



TRANNET NATIONAL PORT AUTHORITY
an Operating Division of **TRANSNET SOC LTD**
[hereinafter referred to as **Transnet**]
Registration Number 1990/000900/30

REQUEST FOR QUOTATION [RFQ] No TNPA/2023/06/0009/33159/RFQ

**FOR THE PROVISION OF PROFESSIONAL SERVICES TO CONDUCT A PREFEASIBILITY STUDY
FOR THE DEVELOPMENT OF PRECINCT PLANS AT TNPA PORT OF RICHARDS BAY FOR A PERIOD
OF FIVE (5) MONTHS**

ISSUE DATE: 26 OCTOBER 2023
CLOSING DATE: 16 NOVEMBER 2023
CLOSING TIME: 12:00 PM

Note to the bidders:

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

SECTION 1: SBD1 FORM**PART A****INVITATION TO BID****YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET NATIONAL AUTHORITY, A DIVISION TRANSNET SOC LTD**

BID NUMBER:	TNPA/2023/06/0009/33159/RFQ	ISSUE DATE:	26 OCTOBER 2023	CLOSING DATE:	16 NOVEMBER 2023	CLOSING TIME:	12H00PM
DESCRIPTION	PROFESSIONAL SERVICES TO CONDUCT A PREFEASIBILITY STUDY FOR THE DEVELOPMENT OF PRECINCT PLANS AT TNPA PORT OF RICHARDS BAY FOR A PERIOD OF FIVE (5) MONTHS						

BID RESPONSE DOCUMENTS 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.

RESPONDENTS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH TENDER/RFQ SELECTED.

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

- Log on to the Transnet eTenders management platform website/Portal (transnetetenders.azurewebsites.net) (please use **Google Chrome** to access Transnet link/site free of charge);
- 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

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	Thobile Phutini	CONTACT PERSON	Thobile Phutini
TELEPHONE NUMBER	035 905 3899	TELEPHONE NUMBER	035 905 3899
FACSIMILE NUMBER	N/A	FACSIMILE NUMBER	N/A
E-MAIL ADDRESS	thobile.phutini@transnet.net	E-MAIL ADDRESS	thobile.phutini@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	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]	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 MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]

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

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? 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 CONSORCIA / 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 Responses to RFQ

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

2 Formal Briefing

A compulsory pre-proposal RFQ briefing will be conducted at **Umfolozi Boardroom, Risk Building (Fire Department Offices), Ventura Road, Port of Richards Bay, Transnet National Ports Authority** on the **10 November 2023**, at **11:00 am** for a period of ± two (2) hours. [Respondents to provide own transportation and accommodation]. The briefing session will start punctually, and information will not be repeated for the benefit of Respondents arriving late.

*A Certificate of Attendance in the form set out in Section 8 hereto must be completed and submitted with your Proposal as proof of attendance is required for a **compulsory** site meeting and/or RFQ briefing.*

- 2.1 Respondents failing to attend the compulsory RFQ briefing will be disqualified.
- 2.2 Respondents are encouraged to bring a copy of the RFO to the site meeting and/or RFO briefing.

3 Communication

4 Legal Compliance

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

5 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.

6 Changes to Quotations

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

7 Binding Offer

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

8 Disclaimers

- Respondents are hereby advised that Transnet is not committed to any course of action as a result of its issuance of this RFQ and/or its receipt of a Quotation in response to it. Please note that Transnet reserves the right to:
- modify the RFQ's service(s) and request Respondents to re-bid on any changes;
- reject any Quotation which does not conform to instructions and specifications which are detailed herein;
- disqualify Quotations submitted after the stated submission deadline;
- not necessarily accept the lowest priced Quotation or an alternative bid;
- place an order in connection with this Quotation at any time after the RFQ's closing date;
- award only a portion of the proposed services which are reflected in the scope of this RFQ;
- split the award of the order/s between more than one Supplier/Service Provider should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations;
- cancel the quotation process;
- validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Transnet to do so;
- request audited financial statements or other documentation for the purposes of a due diligence exercise;
- not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provides for it;
- 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;
- award the business to the next ranked bidder, provided that he/she is still prepared to provide the required 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 notified of their bid being unsuccessful. Bidders may therefore be requested to advise whether they would still be prepared to provide the required Services at their quoted price.
- Should a bidder fail to respond to a request for extension of the validity period before it expires, that bidder will be excluded from tender process.

9 Specification/Scope of Work

INTRODUCTION

1.1 Transnet National Ports Authority, Port of Richards Bay (TNPA PoRCB) invites all qualified and experienced service providers to submit proposals for the development of Land Use Plans for the Precinct. This project is aligned with the strategic objectives of the Port Development Framework Plans as outlined in Section 11 of the National Ports Act, Act 12 of 2005.

