



TRANSNET CORPORATE CENTRE (TCC)
an Operating Division of TRANSNET SOC LTD
[hereinafter referred to as Transnet]
[Registration No. 1990/000900/30]

REQUEST FOR PROPOSAL [RFP]

FOR THE PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAMME (EAP) TO TRANSNET FOR A PERIOD OF THREE (3) YEARS

RFP NUMBER **TCC/2022/03/0107/RFP**
ISSUE DATE: **22/07/2022**
CLOSING DATE: **05/08/2022**
CLOSING TIME: **16:00 PM**
BID VALIDITY PERIOD: **180 Business Days from Closing Date**

BIDDER:

SCHEDULE OF BID DOCUMENTS

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- ANNEXURE B: TRANSNET’S SUPPLIER INTEGRITY PACT
- ANNEXURE C: NON-DISCLOSURE AGREEMENT

1: SBD1 FORM

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS AT TRANSNET SOC LTD							
BID NUMBER:	TCC/2022/03/0107/RFP	ISSUE DATE:	22/07/2022	CLOSING DATE:	05/08/2022	CLOSING TIME:	16H00
DESCRIPTION	FOR THE PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAMME FOR A PERIOD OF THREE (3) YEARS						
BID RESPONSE DOCUMENTS SUBMISSION							
RESPONDENTS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH TENDER SELECTED (please refer to section 2, paragraph 3 for a detailed process on how to upload submissions): https://www.transnet.net							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO							
CONTACT PERSON	Vongani Hlungwani						
TELEPHONE NUMBER	011 308 4106						
FACSIMILE NUMBER	N/A						
E-MAIL ADDRESS	Vongani.Hlungwani@transnet.net						
SUPPLIER INFORMATION							
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		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]							

Respondent's Signature

Date & Company Stamp

<p>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No [IF YES ENCLOSE PROOF]</p>	<p>2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No [IF YES, ANSWER QUESTIONNAIRE BELOW]</p>
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
 NO YES

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?
NO YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

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.

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. TAX COMPLIANCE REQUIREMENTS

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: _____

SECTION 2 : NOTICE TO BIDDERS**1 INVITATION TO BID**

Responses to this RFP [hereinafter referred to as a **Bid** or a **Proposal**] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as an **entity, Respondent** or **Bidder**].

DESCRIPTION	THE PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAMME (EAP) FOR A PERIOD OF THREE (3) YEARS
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.
RFP DOWNLOADING	This RFP may be downloaded directly from National Treasury's e-Tender Publication Portal at www.etenders.gov.za free of charge. To download RFP and Annexures: <ul style="list-style-type: none"> • Click on "Tender Opportunities"; • Select "Advertised Tenders"; • In the "Department" box, select Transnet SOC Ltd. Once the tender has been located in the list, click on the "Tender documents" tab and process to download all uploaded documents. The RFP may also be downloaded from the Transnet website at www.transnet.net free of charge. To access the Transnet eTender portal, please click here (refer to section 2, paragraph 3 below for detailed steps)
COMMUNICATION	Any addenda to the RFP or clarifications will be published on the e-tender portal and Transnet website. Bidders are required to check the e-tender portal or Transnet website prior to finalising their bid submissions for any changes or clarifications to the RFP. Transnet will not be held liable if Bidders do not receive the latest information regarding this RFP with the possible consequence of either being disadvantaged or disqualified as a result thereof.
BRIEFING SESSION	Compulsory Briefing Session Bidders are required to confirm their attendance and to send their contact details including the number of representatives (where applicable) to the following address: Vongani.Hlungwani@transnet.net This is to ensure that Transnet may make the necessary arrangements for the briefing session. Refer to paragraph 2 for details.
CLOSING DATE	16:00 pm on Friday 05 August 2022 Bidders must ensure that bids are uploaded timeously onto the system. As a general rule, if a bid is late, it will not be accepted for consideration. <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. Please do not wait for the last hour to submit. A Bidder can upload 30mb per upload and multiple uploads are permitted.</i>
VALIDITY PERIOD	180 Business Days from Closing Date Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the

	successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.
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Any additional information or clarification will be published on the e-Tender portal and Transnet website, if necessary.

2 FORMAL BRIEFING

A compulsory briefing will be conducted on Microsoft Teams on the **29th of July 2022**, at **10:30 AM** for a period of \pm 2 hours. The briefing session will start punctually, and information will not be repeated for the benefit of Respondents arriving late.

3 PROPOSAL 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 (<https://www.transnet.net>);
 - Click on "TENDERS";
 - Scroll towards the bottom right hand side of the page;
 - On the blue window click on "register on our new eTender Portal";
 - 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

4 RFP INSTRUCTIONS

- 4.1 Please sign documents [sign, stamp and date the bottom of each page] before uploading them on the system. The person or persons signing the submission must be legally authorised by the respondent to do so.
- 4.2 **All returnable documents tabled in the Proposal Form [Section 5] must be returned with proposals.**
- 4.3 Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 4.4 Any additional conditions must be embodied in an accompanying letter. Subject only to [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions, (Legal Review) and Section 6 of the RFP, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.

5 JOINT VENTURES OR CONSORTIUMS

Respondents who would wish to respond to this RFP as a Joint Venture [**JV**] or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If at the time of the bid submission such a JV or consortium agreement has not been concluded, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Transnet through this RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Transnet.

Respondents are to note that for the purpose of Evaluation:

- a JV will be evaluated based on one consolidated B-BBEE score card as per the B-BBEE Preferential Procurement Regulations, 2017 preference point scoring.
- Experience, qualification or certification of Lead Bidder (JV Partner with higher % split of Business) must have the required Experience, qualification or certification, where the split of business is 50/50, Experience, qualification or certification of either member of the JV will be used for evaluation.

6 COMMUNICATION

- 6.1 Specific queries relating to this RFP before the closing date of the RFP should be submitted to the contact person specified in Section 1 of this RFP before **12:00 pm on 05 August 2022**. In the interest of fairness and transparency Transnet's response to such a query will then be made available to other bidders.
- 6.2 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in respect of this RFP between the closing date and the date of the award of the business.
- 6.3 Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.
- 6.4 Respondents may also, at any time after the closing date of the RFP, communicate with the contact person specified in Section 1 of this RFP on any matter relating to its RFP response
- 6.5 Respondents are to note that changes to its submission will not be considered after the closing date.

7 CONFIDENTIALITY

All information related to this RFP 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 RFP or the subsequent contract, written approval must be obtained from Transnet.

8 COMPLIANCE

The successful Respondent [hereinafter referred to as the **Service provider**] shall be in full and complete compliance with any and all applicable laws and regulations.

9 EMPLOYMENT EQUITY ACT

Respondents must comply with the requirements of the Employment Equity Act 55 of 1998 applicable to it including (but not limited to) Section 53 of the Employment Equity Act.

10 DISCLAIMERS

Respondents are hereby advised that Transnet is not committed to any course of action as a result of its issuance of this RFP and/or its receipt of Proposals. In particular, please note that Transnet reserves the right to:

- 10.1 modify the RFP's Goods/Services and request Respondents to re-bid on any such changes;
- 10.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 10.3 disqualify Proposals submitted after the stated submission deadline [closing date];
- 10.4 award a contract in connection with this Proposal at any time after the RFP's closing date;
- 10.5 award a contract for only a portion of the proposed Goods/Services which are reflected in the scope of this RFP;
- 10.6 split the award of the contract 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;
- 10.7 cancel the bid process;
- 10.8 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;
- 10.9 request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 10.10 not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it;
- 10.11 to cancel the contract and/request that National Treasury place the Respondent on its Database of Restricted Suppliers for a period not exceeding 10 years, on the basis that a contract was awarded on the strength of incorrect information furnished by the Respondent or on any other basis recognised in law;
- 10.12 to award the business to the next ranked bidder, provided that he/she is still prepared to provide the required Goods/Services at the quoted price, should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to provide the required Goods/Services at their quoted price, even after they have been issued with a Letter of Regret.

