements attached herewith as Annexure A.**

## **6. GENERAL RESPONDENT OBLIGATIONS**

- 6.1. The Respondent(s) shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.
- 6.2. The Respondent (s) must comply with the requirements stated in this EOI.

## **7. CONFIDENTIALITY AND COMPLIANCE**

This EOI and information contained herein or provided for purposes thereof, remain the property of Transnet and may not be reproduced, sold or otherwise disposed of. All recipients of this document (whether an EOI is submitted or not) shall treat the details of this document as strictly private and confidential.

Information disclosed in this EOI is given in good faith and only for the purposes of providing sufficient information to the Respondent to enable submission of a well-informed and realistic EOI.

## **8. UNDERTAKINGS BY RESPONDENT**

It will be accepted that the Respondent, on submitting the EOI response, has read, understood and accepted all the terms and conditions of the document. The submission of an EOI by any Respondent shall presume complete acceptance of the terms and conditions of the document. All qualifications and or exceptions should be noted in the EOI Response document.

## **9. COSTS TO RESPOND TO THE EOI**

All Respondents wishing to submit an EOI response must be in possession of this document, the EOI. Transnet will not be responsible for or pay any expense or losses which may be incurred by any Respondent in the preparation and submission of the EOI and the costs of the EOI at all stages of the EOI process. Costs, if any, will be for each Respondent's own account.

Transnet reserves the right to invite certain Respondents to present or otherwise demonstrate their proposed solution as per their EOI, at the Respondent's own cost.

## **10. AUTHORITY OF SIGNATORY**

- 10.1. If the EOI Respondent is a company, a certified copy of the resolution of the Board of Directors (i.e. personally signed by the Chairman or Secretary of the Board) authorising the person who signs this EOI to do so and any other documents and correspondence in connection with this EOI and/or agreement on behalf of the company, must be submitted with their EOI.
- 10.2. If the EOI Respondent is a partnership, a certified copy of the resolution of the partners (personally signed by all the partners) authorising the person who signs this EOI to do so and any other documents and correspondence in connection with this EOI and/or agreement on behalf of the partnership, must be submitted with this EOI.
- 10.3. If the EOI Respondent constitutes a "one-man business", certified proof must be submitted that the person signing this EOI and any other documents and correspondence in connection with this EOI and/or agreement is the sole owner of the one-man business.

**11. OFFERING OF COMMISSION OR GRATUITY.**

If a Respondent, or any person employed by him, is found to have either directly or indirectly offered, promised or given to any person in the employ of Transnet, any commission, gratuity, gift or other consideration, Transnet shall have the right and without prejudice to any other legal remedy which it may have in regard to any loss or additional cost or expenses, to disqualify the EOI Respondent from further participation in this process and any other subsequent processes in this regard. The EOI Respondent will be responsible for all and any loss that Transnet may suffer as a result thereof. In addition, Transnet reserves the right to exclude such a Respondent from future business with Transnet.

**12. UNDERTAKING BY TRANSNET**

In responding to this EOI, Transnet encourages all EOI Respondents to put their best effort into the construction and development of the proposal.



**RETURNABLE DOCUMENTS**

Respondents must submit with their responses to this EOI, **as a minimum requirement**, all the returnable documents indicated below with a [✓]. All Sections must be signed and dated by the Respondent.

<b>Minimum Requirements - Returnable Documents</b>	<b>Submitted [✓]</b>
SECTION 1: SBD1 FORM	
SECTION 2: Notice to Respondents	
SECTION 3: EOI Scope of Requirements	
SECTION 4: Expression of Interest	
SECTION 5: EOI Clarification Request Form	
SECTION 6: SBD 4 - Bidder's Disclosure	
SECTION 7: Protection of Personal Information	

**CONTINUED VALIDITY OF RETURNABLE DOCUMENTS**

The Respondent will be required to ensure the validity of all returnable documents, including but not limited to its valid proof of B-BBEE status, for the duration of this EOI process.

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: \_\_\_\_\_

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



SECTION 5: EOI CLARIFICATION REQUEST FORM

EOI No: TPL/2024/08/0002/73188/RFI

Deadline for EOI clarification submissions is 22 August 2024 before the tender closing date.

TO: Transnet SOC Ltd  
ATTENTION: Carol Khumalo  
EMAIL [carol.khumalo@Transnet.net](mailto:carol.khumalo@Transnet.net)  
DATE: .....  
FROM: .....