1.2 Port Development Framework Plans are periodically updated for all the ports under the mandate of Transnet National Ports Authority. These are undertaken at national level and are based on demand of different cargos and generally take an unconstrained view. TNPA has resolved that every 2 years, each port, through a distinctly separate process, prepares its own development framework plans, which takes a more realistic and local view of planning for the port and overhauls these plans every 5 years.

2. PROJECT OBJECTIVES

2.1 The purpose of the project is to provide a greater level of detail planning for the Port. This includes the provision of detailed precinct plans that address the following:

2.1.1. Validation of demand forecasts

2.1.2. Current capacity and constraints

2.1.3. Condition of existing infrastructure

2.1.4. Land use types in the port

2.1.5. Land use compatibility design standards in the port

2.1.6. Road, rail and pipeline access and other services.

2.2 The Precinct Plans will provide greater details than that outlined in the Port Development Framework Plan (PDFP). Precinct Plans are also to explore detailed traffic management,

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urban design alignment, road alignments re-rationalization of layout and suggest road alignments where needed.

2.3 Dividing the port into precincts will offer better capacity management and strategic planning for the port on the short, medium and long term. In addition, the following is anticipated with the development of precinct plans:

2.3.1. Better use of terminal capacity.

2.3.2. Re-Rationalisation and/or optimisation of redundant spaces/land in the port.

2.3.3. Detailed spatial planning to improve efficiency.

2.3.4. Optimised and harmonised detailed land use plans

2.3.5. Capital investment recommendations and justification for infrastructure assets improvements.

2.3.6. Optimisation of Assets i.e. minimising whole-life cycle cost.

2.3.7. Improve movements, connectivity and accessibility.

2.3.8. Establish, integrated and connected traffic/transport network.

2.3.9. Development of compatible land uses

2.3.10. Implementation of Land use design standards that inform safe, efficient use and preservation of navigable space.

2.3.11. This will be achieved by dividing the port area into various priority precincts and identifying the specific characteristics, strengths and weaknesses of each precinct and providing recommendations aimed at strengthening/improving each of priority precinct, while mitigating the weaknesses.

3. STUDY AREA

3.1. The study area will consist of 3 precincts delineated on the map attached below including the TNPA admin. The three precincts in the port are, South Dunes Precinct, Bayvue Precinct and the Newark Precinct. The South Dunes precinct is currently made up of a liquid terminal and a coal terminal, and it comprises of 3 berths. The precinct is largely rented to private client through a commercial lease. The Bayvue precinct is a bulk terminal, operated by Transnet Port Terminals (TPT), and consists of 14 berths. The Newark Precinct consist of the following areas: the small craft harbour, Tuzi-Gazi, Naval Island, north breakwater, Alkanstrand and the Port Control. Each of these areas are popular for recreational activities by the public.



Figure 1: Port of Richards Bay Current Port layout

4. SCOPE OF WORKS & OUTCOMES

4.1. Qualified and experienced service providers are requested to submit proposals for the assessment and development of precinct plans for TNPA PoRCB. The scope of works plans include but are not limited to the following:

Development of Precinct Plan Scope of works:

4.2. Evaluation and integration of previously compiled overarching planning documents, including Port Development Framework Plans and Land Use Strategies into the precinct plan:

4.2.1. Collect and evaluate all relevant information for the study including demand forecasts, port berthing capacity requirements and logistics planning for each precinct.

4.2.2. Identify land uses, current leases, opportunities, and constraints associated with each precinct and provide mitigation measures.

4.2.3. The precinct plan must provide conceptual development, spatial and urban design guidelines, principles, parameters, and standards that will guide future developments, investments, infrastructure planning, design, construction, maintenance as to allow for sound decision making on land use management of the port. It must further indicate the necessary interventions in the spatial structure.

Development of Port Precinct Plans: TNPA Port of Richards bay 4 of 8

4.2.4. Urban form aesthetic, functionality, compatibility to create harmonious land uses, sense of place to stimulate activities, performance, accessibility, myriad patterns of movements, permeability, good fit, integration of the Port with the City region.

4.2.5. Craft and design development parameters for site selection criteria to minimize non-conformity within precincts and those adjacent by providing spatial and practical solution without impeding the operational efficiency and functionality of the port.

4.2.6. The proposals of the precinct plans should inform the entire development of the precincts in accordance with our short-, medium- and long-term plans as outlined in the Port Development Framework Plans as well as well as the Port's Growth Strategy.