Note that Transnet will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Proposal, whether or not the Respondent is awarded a contract.

11 LEGAL REVIEW

A Proposal submitted by a Respondent will be subjected to review and acceptance or rejection of its proposed contractual terms and conditions by Transnet's Legal Counsel, prior to consideration for an award of business. A material deviation from the Standard terms or conditions could result in disqualification.

12 SECURITY CLEARANCE

Acceptance of this bid could be subject to the condition that the Successful Respondent, its personnel providing the Goods/Services and its subcontractor(s) must obtain security clearance from the appropriate authorities to the level of **CONFIDENTIAL/ SECRET/TOP SECRET**. Obtaining the required clearance is the responsibility of the

Successful Respondent. Acceptance of the bid is also subject to the condition that the Successful Respondent will implement all such security measures as the safe performance of the contract may require.

13 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. Business may not be awarded to a Respondent who has failed to register on the CSD. 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 mandatory returnable document by the closing date and time of the bid.

14 TAX COMPLIANCE

Respondents must be compliant when submitting a proposal to Transnet and remain compliant for the entire contract term 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 Respondents 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

				
	<p>AI Voice Bot "Jack" 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.</p>	<p>What's App Speak to an Agent via What's App.</p>	<p>Speak to an Agent Speak to an Agent via the platform with no call or data charge</p>	<p>Telegram Speak to an Agent via Telegram</p>


0800 003 056


086 551 4153


reportit@ethicshelpdesk.com


***120*0785980808#**

SECTION 3: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS

1 BACKGROUND

Transnet recognises that personal, professional and environmental stressors, if detected early, can prevent or alleviate poor performance, accidents and absenteeism, to mention but a few. The global pandemic (Covid 19) has also forced profound changes in our employee's personal and professional lives and will continue to test our capacity to relate in unprecedented and new ways. Employees are confronted with social isolation, expected to interface with technology, and there is a proliferation of mental health issues and complex economic challenges. Given the current pandemic and envisaged future societal and organisational changes it is imperative that a proactive and interdisciplinary approach is implemented, that is geared towards addressing arising health and wellness needs. To this end, the company has implemented an Employee Assistance Programme (EAP), which seeks to address personal and work-related issues. The aim of the EAP is to empower employees with requisite life and other coping skills to cope with difficult life challenges and work-related issues so that work performance is not compromised. This Programme thus needs to be agile and aligned to new and developing ways of work .

The EAP also assists Managers in their duty of care and performance management and provides support to enhance their managerial capacity.

The schedule of Services as set out hereunder is to provide an Employee Assistance and Wellness Programme to 55 000 Transnet employees & Family members located at numerous sites countrywide.

2 SCOPE OF WORK

Transnet seeks to appoint a service provider to render a world class and innovative Employee Assistance Programme (EAP), which will adhere to the quality, standards and norms of the industry in line with regularity standards ethics, clinical standards and protocols in an evolving and flexible fashion for a period of three (3) years.

The service provider will render services across Transnet as stated below:

- Transnet Port Terminals (TPT);
- Transnet National Ports Authority (TNPA);
- Transnet Engineering (TE);
- Transnet Freight Rail (TFR);
- Transnet Pipelines (TPL);
- Transnet Properties (TP).
- As well as all Transnet Support units, include but not limited to Transnet Corporate Centre (TCC) and Transnet Academy

The Service Provider is required to provide EAP that will establish interventions to target business of Transnet, supported by business intelligence using the following metrics

- Utilisation rate
- Engagement rates
- Unplanned absenteeism rate

- Sick absenteeism rates
- Return on investment

EAP Functionality requirements:

- The EAP should be aligned to Transnet's organizational branding and competitive edge. The Employee Assistance Programme must be strategic, effective, integrated and premised on strong partnerships and accountability.
- The EAP should be able to evolve further over time. i.e the service provider needs to be flexible to adapt to the changing needs which may be requested within this contract, given the changing needs of the business.
- The EAP should be able to address the emerging health and wellness risks, health scares and pandemics
- The EAP should be delivered across Transnet within agreed upon timelines.
- The EAP should be able to use advanced digital platforms, technological systems and traditional method of interface with the business.
- The EAP should be able to demonstrate services in line with human capital practices, such as coaching, team interventions and organizational health and culture requirements.
- The EAP support and services should take into account various new ways of working and its related possible negative impact on employees, which may include remote working realities, managing virtually and social isolation.

The service provider must engage with the different operating divisions in a meaningful way by customizing services and products to the business requirements of each operating division.

The Employee Assistance Programme (EAP) will be viewed as a business imperative and will seek to enhance business practices and processes through customized solutions.

The scope of work will include the following areas:

1) Counselling Services

- Counselling services required must include but will not be limited to the below:
 - ✓ Debriefing for critical incident stress and trauma incidents
 - ✓ Preventative wellness programs
 - ✓ Loss and bereavement
 - ✓ Issues with family and relationships
 - ✓ Divorce issues
 - ✓ Physical and emotional abuse
 - ✓ Problems at work/School
 - ✓ Financial management & Legal Issues
 - ✓ interpersonal communication
 - ✓ Alcohol, gambling, and substance addiction.

Returnable document

- ✓ Trauma, HIV/AIDS, and other chronic diseases, as well as anxiety, stress, depression, and suicidal thoughts.

Operating Procedure: Counselling

- The service provider must provide toll free supportive counselling services which is available twenty-four hours a day, seven days a week and three hundred and sixty-five days a year for Transnet employees and family members.
- The service must include the counselling of teenagers.
- The service must include the counselling for children especially when there is death / traumatic event.
- The model must include six (6) counselling sessions per employee per issue, per year with the option to extend the sessions on an "as and when" required basis which requires pre-approval by the Operating Division Employee Wellness Programme (EWP) manager; there should be an opportunity to request two more if needed, based on merit.
- The service provider must provide counselling for the employees and their families; of which at least ninety percent (90%) of cases will be face to face and ten Percent (10%) being virtual.
- The service should be available in the eleven official languages including sign language and the national footprint of the Service provider to be sound to accommodate Transnet employees at remote sites across the country. The availability of the affiliates needs to match the Transnet geographical map
- The trauma debriefing must be available twenty-four hours a day, seven days a week and three hundred and sixty-five days a year. After-hours access to this type of service must be available
- The electronic on-line advisory services; management advisory services; and SMS call back system must be provided in the service package
- The service provider must be able to set up on-site clinics as per the Transnet protocol on size, number of employees site and accessibility of the service
- The service provider should have the capacity to establish these on-site clinics in the remote areas as well.
- The report on individual formal referral counselling cases must follow the following format:
 - ✓ Formal report after the second session.
 - ✓ Final report after the final session; and
 - ✓ Regular progress feedback in between to the EWP manager(s) or referring agent.
 - ✓ The latter may be in the form of an e-mail or telephone call.

2) Awareness, education, and training (Group Sessions)

- Awareness session required must include but not limited to the below
 - ✓ Financial Management,
 - ✓ Fatigue Management.
 - ✓ Trauma Management.

- ✓ Broader spectrum of mental health which will include but not limited to, stress management and resilience
- ✓ Substance Abuse including gambling programmes
- ✓ Anti-smoking programmes

Operating Procedure: Awareness, Education and Training

- These sessions will be no longer than one (1) hour and will thus be included in the capitated fee (300 sessions per annum).
- The briefing sessions will include employees, HR managers and relevant stakeholders.
- The managerial training and training of all HR practitioners must be offered. All training material should be customised to the target group; and
- Training on various business needs and risks emanating from the business. These would include but not limited to the marine cadet life skill programme, diversity management, personal mastery and resilience enhancement, conflict resolution, diversity, inclusion and stress management.