EOI Clarification No *[to be inserted by Transnet]*

REQUEST FOR EOI CLARIFICATION:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

**SECTION 6: SBD 4 - BIDDER'S DISCLOSURE****1 PURPOSE OF THE FORM**

- 1.1 Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.
- 1.2 Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

**2 Bidder's declaration**

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state?

**YES/NO**

- 1.1.1. If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

- 2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

**YES/NO**

- 2.2.1. If so, furnish particulars:

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

.....

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1. If so, furnish particulars:

.....

.....

3 DECLARATION

- I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:
- 3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the

<sup>2</sup> Joint venture or Consortium 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.

Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

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

\_\_\_\_\_  
Date and Company Stamp

## SECTION 7: PROTECTION OF PERSONAL INFORMATION

1. The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Person information act, No.4 of 2013. ("POPIA"):  
  
consent; data subject; electronic communication; information officer; operator; person; personal information; processing; record; Regulator; responsible party; special information; as well as any terms derived from these terms.
2. Transnet will process all information by the Respondent in terms of the requirements contemplated in Section 4(1) of the POPIA:  
  
Accountability; Processing limitation; Purpose specification; Further processing limitation; Information quality; Openness; Security safeguards and Data subject participation.
3. The Parties acknowledge and agree that, in relation to personal information that will be processed pursuant to this EOI, the Responsible party is "Transnet" and the Data subject is the "Respondent". Transnet will process personal information only with the knowledge and authorisation of the Respondent and will treat personal information which comes to its knowledge as confidential and will not disclose it, unless so required by law or subject to the exceptions contained in the POPIA.
4. Transnet reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this EOI and the Respondent is required to comply with all prescripts as detailed in the POPIA relating to all information concerning Transnet.
5. In responding to this bid, Transnet acknowledges that it will obtain and have access to personal information of the Respondent. Transnet agrees that it shall only process the information disclosed by Respondent in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law.
6. Transnet further agrees that in submitting any information or documentation requested in this EOI, the Respondent is consenting to the further processing of their personal information for the purpose of, but not limited to, risk assessment, assurances, contract award, contract management, auditing, legal opinions/litigations, investigations (if applicable), document storage for the legislatively required period, destruction, de-identification and publishing of personal information by Transnet and/or its authorised appointed third parties.
7. Furthermore, Transnet will not otherwise modify, amend or alter any personal data submitted by the Respondent or disclose or permit the disclosure of any personal data to any third party without the prior written consent from the Respondent. Similarly, Transnet requires the Respondent to process any personal information disclosed by Transnet in the bidding process in the same manner.
8. Transnet shall, at all times, ensure compliance with any applicable laws put in place and maintain sufficient measures, policies and systems to manage and secure against all forms of risks to any information that may be shared or accessed pursuant to this EOI (physically, through a computer or any other form of electronic communication).
9. Transnet shall notify the Respondent in writing of any unauthorised access to information, cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant

authorities in accordance with applicable laws, after becoming aware of such crimes or suspected crime. The Respondent must take all necessary remedial steps to mitigate the extent of the loss or compromise of personal information and to restore the integrity of the affected personal information as quickly as is possible.

10. The Respondent may, in writing, request Transnet to confirm and/or make available any personal information in its possession in relation to the Respondent and if such personal information has been accessed by third parties and the identity thereof in terms of the POPIA. The Respondent may further request that Transnet correct (excluding critical/mandatory or evaluation information), delete, destroy, withdraw consent or object to the processing of any personal information relating to the Respondent in Transnet's possession in terms of the provision of the POPIA and utilizing Form 2 of the POPIA Regulations.
11. In submitting any information or documentation requested in this EOI, the Respondent is hereby consenting to the processing of their personal information for the purpose of this EOI and further confirming that they are aware of their rights in terms of Section 5 of POPIA

**Respondents are required to provide consent below:**

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

12. Further, the Respondent declares that they have obtained all consents pertaining to other data subject's personal information included in its submission and thereby indemnifying Transnet against any civil or criminal action, administrative fines or other penalty or loss that may arise as a result of the processing of any personal information that the Respondent submitted.
13. The Respondent declares that the personal information submitted for the purpose of this EOI is complete, accurate, not misleading, is up to date and may be updated where applicable.

Signature of Respondent's authorised representative: \_\_\_\_\_

Should a Respondent have any complaints or objections to processing of its personal information, by Transnet, the Respondent can submit a complaint to the Information Regulator on <https://www.justice.gov.za/inforeg/>, click on contact us, click on complaints.IR@justice.gov.za