4.2.7. Conduct highest and best use analysis to define suitable land uses for vacant and underutilized land.

4.2.8. Develop an implementation framework that includes a list of catalytic projects.

4.3. The Precinct Plans shall be informed by the following development principles and objectives:

4.3.1. To spatially articulate the vision, principles, and future intent for the Port of Richards Bay to guide the coordinated and complementary development.

4.3.2. To spatially integrate and identify the strategies, actions, and initiatives to guide and deliver the re-imagining of the Port of Richards Bay.

4.3.3. To set clear benchmarks and expectations in relation to design, development and environmental quality that will be critical success factors in the re-imagining, development, and revitalization of the Port of Richards Bay.

4.3.4. To provide certainty to both the public and private sector about the quantum, pace, scale, and quality of change.

4.3.5. To provide the flexibility required to respond to and accommodate unforeseen opportunities as they emerge over the lifetime of the plan.

4.3.6. To (re)structure and develop the Port as a well-functioning port that is supported and sustained by a balanced variety and mixture of appropriate and related land uses, different cargo types, logistics service provision, terminal operators, and developments.

4.3.7. To improve, enhance and maintain the overall quality, character, image and function of the built and natural environments, infrastructure, open spaces, appropriate access, connectivity and circulation (i.e. street configuration, road, and rail networks).

4.3.8. To provide safe spaces that promote people movement and public access (where feasible and required).

Promote and utilize convenient access to, and between the

Development of Port Precinct Plans: TNPA Port of Richards bay 5 of 8

various components of the port, through the development of an integrated transport system and ensure its connection with other transport modes.

4.3.9. To ensure that the use and development of non-port related activities and buildings does not impede the current and future operation of the precinct.

4.3.10. Define developmental parameters of the precinct including the height restriction in accordance with appropriate scale whilst providing a transition in height between the city centre core and the port.

4.3.11. Develop and implement new innovative, sufficient, and appropriate strategies, projects, and Programmes, to ensure the overall maintenance and effective functioning of the port, and the provision and ongoing maintenance of port infrastructure and services (i.e., in terms of waste management, energy, recycling, street lighting, parking, traffic control, and infrastructure).

4.3.12. Redefine, enhance, and promote the image, signage, culture, branding, and unique offering of the Port of Richards Bay within the local and the global context.

4.3.13. Develop innovative and creative ways to improve the general sustainability, safety and security, and the protection of the port; and to ensure the effective planning for, and management and mitigation of possible risks, shocks, and disasters in the area; and to curb illegal and undesirable activities.

4.3.14. Provide a consolidated plan and spatially integrates and link all precincts into one plan and map to ensure a harmonious, efficient, connected, and accessible port.

4.3.15. Add Heritage sites and buildings as a unique feature for port identity and marketing. Conservation and integration of such properties into the future built environment.

4.3.16. Development and provision of the skills transfer plan as part of the project.

4.3.17. Ensure knowledge and skills transfer to the Transnet National Port Authority project team in line with the skills transfer plan.

Project Scope of Works Summary

4.4. The project will be completed within a period of five (5) months as outlined in the table below and will cover the following precincts and associated infrastructure assets: Port Precinct Plans

Focus Area

Name

Outcome

Precinct 1

South Dunes Precinct

- Coal terminal
- Liquid terminal
- Detailed report on the precinct including practical implementable recommendations.
- Detailed precinct maps including land uses.

Focus Area

Name

Outcome

Precinct 2

Bayvue Precinct

- Breakbulk/Multi-purpose terminal
- Detailed report on the precinct including practical implementable recommendations.
- Detailed precinct maps including land uses

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• Dry terminal

Precinct 3

Newark Precinct

- Marine Engineering
- Recreational
- Detailed report on the precinct including practical implementable recommendations.
- Detailed precinct maps including land uses

Land use

All Precincts

- Consolidated Land use plan optimized and harmonized to ensure efficiencies in the port.

The submission to include the detailed reports, drawing, maps, models etc.

5. INFORMATION/DOCUMENTS PROVIDED BY THE EMPLOYER

5.1. The following documents shall be provided by TNPA to the appointed service provider. Further the service provider shall be required to sign a non-disclosure agreement.

5.1.1. Port of Richards Bay PDPP

5.1.2. City of UMHlathuze development Management Scheme (DMS)

5.1.3. Freight Management strategy

5.1.4. Land Use Management Framework and Leasing Strategy 2013

5.1.5. Any other policy or study relevant/applicable to this area.

5.1.6. Asset Maintenance Principles and Procedures

5.2. The project team is required to consult and request input from the following departments during the project execution:

5.2.1. Planning and Development

5.2.2. SHEQ

5.2.3. Property

5.2.4. Port Operations

5.2.5. Harbor Master

5.2.6. Port Engineering

5.2.7. Any other departments as may be required

6. DELIVERABLES

6.1. A well-structured report with a logical sequence describing existing baseline conditions, the methodology, analysis, conclusions, and recommendations, which includes the following deliverables:

6.1.1. Geographical layouts of precincts detailing South Africa, Provincial, Regional, municipal, and Metro context, linkages, and interface.