3) Health, Wellness and Risk Management

- The health, wellness and risk management services must include but are not limited to the below:
 - ✓ Personalised health risk assessment which will form part of the wellness day offering.
 - ✓ Support and engagement with employees after health risk assessments as part of a follow up plan.
 - ✓ HIV Counselling and Testing (HCT) be conducted as component of wellness days within an integrated model or as campaigns, as decided by the various Operating Divisions.
 - ✓ The managing of wellness days with the Transnet functionaries ranging from project planning, sourcing providers, engagement with on-site functionaries and managing the overall event.
 - ✓ The overall wellness day management fall within this ambit.
 - ✓ Working with medical schemes or other providers to assist employees in managing their health risks.
 - ✓ The demonstration of an on-line system to track employees who have health risks and for subsequent follow-up.

4) Executive Wellness

- The executive wellness services must include but not limited to the below:
 - ✓ A risk-based bi-annual assessment
 - ✓ Physical Risks
 - ✓ Mental health & Stress inventory
 - ✓ Burn-out Inventory
 - ✓ Ensure an active follow through, engagement and after assessment support strategy for executives.
 - ✓ One on one-engagement sessions once a month, that will support Executives in their own environment.

5) Triggered Safety Behavioural Risk Assessment (SBRA)

- Triggered Safety Behavioural Risk assessments are conducted on individual employees following an accident or incident in the workplace. These assessments examine the human factors from a behavioural point of view and focusses on whether there were any behavioural elements that need to be considered in the accident or incident occurring.

6) Consulting services to the work organisation

- Consulting services must include but not be limited to the below:
 - Life-skills and support programmes, e.g., resilience programme and other tailor-made life skills programme
 - Fatigue management
- The Employee Wellness programme of Transnet has become an important business tool in enhancing performance and in the business retaining competitive edge. This has been achieved mainly through the EAP being a major consultant to the business in designing and implementing solutions to business needs
- The expectation would be to assist in research, design, planning, implementation and the monitoring of new projects required by the business; and
- These could also include talk shops as opposed to workshops monthly to address trends identified as:
 - ✓ Fatigue management
 - ✓ Relationship issues – work and personal
 - ✓ How to deal with conflict
 - ✓ Resilience building in our changing environment
 - ✓ How to deal with change
 - ✓ Stress management
 - ✓ Money matters

7) Lifestyle management services

- The Lifestyle Management Services must include but not be limited to the below:
 - ✓ Debt management and advocacy
 - ✓ Money management (budgeting)
 - ✓ Debt consultation and assistance with debt recovery
 - ✓ Legal advice and guidance.
 - ✓ Workshops on money tips.
 - ✓ Value added services

8) Organisational Health

- Organisational health must include but not be limited to the below:
 - ✓ Coaching services for managers and executives to assist with new managers and where recommended as part of wellness and team interventions
 - ✓ Assist managers in terms of coaching or performance
 - ✓ Team health and team alignment which includes assessments, recommendations and where required implementation of actual interventions
 - ✓ Assistance with the Exit Management processes.

9) Marketing and communication services

- Marketing and communication services must include but not be limited to the below:
 - ✓ The creation and distribution of promotional material, which must be Transnet branded in line with the Corporate Identity Guidelines.
 - ✓ Promotional items will amongst others consist of:
 - a) Online communication and marketing, e.g., able to facilitate webinars etc.
 - b) Posters
 - c) Wallet cards
 - d) Brochures / pamphlets
 - e) Manager / supervisor, HR user guides (booklets and hand-outs).
 - f) Production of DVDs on various EAP related topics.
 - g) Management of the website.
 - h) Social media platforms
 - i) SMS; WhatsApp, mobile apps, etc.
 - j) E-mailers.
 - k) Screen savers; and
 - l) Articles.
 - ✓ Marketing and communication of services, campaigns and road shows.
 - ✓ Orientation sessions for managers and employees.
 - ✓ Innovative ways of engagement and flexibility (Cover both blue-and White-collar workers)

10) Programme Management

- The programme management services must include but not be limited to the below:
 - ✓ The provision of an overall key account manager for the Service Level Agreement as well as dedicated account managers per Operating Division.

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- ✓ The service Provider will have to orientate and induct their call centre agents, account managers and relevant functionaries to the business of Transnet; and
- ✓ The Service Provider should have relevant expertise to be deployed to the different Transnet projects.
- ✓ Performance Management.
- ✓ Integration, cross referral among service providers e.g., EAP service providers, Occupational health service, medical aids and absence management service providers
- ✓ A keen ability to self-manage and project management skills will be expected of all human resources deployed to the Transnet accounts
- ✓ Demonstration of quality assurance processes with all projects but in particular in the generation of reports, statistics, and trend analyses for Transnet
- ✓ The mapping processes in alignment with Transnet standard operating procedures and aligned to other internal functional areas or other Service Providers, in order to provide seamless services to employees is essential
- ✓ Complaints and compliments system, accessible to the Transnet EWP contract manager.
- ✓ The Service Provider should demonstrate a return-on-investment model which will also underpin the quarterly review process of the SLA
- ✓ Participation on various governance forums would be expected
- ✓ Reports on relevant projects would be expected
- ✓ Monthly statistical reports, quarterly statistical narrative reports, as well as annual trend analyses reports are basic requirements
- ✓ Ad hoc reports may be requested as well as dashboard reporting for various EXCO meetings
- ✓ Employee satisfaction surveys will be expected after 6 months of the commencement of the SLA
- ✓ Electronic health info to be shared utilizing PowerPoint presentations; and
- ✓ Account manager to meet with terminals / sites on a monthly basis.

11) Monitoring and evaluation

- Monitoring and evaluation must include but not be limited to the below:
 - ✓ EAP Services should be monitored, and practical recommendations actioned
 - ✓ Internal functionaries should be supported with the implementation of recommendations
 - ✓ Reports will be customised according to the business requirements
 - ✓ Trend analyses and evaluations of programmes are a pre-requisite
 - ✓ The reporting should be configured in such manner that it can integrate into Transnet business structures and areas

Key behaviours expected within the Transnet environment

- A keen ability to understand business partnering and an ability to engage with various stakeholders.

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- The above would include HR, Safety and Risk; Occupational health and many more.
- Partnership behaviour would extend to working in co-operation with others Service Providers who manage components of the employee wellness function, in order to maximize efficiencies. Integration points could be related to disability management , absenteeism management, HIV/AIDS diseases management, amongst others.
- The Service Provider should become an integral member of the Transnet team by understanding the environment in which they are rendering a service.
- The dynamics of a transversal contract, value managed at a Group level but operationally managed at Operating Division level should also be factored into the Service Provider's planning.
- An understanding that the current EAP has evolved beyond the basic generic service offering is key to this contract.
- Timeous corrective actions where required on projects, services and challenges; and
- An ability to manage the function within tight organizationally imposed deadlines.

General

- The service provider should provide a confirmation and a plan regarding the following:
 - ✓ A continuity plan for dealing with unforeseen matters including when the call centre is down
 - ✓ Have a mechanism to prove that contact was initiated with the client e.g., SMS response confirmation.
 - ✓ Build in a reference number tracking system into your call centre
 - ✓ The service provider should have a clear on- boarding plan for all affiliates and professionals' consultants who will serve on the Transnet contract.
 - ✓ A mechanism to actively involve your key account managers to Transnet. (Key Account managers should integrate and take a proactive stand in addressing issues of wellness into Transnet).
 - ✓ The capacity to dispatch specialised training skills when required. e.g., Counsellors with trauma management experience.
- Transnet also requires respondents to be able to retain the current Employee Assistance Program Toll Free number.
- A system that can easily track a case by a surname / SAP number, ID number as the identifier for the clinical team; (POPI, Act.) client consent .
- Intellectual Property of any new content development remains the property of Transnet.
- As Transnet pursues more and more digital platforms in pursuit of efficiency and in alignment with its 4IR strategy, the contracted Service Provider needs to demonstrate value added services such as mobile apps, gamification ability amongst others.

Benefits to Transnet

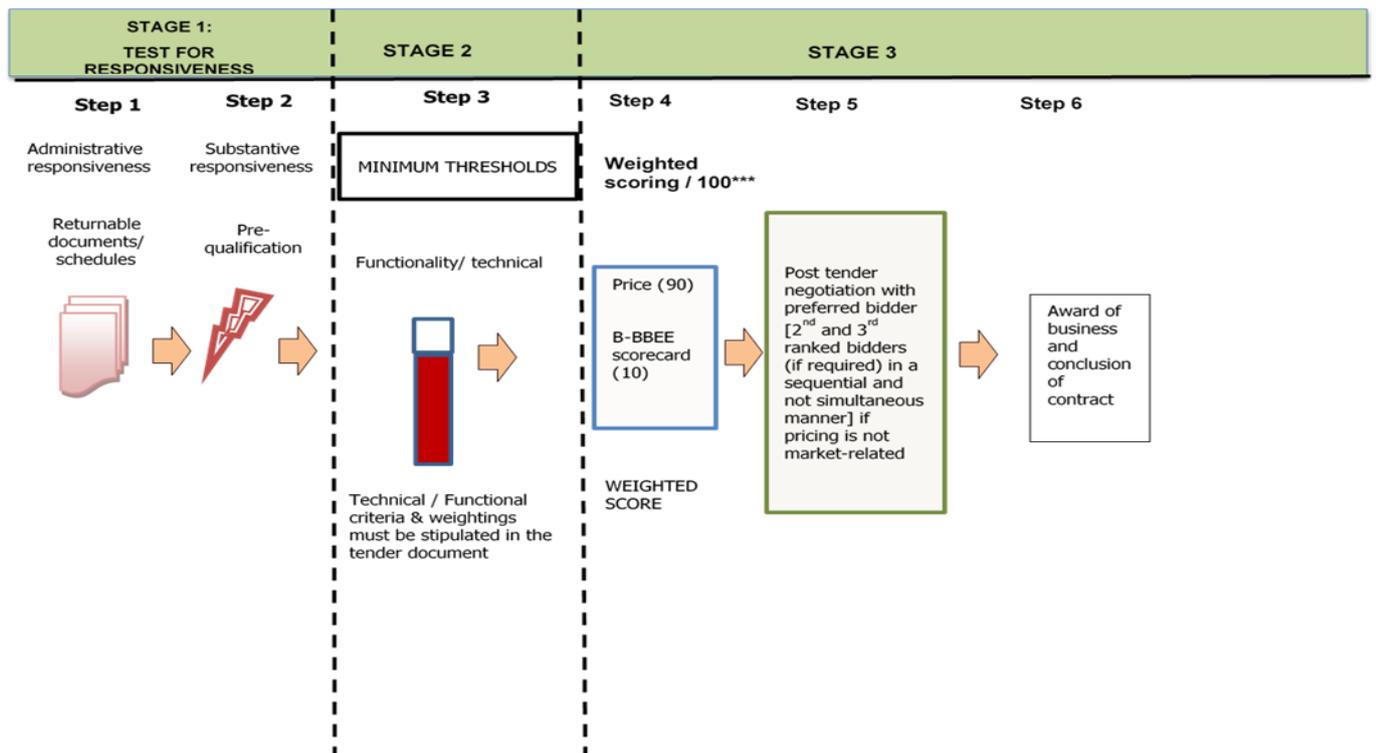
- Transnet must be able to receive reduced cost of acquisition and improved service benefits resulting from economies of scale.
- Transnet must be able to achieve user needs through the service provider ensuring maximum accessibility to the service through different media.
- Transnet must be able to achieve significant risk reduction through the implementation of this investment in human capital management.
- Transnet must be able to reduce costs by streamlining its acquisition of service or goods.

1 GENERAL SUPPLIER/SERVICE PROVIDER OBLIGATIONS

- 1.1 The Supplier/Service provider(s) shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.
- 1.2 The Supplier/Service provider(s) must comply with the requirements stated in this RFP.

2 EVALUATION METHODOLOGY

Transnet will utilise the following methodology and criteria in selecting a preferred Supplier/Service provider:



NB: Evaluation of the various stages will normally take place in a sequential manner. However, in order to expedite the process, Transnet reserves the right to conduct the different steps of the evaluation process in parallel. In such instances the evaluation of bidders at any given stage must not be interpreted to mean that bidders have necessarily passed any previous stage(s).

2.1 STEP ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check
<ul style="list-style-type: none"> Whether the Bid has been lodged on time
<ul style="list-style-type: none"> Bidder has attended compulsory Briefing session
<ul style="list-style-type: none"> Bidder has signed SECTION 6: Certificate of Acquaintance with RFP Documents

The test for administrative responsiveness [Step One] must be passed for a Respondent's Proposal to progress to Step Two for further pre-qualification

2.2 STEP TWO: Test for Substantive Responsiveness to RFP

The test for substantive responsiveness to this RFP will include the following:

Check for substantive responsiveness
<ul style="list-style-type: none"> Bidder has completed SECTION 1: SBD1 Form
<ul style="list-style-type: none"> Bidder has submitted a Priced Offer
<ul style="list-style-type: none"> Bidder has confirmed to subcontract minimum of 30% of scope of work to EME/QSE entity
<ul style="list-style-type: none"> Bidder hold a BBBEE Level 4 or Higher (1/2/3)
<ul style="list-style-type: none"> Bidder has submitted certificate of Employee Assistance Professional Association South Africa (EAPA-SA). The certificate must have been acquired at least 2 years prior to RFP closing date, with a valid annual renewal.
<ul style="list-style-type: none"> Bidder has submitted confirmation of Key Personnel's (1x Director) registration with a Health professional body (i.e. Health Professional Council of South Africa (HPCSA), South African Council of Social Service Profession (SACSSP)
<ul style="list-style-type: none"> Bidder has submitted confirmation of Key Personnel's (1x Legal Specialist) registration with the Law society of South Africa
<ul style="list-style-type: none"> Bidder has submitted confirmation of Key Personnel's (1x Financial Advisor) copy of licence by the Financial Services Conduct Authority (FSCA) as an authorised financial service provider
<ul style="list-style-type: none"> Bidder has submitted list of 5X Call Centre Professionals with a minimum of a diploma (NQF6 SAQA accredited) in the related field (Social Science, Occupational Health & Safety, Occupational Hygiene such as Psychology, Medicine or Nursing)

The test for substantive responsiveness [Step Two] must be passed for a Respondent's proposal to progress to Step Three for further evaluation