6.1.2. Detailed precincts plan, which show the overall distribution of land uses and how much land is used by each category including vacant and undevelopable land and natural features, and further create an inventory and map of the existing uses and the different classifications.

Development of Port Precinct Plans: TNPA Port of Richards bay 7 of 8

6.1.3. Operational and other restrictions applicable to each precinct and be demonstrated graphically.

6.1.4. Physical infrastructure implications on Precinct Plans (short, medium, and long term).

6.1.5. Determine if re-rationalisation, spatial re-layout, and road reconfiguration of precinct are needed factoring leases, traffic management and financial implications.

6.1.6. Urban design (aesthetics and functionality), signage, traffic management implications on precinct, road, rail and conveyors, pipelines and where applicable, include the soft edges.

6.1.7. Conservation areas and Cultural sites/Heritage sites per precinct (if applicable)

6.1.8. Record of Heritage buildings, etc. and possible adaptive reuse of such properties within the Port's Strategic development programme.

7. REPORTING FORMAT

- 7.1. Reports from the service provider shall be required to be submitted in the following formats.
 - 7.1.1. Power-point presentations to be on Transnet National Ports Authority corporate format.
 - 7.1.2. Editable MS Word A4 Report with associated maps, graphs and tables.
 - 7.1.3. Urban Design Framework (3D graphic presentation) of the study area and proposed interventions.
 - 7.1.4. Specialist report from the relevant specialist, which includes, but not limited to the following:
 - 7.1.5. Assessment of Environment constraints and considerations.
 - 7.1.6. Assessment of transport/traffic networks considering traffic flows, road capacity, road lanes, and desired infrastructure.
 - 7.1.7. Assessments of all service infrastructure future needs and requirements in accordance with the proposed projects in the Port Development Framework Plan.
 - 7.1.8. AutoCAD drawings.
 - 7.1.9. GIS data and shape files.
 - 7.1.10. Excel data sheets.
 - 7.1.11. And or any other native copy.

8. PREVIOUS EXPERIENCE

- 8.1. Respondents must submit evidence that they have completed similar projects to give confidence to ensure that they are experienced and qualified to execute the work. The Development of Port Precinct Plans: TNPA Port of Richards bay 8 of 8 evidence shall be in the form of completion certificates or reference letters in the client letterhead, signed and with contactable details.
- 8.2. The evidence to be submitted should indicate superior capabilities in conducting multi-faceted work that involves socio-economic considerations, environmental considerations, land use and planning principles, detailed engineering master planning, transport planning & considerations and stakeholder participation/consultation.
- 8.3. Curriculum Vitae's detailing the experience & qualifications of the project team must accompany all proposals. Certified copies of the qualifications and professional registration (where applicable) shall also be required as part of the submission.

9. WORK SCHEDULE

- 9.1. The project will be executed over a period of five (5) months. The Respondents must submit with their proposals a detailed schedule of the work to be undertaken, including estimated time required for each task as this will form part of the adjudication criteria. The service provider shall be required to present all the deliverables, conduct workshops, and effect all changes and reviews requested by Transnet National Ports Authority as part of the contract.

10 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.

11 Security clearance

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

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

12 National Treasury's Central Supplier Database

Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Transnet is required to ensure that price quotations are invited and accepted from prospective bidders listed on the CSD. Business may not be awarded to a respondent who has failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD. The CSD can be accessed at <https://secure.csd.gov.za/>.

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.

13 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:**



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



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.

What's App
Speak to an Agent via What's App.

Speak to an Agent
Speak to an Agent via the platform with no call or data charge

Telegram
Speak to an Agent via Telegram



0800 003 056



086 551 4153



reportit@ethicshelpdesk.com



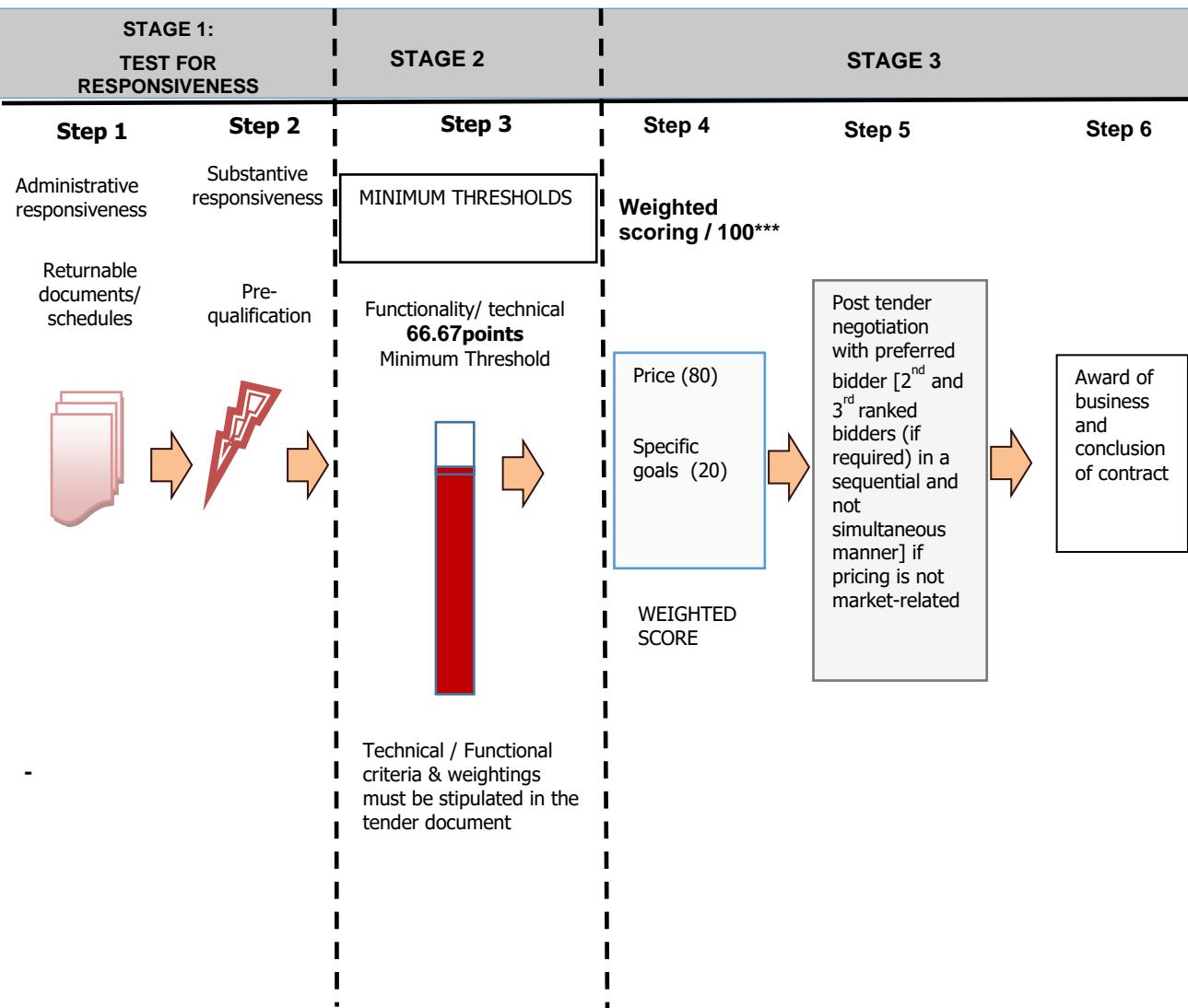
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SECTION 3

EVALUATION METHODOLOGY, CRITERIA AND RETURNABLE DOCUMENTS

1 Evaluation Criteria

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



1.1 STEP ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check	RFQ Reference
• Whether the Bid has been lodged on time	<i>Section 1</i>
• Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time	<i>Section 3</i>
• Verify the validity of all returnable documents	<i>Section 3</i>
• Verify if the Bid document has been duly signed by the authorised respondent	<i>All sections</i>

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

1.2 STEP TWO: Test for Substantive Responsiveness to RFQ

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

Check for substantive responsiveness	RFQ Reference
• Whether any general and legislation qualification criteria set by Transnet, have been met	<i>All sections</i>
• Whether the Bid contains a priced offer	<i>Section 4 - Quotation Form</i>
• Whether the Bid materially complies with the scope and/or specification given	<i>All Sections</i>
• Certificate of attendance and attendance register of compulsory RFQ Briefing	<i>Section 8</i>