STEP THREE: Minimum Threshold 80 points for Technical Criteria

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

Technical Criteria	Weighting
<p>Approach and Methodology</p> <p>Respondents must provide a detailed methodology and approach on how the required services will be provided. The methodology and approach must be aligned to the scope of work (SOW) and requirements detailing the following:</p> <ul style="list-style-type: none"> • Counselling Services [5] • Health, Wellness & Risk Management [5] • Safety Behavioural Risk Assessment [5] • Organisational Health Services [5] • Awareness, Education & Training [5] • Lifestyle Management [5] • Executive Wellness [5] 	<p>35</p>
<p>Bidder’s Experience in Wellness Programmes</p> <p>Bidder to provide client references demonstrating experience in Wellness Programmes awarded in the past 15 years.</p> <p>No references listed [0] (1) - (2) references listed [5] (3) – (4) references listed [10] (5) or (6) references listed [15] (7) or more references listed [20]</p>	<p>20</p>
<p>Bidder’s Experience in Marketing & Communication</p> <p>Bidders to provide client references demonstrating experience in Wellness Marketing & Communication Services in the past 15 years.</p> <p>No reference listed [0] (1) - (2) references listed [5] (3) – (4) references listed [7] (5) or more references listed [10]</p>	<p>10</p>
<p>Electronic Samples of Past Reports</p> <p>Bidders to provide the below sample reports in accordance with EAP and EAPA-SA standards:</p> <ul style="list-style-type: none"> • Individual Formal Referral case reports [1] • Processes for quality assurance including the creation of statistics & trend analysis reports [1] • Monthly & quarterly trend reports, ad hoc dashboard reports for various Executive Committee (EXCO) meetings, and annual reports [1] • Employee satisfaction surveys [1] • Return on Investment model demonstration [1] 	<p>5</p>
<p>Bidder Key Personnel</p>	
<p>Key Accounts Manager:</p> <p>Key Accounts Manager Experience in EAP</p> <ul style="list-style-type: none"> • (1) Project in EAP [1] • (2) Projects in EAP [2] • (3) Projects in EAP [3] • (4) Projects in EAP [4] • (5) Projects in EAP [5] 	<p>5</p>

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Specialised Case Manager Specialised Case Manager Experience in EAP <ul style="list-style-type: none"> • (1) Project in EAP [1] • (2) Projects in EAP [2] • (3) Projects in EAP [3] • (4) Projects in EAP [4] • (5) Projects in EAP [5] 	5
Specialist Business Intelligence, or Data Analyst Specialist Business Intelligence, or Data Analyst Experience in EAP <ul style="list-style-type: none"> • (1) Project in EAP [1] • (2) Projects in EAP [2] • (3) Projects in EAP [3] • (4) Projects in EAP [4] • (5) Projects in EAP [5] 	5
Health Care Professional Health Care Professional Experience in EAP <ul style="list-style-type: none"> • (1) Project in EAP [1] • (2) Projects in EAP [2] • (3) Projects in EAP [3] • (4) Projects in EAP [4] • (5) Projects in EAP [5] 	5
Legal Specialist Legal Specialist Experience in EAP <ul style="list-style-type: none"> • One (1) Project in EAP [1] • Two (2) Projects in EAP [2] • Three (3) Projects in EAP [3] • Four (4) Projects in EAP [4] • Five (5) Projects in EAP [5] 	5
Financial Advisor Financial Advisor Experience in EAP <ul style="list-style-type: none"> • One (1) Project in EAP [1] • Two (2) Projects in EAP [2] • Three (3) Projects in EAP [3] • Four (4) Projects in EAP [4] • Five (5) Projects in EAP [5] 	5
Total points	100
Minimum threshold	80

The minimum threshold for technical/functionality [Step Three] must be met or exceeded for a Respondent's Proposal to progress to Step Four for final evaluation

2.3 STEP FOUR: Evaluation and Final Weighted Scoring

a) **Price Criteria** [Weighted score 90 points]:

Transnet will utilise the following formula in its evaluation of Price:

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

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Where:

- P_s = Score for the Bid under consideration
 P_t = Price of Bid under consideration
 P_{min} = Price of lowest acceptable Bid

- b) **Broad-Based Black Economic Empowerment criteria** [Weighted score 10 points]
- B-BBEE - current scorecard / B-BBEE Preference Points Claims Form
 - Preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table indicated in Section 4.1 of the B-BBEE Preference Points Claim Form.

2.4 SUMMARY: Applicable Thresholds and Final Evaluated Weightings

Evaluation Criteria	Final Weighted Scores
Price	90
B-BBEE - Scorecard	10
TOTAL SCORE:	100

2.5 STEP FIVE: Post Tender Negotiations

- Respondents are to note that Transnet may not award a contract if the price offered is not market-related. In this regard, Transnet reserves the right to engage in PTN with the view to achieving a market-related price or to cancel the tender. Negotiations will be done in a sequential manner i.e.:
 - first negotiate with the highest ranked bidder or cancel the bid, should such negotiations fail,
 - negotiate with the 2nd and 3rd ranked bidders (if required) in a sequential manner.
- In the event of any Respondent being notified of such short-listed/preferred bidder status, his/her bid, as well as any subsequent negotiated best and final offers (BAFO), will automatically be deemed to remain valid during the negotiation period and until the ultimate award of business.
- Should Transnet conduct post tender negotiations, Respondents will be requested to provide their best and final offers to Transnet based on such negotiations. Where a market related price has been achieved through negotiation, the contract will be awarded to the successful Respondent(s).

2.6 STEP SIX: Award of business and conclusion of contract

- Immediately after approval to award the contract has been received, the successful bidder(s) will be informed of the acceptance of his/their Bid by way of a Letter of Award. Thereafter the final contract will be concluded with the successful Respondent(s).
- A final contract will be concluded and entered into with the successful Bidder at the acceptance of a letter of award by the Respondent.

SECTION 4: PRICING AND DELIVERY SCHEDULE

Respondents are required to complete the table below:

Table A

Price utilising a capitated method

No	Description of Service	UOM	Unit Cost (excl.) VAT)
1	Counselling Services	Per Person	
2	Briefing Sessions	Per Session	
3	Awareness Sessions (1 Hour)	Per Session	
4	All Lifestyle Management Telephonic Services	Per Person	
5	Attendance at Forums, Meetings, and Operational Meetings	Per Session	
6	Triggered Safety Behavioural Risk Assessments, Pre-Employment and Routine (SBRA)	Per Session	
5	Posters – 04 (Four) sets per annum. (including delivery)		
	A3 Poster	Per Poster	
	A4 Poster	Per Poster	
	A5 Poster	Per Poster	
6	Reporting (Monthly, Quarterly and Annually). Trend Analyses and Ad Hoc Reporting		
	Monthly Report	per Report	
	Quarterly Report	per Report	
	Annual Report	per Report	
	Twenty-Four (24) Ad hoc Reports	per Report	
7	Mobile App (Subscriptions)	per Annum	

Table B – Fee for Service (Additional Services)

Description of Service	UOM	Fee for Service (excl. VAT)
Education and Training Sessions	per session	
Wellness day Admin Fee	per day	
Nutritionist Services	per hr	
Executive Wellness assessment	per hr	
Team Integration Assessment	per hr	
Team Health Interventions	per hr	
Coaching Sessions	per session	
Mobile App	Per Update	
Webpage Updates	Per Update	
Exit Management Interviews	per person	
Travel (Transnet will not pay for the first 100 km of travel to destination)	Per Km	

Respondents are to note that Transnet will round off final pricing scores to the nearest 2 (two) decimal places.

Notes to Pricing:

- a) Respondents are to note that if the price offered by the highest scoring bidder is not market-related, Transnet may not award the contract to that Respondent. Transnet may-
- (i) negotiate a market-related price with the Respondent scoring the highest points or cancel the RFP;
 - (ii) if that Respondent does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the second highest points or cancel the RFP; if the Respondent scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the third highest points or cancel the RFP.

If a market-related price is not agreed with the Respondent scoring the third highest points, Transnet must cancel the RFP.

- b) Prices must be quoted in South African Rand.
- c) Any disbursement not specifically priced for will not be considered/accepted by Transnet.
- d) To facilitate like-for-like comparison bidders must submit pricing strictly in accordance with this pricing schedule and not utilise a different format. Deviation from this pricing schedule could result in a bid being declared non-responsive.

1. DISCLOSURE OF CONTRACT INFORMATION**PRICES TENDERED**

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

JOHANNESBURG STOCK EXCHANGE DEBT LISTING REQUIREMENTS

Transnet may also be required to disclose information relating to the subsequent contract i.e., the name of the company, goods/services provided by the company, the value and duration of the contract, etc. in compliance with the Johannesburg Stock Exchange (JSE) Debt Listing Requirements.