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

1.3 STEP THREE: Minimum Threshold 66.67 points for Technical Criteria

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

Evaluating Criteria	Total Weight	Sub-Criteria	Scoring guidelines/ Sub - Weight
BIDDER'S PROFESSIONAL ACCREDITATION The bidder's key personnel must submit a CV, qualification, and Professional Registration as below. <ol style="list-style-type: none"> 1. CV, BSc/B Eng./B – Tech Urban & Regional Planning & SACPLAN Registered 2. CV, BSc/B Eng./B – Tech Industrial Engineering & ECSA Registered 3. CV, BSc/ B Eng./B-Tech Civil Engineering & ECSA Registered Civil Engineer/Technologist 4. CV, Honours Environmental Science & Registered Environmental Officer Additional Requirements: <ol style="list-style-type: none"> 1. Organogram of key personnel to the Project 	35	None professional accreditation were submitted Only 1-3 of the Professional accreditations have been submitted All 4 Professional accreditations have been submitted All 4 Professional accreditation have been submitted, including the additional requirements (organogram of key personnel to the project)	0 1 2 3
BIDDER'S EXPERIENCE Bidder must submit 3 reference letters (not older than fifteen (15) years) detailing similar work with contactable details from previous client. Additional requirements: <ul style="list-style-type: none"> • Description of the project • Duration of the projects Addition Requirement: Letter with values of the Projects Undertaken	25	No reference letters submitted Two (1-2) reference letters submitted with contactable reference Three (3) reference letters submitted with contactable reference. Three (3) reference letters submitted with contactable reference, with the additional requirements (organogram of key personnel to the project)	0 1 2 3
SCHEDULE OF WORKS The bidder must submit a sufficiently detailed schedule of work (reflecting timelines, activities, and deliverables) to demonstrate its ability to plan and sequence the work and to recognise the critical path through the project. The bidder must also submit a schedule reflecting project team involvement (resource plan/ man hours). Additional Requirement: Schedule to be cost loaded with distribution of resources. (Resource plan/ man hours). Additional Requirement: Schedule to be cost loaded with distribution of resources.	15	Schedule of work not submitted Submitted a schedule of work with clear activity Logic Submitted a schedule of work which displays the following: <ul style="list-style-type: none"> • Clear activity logic • Easily identified critical path • Key Milestones/Deliverables Submitted a schedule of work which displays the following: <ul style="list-style-type: none"> • Clear activity logic • Easily identified critical path • Key milestones/deliverables schedule Additional requirement (Schedule to be cost loaded with distribution of resources)	0 1 2 3
BIDDER'S PROPOSED METHODOLOGY The bidder must provide a detailed method statement outlining the proposed methodology and must have the following critical majors:	15	No Method Statement submitted. 1 - 3 of the key elements were covered on the proposed methodology	0 1

1) Relates to the scope of work 2) Compliance to project schedules 3) Quality control 4) Quality assurance 5) Applicable Standards and regulations And additional requirements: Compliance to key performance to indicators		All 5 key elements were covered on the proposed methodology	2
		All the key elements were covered on the proposed methodology plus additional requirement (Compliance to key performance indicators)	3
SHE PLAN The bidder needs to submit a detailed Safety, Health, and Environment Plan that includes project specific risk assessment that identifies hazards, risks and impact. The plan should also clearly highlight the level of each identified risk. Additional Requirement: Control/preventative measures to address identified hazards, risks and consequences	10	SHE Plan not submitted.	0
		SHE Plan with generic risk assessment	1
		SHE Plan includes project specific risk assessment and the level of the identified risk.	2
		SHE Plan includes project specific risk assessment, the level of the identified risks and the additional requirement - Control measures (Control/preventative measures to address identified hazards, risks and consequences)	3
Total weight	100		
Minimum qualifying score required:	66.67		

Respondents must complete and submit **Annexure B which include a Technical Questionnaire**. A Respondent's compliance with the minimum functionality/technical threshold will be measured by their responses to Annexure **B**. Respondents are to note that Transnet will round off final technical scores to the nearest 2 (two) decimal places for the purposes of determining whether the technical threshold has been met.

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

1.4 STEP FOUR: Evaluation and Final Weighted Scoring

a) Price and TCO Criteria [Weighted score 80 points]:

Evaluation Criteria	RFP Reference
• Commercial offer	Section 4

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

$$PS = 80 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where:

Ps = Score for the Bid under consideration

Pt = Price of Bid under consideration

$Pmin$ = Price of lowest acceptable Bid

b) **Specific Goals** [Weighted score 20 point]

- Specific goals preference points claim form
- Preference points will be awarded to a bidder for attaining the specific goals requirements in accordance with the table indicated in **Section 4.1** of the specific goals Claim Form.

1.5 STEP FIVE: Post Tender Negotiations (if applicable)

- 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).

1.6 STEP SIX: Award of business and conclusion of contract

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

2 Validity Period

Transnet requires a validity period of 90 [Ninety] Business Days from the closing date of this RFQ, excluding the first day and including the last day.

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

3 Disclosure of contract information

Prices Quoted

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:

<p>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 reasonably be withheld.</p>						
<p>Is the Respondent (Complete with a "Yes" or "No")</p>						
<p>A DPIP/FPPO</p>		<p>Closely Related to a DPIP/FPPO</p>		<p>Closely Associated to a DPIP/FPPO</p>		
<p>List all known business interests, in which a DPIP/FPPO may have a direct/indirect interest or significant participation or involvement.</p>						
<p>No</p>	<p>Name of Entity / Business</p>	<p>Role in the Entity / Business (Nature of interest/ Participation)</p>	<p>Shareholding %</p>	<p>Registration Number</p>	<p>Status (Mark the applicable option with an X)</p>	
					<p>Active</p>	<p>Non-Active</p>
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.

4 Returnable Documents

Returnable Documents means all the documents, Sections and Annexures, as listed in the tables below. There are three types of returnable documents as indicated below and Respondents are urged to ensure that these documents are returned with their bids based on the consequences of non-submission as indicated below:

Mandatory Returnable Documents	<i>Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this RFQ <u>will</u> result in a Respondent's disqualification.</i>
Returnable Documents Used for Scoring	<i>Failure to provide all Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent's disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion.</i>
Essential Returnable Documents	<i>Failure to provide essential Returnable Documents <u>will</u> result in Transnet affording Respondents a further opportunity to submit by a set deadline. Should a Respondent thereafter fail to submit the requested documents, this may result in a Respondent's disqualification.</i>

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

a) Mandatory Returnable Documents

Respondents are required to submit with their bid submissions the following **Mandatory Returnable Documents**, and also to confirm submission of these documents by so indicating [Yes or No] in the tables below:

Mandatory Returnable Documents	Submitted [Yes or No]
SECTION 4: Quotation Form completed in full	

b) Returnable Documents Used for Scoring

In addition to the requirements of section (a) above, Respondents are further required to submit with their Proposals the following **Returnable Documents Used for Scoring** and also to confirm submission of these documents by so indicating [Yes or No] in the table below:

RETURNABLE DOCUMENTS USED FOR SCORING	SUBMITTED [Yes or No]
Valid proof of Respondent's compliance to B-BBEE requirements stipulated in Section 7 of this RFQ (Valid B-BBEE certificate or Sworn- Affidavit as per DTIC guidelines)	
ANNEXURE B: Technical Submission/Questionnaire	
BIDDER'S PROFESSIONAL ACCREDITATION The bidder's key personnel must submit a CV, qualification, and Professional Registration	
BIDDER'S EXPERIENCE Bidder must provide 3 reference letters detailing similar work with contactable details from previous client.	
SCHEDULE OF WORKS The bidder must submit a sufficiently detailed schedule of work (reflecting timelines, activities, and deliverables) to demonstrate its ability to plan and sequence the work and to recognise the critical path through the project. The bidder must also submit a schedule	

RETURNABLE DOCUMENTS USED FOR SCORING	SUBMITTED [Yes or No]
<p>reflecting project team involvement (resource plan/ man hours)</p> <p>BIDDER'S PROPOSED METHODOLOGY</p> <p>A bidder needs to submit a method statement detailing the proposed approach for executing the works.</p> <p>SHE PLAN</p> <p>The bidder needs to submit a detailed Safety, Health, and Environment Plan that includes project specific risk assessment that identifies hazards, risks and impact. The plan should also clearly highlight the level of each identified risk.</p>	
<p>Respondent's valid proof of evidence to claim points for compliance with Specific Goals' requirements as stipulated in Section 7 of this RFQ:</p> <ul style="list-style-type: none"> - B-BBEE Level of contributor (1 or 2) - +50% Black Youth Owned Entities - 30% Black women Owned entities - Non-Compliant and/or B-BBEE Level 3-8 contributors 	

c) Essential Returnable Documents:

Over and the above the requirements of section (a) and (b) mentioned above, Respondents are further required to submit with their Proposals the following **Essential Returnable Documents** and also to confirm submission of these documents by so indicating [Yes or No] in the table below:

ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
SECTION 5: Certificate of Acquaintance with RFQ Documents	
SECTION 6: RFQ Declaration and Breach of Law Form	
SECTION 9: Protection of Personal Information	
SECTION 1: SBD1 Form	
SECTION 8: Certificate of attendance of compulsory RFQ Briefing	

5 CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

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

SECTION 4

QUOTATION FORM

I/We _____

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

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

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

I/We accept that unless Transnet should otherwise decide and so inform me/us, this Quotation [and, if any, its covering letter and any subsequent exchange of correspondence], together with Transnet's acceptance thereof shall constitute a binding contract between Transnet and me/us. I/We further agree that if, after I/we have been notified of the acceptance of my/our Quotation, I/we fail to deliver the said goods/service/s within the delivery lead-time quoted, Transnet may, without prejudice to any other legal remedy which it may have, cancel the order and recover from me/us any expenses incurred by Transnet in calling for Quotations afresh and/or having to accept any less favourable offer.