DOMESTIC PROMINENT INFLUENTIAL PERSONS (DPIP) OR FOREIGN PROMINENT PUBLIC OFFICIALS (FPPO)

Transnet is free to procure the services of any person within or outside the Republic of South Africa in accordance with applicable legislation. Transnet shall not conduct or conclude business transactions, with any Respondents without having:

- Considered relevant governance protocols;
- Determined the DPIP or FPPO status of that counterparty; and
- Conducted a risk assessment and due diligence to assess the potential risks that may be posed by the business relationship.

As per the Transnet Domestic Prominent Influential Persons (DPIP) and Foreign Prominent Public Officials (FPPO) and Related Individuals Policy available on Transnet website <https://www.transnet.net/search/pages/results.aspx?k=FPIDP#k=DPIP>, Respondents are required to disclose any commercial relationship with a DPIP or FPPO (as defined in the Policy) by completing the following section:

The below form contains personal information as defined in the Protection of Personal Information Act, 2013 (the "Act"). By completing the form, the signatory consents to the processing of her/his personal information in accordance with the requirements of the Act. Consent cannot unreasonably be withheld.						
Is the Respondent (Complete with a "Yes" or "No")						
A DPIP/FPPO		Closely Related to a DPIP/FPPO		Closely Associated to a DPIP/FPPO		
List all known business interests, in which a DPIP/FPPO may have a direct/indirect interest or significant participation or involvement.						
No	Name of Entity / Business	Role in the Entity / Business (Nature of interest/ Participation)	Shareholding %	Registration Number	Status (Mark the applicable option with an X)	
					Active	Non-Active
1						
2						
3						

Respondents declaring a commercial relationship with a DPIP or FPPO are to note that Transnet is required to annually publish on its website a list of all business contracts entered into with DPIP or FPPO. This list will include successful Respondents, if applicable.

2. SERVICE LEVELS

- 2.1 An experienced account representative(s) is required to work with Transnet's procurement department.
- 2.2 Transnet will have contract reviews with the Supplier/Service provider's account representative on an on-going basis.

2.3 Transnet reserves the right to request that any member of the Supplier/Service provider’s team involved on the Transnet account be replaced if deemed not to be adding value for Transnet.

SECTION 5: PROPOSAL FORM AND LIST OF RETURNABLE DOCUMENTS

I/We _____
 [name of entity, company, close corporation or partnership] of [full address]

_____ carrying on business trading/operating as

represented by _____

in my capacity as _____

being duly authorised thereto by a Resolution of the Board of Directors or Members or Certificate of Partners, dated _____ to enter into, sign execute and complete any documents relating to this proposal and any subsequent Agreement. The following list of persons are hereby authorised to negotiate on behalf of the abovementioned entity, should Transnet decide to enter into Post Tender Negotiations with highest ranked bidder(s).

FULL NAME(S)	CAPACITY	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I/We hereby offer to supply/provide the abovementioned Goods/Services at the prices quoted in the schedule of prices in accordance with the terms set forth in the documents listed in the accompanying schedule of RFP documents.

I/We agree to be bound by those conditions in Transnet’s:

- (i) Master Agreement (which may be subject to amendment at Transnet’s discretion if applicable);
- (ii) General Bid Conditions; and
- (iii) any other standard or special conditions mentioned and/or embodied in this Request for Proposal.

I/We accept that unless Transnet should otherwise decide and so inform me/us in the letter of award, this Proposal [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.

Should Transnet decide that a formal contract should be signed and so inform me/us in a letter of award [the **Letter of Award**], this Proposal [and, if any, its covering letter and any subsequent exchange of correspondence] together with Transnet’s Letter of Award, shall constitute a binding contract between Transnet and me/us until the formal contract is signed.

I/We further agree that if, after I/we have been notified of the acceptance of my/our Proposal, I/we fail to enter into a formal contract if called upon to do so, or fail to commence the supply/provision of Goods/Services within 2 [two] weeks

 Respondent’s Signature

 Date & Company Stamp

Returnable document

thereafter, Transnet may, without prejudice to any other legal remedy which it may have, recover from me/us any expense to which it may have been put in calling for Proposals afresh and/or having to accept any less favourable Proposal.

Furthermore, I/we agree to a penalty clause/s which will allow Transnet to invoke a penalty against us for non-compliance with material terms of this RFP including the delayed delivery of the Goods/Services due to non-performance by ourselves, , etc.

I/we agree that non-compliance with any of the material terms of this RFP, including those mentioned above, will constitute a material breach of contract and provide Transnet with cause for cancellation.

ADDRESS FOR NOTICES

The law of the Republic of South Africa shall govern any contract created by the acceptance of this RFP. The *domicilium citandi et executandi* shall be a place in the Republic of South Africa to be specified by the Respondent hereunder, at which all legal documents may be served on the Respondent who shall agree to submit to the jurisdiction of the courts of the Republic of South Africa. Foreign Respondents shall, therefore, state hereunder the name of their authorised representative in the Republic of South Africa who has the power of attorney to sign any contract which may have to be entered into in the event of their Proposal being accepted and to act on their behalf in all matters relating to such contract.

Respondent to indicate the details of its *domicilium citandi et executandi* hereunder:

Name of Entity:

Facsimile: _____

Address: _____

NOTIFICATION OF AWARD OF RFP

As soon as possible after approval to award the contract(s), the successful Respondent [**the Supplier/Service provider**] will be informed of the acceptance of its Proposal. Unsuccessful Respondents will be advised in writing of the name of the successful Supplier/Service provider and the reason as to why their Proposals have been unsuccessful, for example, in the category of price, delivery period, quality, B-BBEE status or for any other reason.

VALIDITY PERIOD

Transnet requires a validity period of 180 Business Days [from closing date] against this RFP, excluding the first day and including the last day.

NAME(S) AND ADDRESS / ADDRESSES OF DIRECTOR(S) OR MEMBER(S)

The Respondent must disclose hereunder the full name(s) and address(s) of the director(s) or members of the company or close corporation [**C.C.**] on whose behalf the RFP is submitted.

(i) Registration number of company / C.C. _____

(ii) Registered name of company / C.C. _____

(iii) Full name(s) of director/member(s) Address/Addresses ID Number(s)

RETURNABLE DOCUMENTS

Respondent's Signature

Date & Company Stamp

Returnable document

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.**

RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
Section 1: SBD1 Form	
SECTION 4: Pricing Schedule	
Annexure D: Valid proof of Respondent's compliance to B-BBEE requirements stipulated in Section 9 of this RFP	
ANNEXURE E: In the case of Joint Ventures, a copy of the Joint Venture Agreement or written confirmation of the intention to enter into a Joint Venture Agreement	
Annexure F: TAX compliance status and PIN	
Annexure G: Subcontractors Agreement	
Annexure H: Bidder's Certificate of Employee Assistance Professional Association South Africa (EAPA-SA).	
Annexure I: Bidder Key Personnel (1x Director)	
Annexure J: Bidder Key Personnel (1x Legal Specialist)	
Annexure K: Bidder Key Personnel (1x Financial Advisor)	
Annexure L: Bidder Key Personnel (Call Centre Professionals)	
Annexure M: Bidder Key Personnel	
Annexure N: Bidders Experience in Wellness	
Annexure O: Bidders Experience In marketing & Communication Services	
Annexure P: Subcontractor's valid proof of B-BBEE status	
Annexure Q: Approach & Methodology	
Annexure R: Sample of Past Reports	
SECTION 5: Proposal Form and List of Returnable documents	
SECTION 6: Certificate of Acquaintance with RFP, Terms & Conditions & Applicable Documents	
SECTION 7: RFP Declaration and Breach of Law Form	
SECTION 9: B-BBEE Preference Claim Form	
SECTION 12: Protection of Personal Information	

 Respondent's Signature

 Date & Company Stamp

Annexure D:

Bidder to attach Valid proof of Respondent’s compliance to B-BBEE requirements stipulated in Section 9 of this RFP

ANNEXURE E:

In the case of Joint Ventures, a copy of the Joint Venture Agreement or written confirmation of the intention to enter into a Joint Venture Agreement

Returnable document

Annexure F:
TAX compliance status and PIN

Respondent's Signature

Date & Company Stamp

Returnable document

Annexure G:

Bidder must attach Agreement with subcontractor/s

Respondent's Signature

Date & Company Stamp

Annexure H:

Bidder must attach certificate of Employee Assistance Professional Association South Africa (EAPA-SA). The certificate must have been acquired 2 years prior to RFP closing date

Annexure I:

Bidder Key Personnel (1x Director) must attach confirmation of registration with a Health professional body (e.g., Health Professional Council of South Africa (HPCSA), South African Council of Social Service Profession (SACSSP)

Annexure J:

Bidder Key Personnel (1x Legal Specialist) must attach proof of Registration with the law society of South Africa

Annexure K:

Bidder Key Personnel (1x Financial Advisor) must attach copy of licence by the Financial Services Conduct Authority (FSCA) as an authorised financial service provide

Annexure L:

Bidder must attach 5x Call Centre qualification (minimum of a diploma (NQF6 SAQA accredited) in the related field (Social Science, Occupational Health & Safety, Occupational Hygiene such as Psychology, Medicine or Nursing)

Name	ID	Nationality	Qualification
1.			
2.			
3.			
4.			
5.			

Annexure M:
Bidder Key Personnel

Name and Surname					
Proposed Position		Key Account Manager			
Professional Membership					
Date of Birth					
Nationality					
Highest Qualification					
NQF Level					
Employer	Client	Client Contact (Name, Contact Number, Email address)	Scope of work Description	Scope of work Value	Scope of Work Duration (From -To)

Respondent's Signature

Date & Company Stamp

Returnable document

Name and Surname					
Proposed Position		Specialised Care Manager			
Professional Membership					
Date of Birth					
Nationality					
Highest Qualification					
NQF Level					
Employer	Client	Client Contact (Name, Contact Number, Email address)	Scope of work Description	Scope of work Value	Scope of Work Duration (From -To)

Respondent's Signature

Date & Company Stamp

Name and Surname					
Proposed Position		Specialist Business Intelligence/Data Analyst			
Professional Membership					
Date of Birth					
Nationality					
Highest Qualification					
NQF Level					
Employer	Client	Client Contact (Name, Contact Number, Email address)	Scope of work Description	Scope of work Value	Scope of Work Duration (From -To)

Respondent's Signature

Date & Company Stamp

Returnable document

Name and Surname					
Proposed Position		Health Care Professional			
Professional Membership					
Date of Birth					
Nationality					
Highest Qualification					
NQF Level					
Employer	Client	Client Contact (Name, Contact Number, Email address)	Scope of work Description	Scope of work Value	Scope of Work Duration (From -To)

Respondent's Signature

Date & Company Stamp

Returnable document

Name and Surname					
Proposed Position		Financial Advisor			
Professional Membership					
Date of Birth					
Nationality					
Highest Qualification					
NQF Level					
Employer	Client	Client Contact (Name, Contact Number, Email address)	Scope of work Description	Scope of work Value	Scope of Work Duration (From -To)

Respondent's Signature

Date & Company Stamp

Returnable document

Name and Surname					
Proposed Position		Legal Specialist			
Professional Membership					
Date of Birth					
Nationality					
Highest Qualification					
NQF Level					
Employer	Client	Client Contact (Name, Contact Number, Email address)	Scope of work Description	Scope of work Value	Scope of Work Duration (From -To)

Respondent's Signature

Date & Company Stamp

Annexure N:
Bidders Experience in Wellness Programme

Client Name	Client Contact (Name, Contact No: & Email Address)	Industry	Contract Description	Contract Value	Duration (Start & End Date)

Respondent's Signature

Date & Company Stamp

Annexure O:
Bidders Experience in Marketing & Communication Services

Client Name	Client Contact (Name, Contact No: & Email Address)	Industry	Contract Description	Contract Value	Duration (Start & End Date)

Respondent's Signature

Date & Company Stamp

Annexure P:

Bidder must attach Subcontractor’s valid proof of B-BBEE status

Annexure Q:

Respondents must attach a detailed methodology and approach on how the required services will be provided. The methodology and approach must be aligned to the scope of work (SOW) and detail the following:

- Counselling Services **[5]**
- Health, Wellness & Risk Management **[5]**
- Safety Behavioural Risk Assessment **[5]**
- Organisational Health Services **[5]**
- Awareness, Education & Training **[5]**
- Lifestyle Management **[5]**
- Executive Wellness **[5]**

Annexure R:
Sample of Past Reports

Bidder must attach Sample reports in accordance with EAPA-SA standards for the following:

- 1) Individual formal referral case reports
- 2) Processes for quality assurance include the creation of statistics and trend analysis reports
- 3) Monthly and quarterly trend reports, ad hoc dashboard reports for various Executive Committee (EXCO) meetings, and annual reports
- 4) Employee satisfaction surveys
- 5) Return on investment model demonstration

Returnable document**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 valid proof of B-BBEE status, for the duration of any contract emanating from this RFP. 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 immediately without any liability and without prejudice to any claims which Transnet may have for damages against the Respondent.

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 6: CERTIFICATE OF ACQUAINTANCE WITH RFP, MASTER AGREEMENT & APPLICABLE DOCUMENTS

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

1	Transnet’s General Bid Conditions
2	Transnet’s Supplier Integrity Pact
3	Non-disclosure Agreement

Note: Should a Respondent be successful and awarded the bid, they will be required to complete a Supplier Declaration Form for registration as a vendor onto the Transnet vendor master database.

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

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

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

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 7: RFP 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 RFP Clarification purposes;
2. We have received all information we deemed necessary for the completion of this Request for Proposal [**RFP**];
3. We have been provided with sufficient access to the existing Transnet facilities/sites and any and all relevant information relevant to the Goods/Services as well as Transnet information and Employees, and have 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 RFP from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the RFP documents;
5. We are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this RFP and the requirements requested from Bidders in responding to this RFP have been conducted in a fair and transparent manner;
6. We have complied with all obligations of the Bidder/Supplier as indicated in the Transnet Supplier Integrity which includes but are not limited to ensuring that we take all measures necessary to prevent corrupt practices, unfairness and illegal activities in order to secure or in furtherance to secure a contract with Transnet;
7. 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;
8. We declare that an owner / member / director / partner / shareholder of our entity **is / is not** [delete as applicable] an employee or board member of Transnet;
9. In addition, we declare that an owner / member / director / partner / shareholder/employee of our entity **has / has not been** [delete as applicable] a former employee or board member of Transnet in the past 10 years. I further declare that if they were a former employee or board member of Transnet in the past 10 years that they **were/were not** involved in the bid preparation or had access to the information related to this RFP; and
10. If such a relationship as indicated in paragraph 7, 8 and/or 9 exists, the Respondent is to complete the following section:

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

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. Information provided in the declarations may be used by Transnet and/or its affiliates to verify the correctness of the information provided]

11. 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.

BIDDER’S DISCLOSURE (SBD4)

12 PURPOSE OF THE FORM

12.1 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.

12.2 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.

13 Bidder’s declaration

13.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state?

YES/NO

13.1.1. 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

¹ 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.

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

YES/NO

13.2.1. If so, furnish particulars:

.....

13.3 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

13.3.1. If so, furnish particulars:

.....

14 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:

14.1 I have read and I understand the contents of this disclosure;

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

14.3 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 consortium² will not be construed as collusive bidding.

14.4 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.

² 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.

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- 14.5 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.
- 14.6 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.
- 14.7 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 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 12, 13 and 14 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.

BREACH OF LAW

We further hereby certify that *I/we* (the bidding entity and/or any of its directors, members or partners) **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.

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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

SECTION 8 : B-BBEE PREFERENCE POINTS CLAIM FORM

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

Transnet will award preference points to companies who provide valid proof of their B-BBEE status using either the latest version of the generic Codes of Good Practice or Sector Specific Codes (if applicable).

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The value of this bid is estimated to **exceed** R50 000 000 (all applicable taxes included) and therefore the 90/10 preference point system shall be applicable. Despite the stipulated preference point system, Transnet shall use the lowest acceptable bid to determine the applicable preference point system in a situation where all received acceptable bids are received outside the stated preference point system.
- 1.3 Preference points for this bid shall be awarded for:
- (a) Price; and
 - (b) B-BBEE Status Level of Contribution.
- 1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	90
B-BBEE STATUS LEVEL OF CONTRIBUTION	10
Total points for Price and B-BBEE must not exceed	100

- 1.5 Failure on the part of a bidder to submit proof of B-BBEE status level of contributor together with the bid will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the supply/provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;

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- (e) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **"EME"** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (g) **"functionality"** means the ability of a bidder to provide goods or services in accordance with specification as set out in the bid documents
- (h) **"Price"** includes all applicable taxes less all unconditional discounts.
- (i) **"Proof of B-BBEE Status Level of Contributor"**
- i) the B-BBEE status level certificate issued by an authorised body or person;
 - ii) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
 - iii) any other requirement prescribed in terms of the B-BBEE Act.
- (j) **"QSE"** means a Qualifying Small Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (k) **"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.

3. POINTS AWARDED FOR PRICE

3.1 THE 90/10 PREFERENCE POINT SYSTEMS

A maximum of 90 points is allocated for price on the following basis:

90/10

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

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

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

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

proof of B-BBEE status depending on the category of enterprises:

Enterprise	B-BBEE Certificate & Sworn Affidavit
Large	Certificate issued by SANAS accredited verification agency
QSE	Certificate issued by SANAS accredited verification agency Sworn Affidavit signed by the authorised QSE representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership (only black-owned QSEs - 51% to 100% Black owned) [Sworn affidavits must substantially comply with the format that can be obtained on the DTI's website at www.dti.gov.za/economic_empowerment/bee_codes.jsp .]
EME³	Sworn Affidavit signed by the authorised EME representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership Certificate issued by CIPC (formerly CIPRO) confirming annual turnover and black ownership Certificate issued by SANAS accredited verification agency only if the EME is being measured on the QSE scorecard

- 4.3 A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level verification certificate for every separate bid.
- 4.4 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 4.5 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 4.6 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- 4.7 Bidders are to note that the rules pertaining to B-BBEE verification and other B-BBEE requirements may be changed from time to time by regulatory bodies such as National Treasury or the DTI. It is the Bidder's responsibility to ensure that his/her bid complies fully with all B-BBEE requirements at the time of the submission of the bid.

5. BID DECLARATION

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

6. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 6.1

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

(Points claimed in respect of paragraph 6.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

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

(*Tick applicable box*)

YES	NO
-----	----

³ In terms of the Implementation Guide: Preferential Procurement Regulations, 2017, Version 2, paragraph 11.11 provides that in the Transport Sector, EMEs can provide a letter from accounting officer or get verified and be issued with a B-BBEE certificate by SANAS accredited professional or agency as the Transport Sector Code has not been aligned to the generic Codes. EMEs in the Transport Sector are not allowed to provide a sworn affidavit as the generic codes are not applicable to them.

7.1.1 If yes, indicate:

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

(Tick applicable box)

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

- v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at last 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional Supplier/Service provider
- Other Suppliers/Service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contribution indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;

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- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If a bidder submitted false information regarding its B-BBEE status level of contributor, local production and content, or any other matter required in terms of the Preferential Procurement Regulations, 2017 which will affect or has affected the evaluation of a bid, or where a bidder has failed to declare any subcontracting arrangements or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) if the successful bidder subcontracted a portion of the bid to another person without disclosing it, Transnet reserves the right to penalise the bidder up to 10 percent of the value of the contract;
 - (e) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (f) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>

<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS.....</p>
--

SECTION 9: SUBCONTRACTING PREQUALIFICATION CRITERIA FORM

- a) As a prequalification criterion to participate in this RFP, Respondents are required to subcontract a minimum of 30% [thirty percent] of the value of the contract to one or more of the following designated groups:
- an EME or QSE;
 - an EME or QSE which is at least 51% owned by Black People;
 - an EME or QSE which is at least 51% owned by black people who are youth;
 - an EME or QSE which is at least 51% owned by black people who are women;
 - an EME or QSE which is at least 51% owned by black people with disabilities;
 - an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
 - an EME or QSE which is at least 51% owned by black people who are military veterans; or
 - a cooperative which is at least 51% owned by black people.

Respondents are to note that Transnet will not round off subcontracting percentage for the purposes of determining whether the subcontracting condition has been met.

- b) A bid that fails to meet this pre-qualifying criterion will be regarded as an unacceptable bid.
- c) For a list of potential subcontractors, Respondents may refer to the National Treasury Central Database website and conduct a subcontractor search using the procurement reference number: TCC/2022/03/0107/RFP The list must be accessed as follows:
- Log on to the CSD website (<https://secure.csd.gov.za/>);
 - Click on Search and select Subcontractor Search;
 - Enter the Procurement reference number TCC/2022/03/0107/RFP and
 - Click on "Run Search".
- d) Respondents have the discretion of identifying and selecting suppliers, who are registered on the National Treasury supplier database (CSD) but do not appear on the list provided by Transnet, for purposes of subcontracting.
- e) **Respondents are required to submit proof of the subcontracting arrangement between themselves and the subcontractor. Proof of the subcontracting arrangement may include a subcontracting agreement.**
- f) Respondents are to note that it is their responsibility to select competent subcontractors that meet all requirements of the bid so that their bid is not jeopardised by the subcontractor when evaluated.
- g) Respondents are responsible for all due diligence on their subcontractors.
- h) Respondent/s are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where a Respondent intends to subcontract with their subsidiary this must be declared in their bid response.
- i) The successful Respondent awarded the contract may only enter into a subcontracting arrangement with Transnet's prior approval.

- j) The contract will be concluded between the successful Respondent and Transnet, therefore, the successful Respondent and not the sub-contractor will be held liable for performance in terms of its contractual obligations.

Attachments to this form

The Respondent is to ensure that the following is completed and attached to this form:

- a) Subcontractor's valid proof of B-BBEE status;

b) Name of subcontractor/s and Company Registration number:

	Subcontractor Legal Name	Company Registration Number	EME/QSE	B-BBEE Level	CSD Number
1					
2					

c) Work to be subcontracted:

Subcontractor	Work to be performed by subcontractor (Please specify)	Percentage of contract that will be subcontracted	Firm Experience (No. of Years)	Current Clients (Provide signed reference letters for each client listed)
1				
2				
3				
4				
5				

Note:

For the purpose of determining that the pre-qualification criteria has been complied with, Respondents must cumulatively meet the minimum 30% pre-qualification requirement and provide a valid B-BBEE certificate(s) or Sworn Affidavit(s) for the proposed subcontractor(s) listed above. ***Failure to provide a valid B-BBEE certificate(s) or Sworn Affidavit(s) for proposed subcontractor(s) which makes up the minimum 30% pre-qualification requirement at the Closing Date and time of this RFP will result in a Respondent's disqualification.***

SECTION 12: PROTECTION OF PERSONAL INFORMATION

1. The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Personal 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 RFP, 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 RFP 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 RFP, 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 RFP (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.

Returnable document

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 RFP, the Respondent is hereby consenting to the processing of their personal information for the purpose of this RFP 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	
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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 RFP 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