Price Schedule

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

Activity No.	Activity	Price of each activity
1.	<u>Project Planning (P&Gs)</u>	
1.1	Attendance to the project inception meeting	
1.2	Site visits for the duration of the project	
1.3	Collection and Literature review of relevant background information	
1.4	Prepare and submit Project Plan and Schedule	
	Project safety file	
2.	<u>Precinct Planning deliverables</u>	
2.1.	Inception report (situational analysis)	
2.2	Scenario development and Port layout option analysis	
2.3	Detailed Precinct Planning Report inc. infrastructure requirements and reconfiguration	
2.4	Detailed preferred port development maps including precinct configuration concepts	
Total price Excluding VAT		
Plus 15% Vat		
Total Inclusive VAT		

Delivery Lead-Time from date of purchase order: _____ [days/weeks]

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 RFQ;
 - (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 RFQ;
 - (iii) 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 RFQ.

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

- b) All Prices must be quoted in South African Rand, inclusive of VAT
- 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 price schedule and not utilise a different format. Deviation from this pricing schedule could result in a bid being disqualified.
- e) Please note that should you have offered a discounted price(s), Transnet will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.
- f) In respect of incoterms conditions, if applicable, please refer to paragraph 25 of the General Bid Conditions which is attached to the RFQ.

SECTION 5
CERTIFICATE OF ACQUAINTANCE WITH RFQ DOCUMENTS

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

1. Transnet's General Bid Conditions
2. Standard RFQ Terms and Conditions for the supply of Goods or Services to Transnet
3. Transnet's Supplier Integrity Pact
4. Non-disclosure Agreement
5. Guide how to access and register e-tender
6. Specification attached to this RFQ

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

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

The bidder understands that his/her Bid will be disqualified if this Certificate of Acquaintance with RFQ documents included in the RFQ as a returnable document, is found not to be true and/ or 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 6

RFQ DECLARATION AND BREACH OF LAW FORM

NAME OF ENTITY: _____

We _____ do hereby certify that:

1. Transnet has supplied and we have received appropriate responses to any/all questions [as applicable] which were submitted by ourselves for RFQ Clarification purposes;
2. We have received all information we deemed necessary for the completion of this Request for Quotation [RFQ];
3. We have been provided with sufficient access to the existing Transnet facilities/sites and all relevant information relevant to the Supply of the Goods 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 RFQ from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the RFQ documents;
5. We have complied with all obligations of the Bidder/Supplier as indicated in the Transnet Supplier Integrity Pact 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;
6. We are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this RFQ and the requirements requested from Bidders in responding to this RFQ have been conducted in a fair and transparent manner;
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 Transnet 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 the 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 RFQ; 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.

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.

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

12. We further hereby certify that *I/we have/have not been* [delete as applicable] found guilty during the preceding 5 [five] years of a serious breach of law, including but not limited to a breach of the Competition Act, 89 of 1998, by a court of law, tribunal or other administrative body. The type of breach that the Respondent is required to disclose excludes relatively minor offences or misdemeanours, e.g. traffic offences. This includes the imposition of an administrative fine or penalty.

Where found guilty of such a serious breach, please disclose:

NATURE OF BREACH:

DATE OF BREACH: _____

Furthermore, I/we acknowledge that Transnet SOC Ltd reserves the right to exclude any Respondent from the bidding process, should that person or entity have been found guilty of a serious breach of law, tribunal or regulatory obligation.

SIGNED at _____ on this _____ day of _____ 20____

For and on behalf of _____ duly authorised hereto	AS WITNESS: _____ Name: _____
---	---

Position:	Position:
Signature:	Signature:
Date:	Registration No of Company/CC _____
Place:	Registration Name of Company/CC _____

SECTION 7: SPECIFIC GOALS 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 specific goals Contribution. Transnet will award preference points to companies who provide valid proof of evidence of as per the table below.

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF SPECIFIC GOALS, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids:
 - the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- 1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 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 Either the 80/20 preference point system will be applicable to this tender.
- 1.4 Preference points for this bid shall be awarded for:
 - (a) Price;
 - (b) B-BBEE Status Level of Contribution.
 - (c) Any other specific goal determined in Transnet preferential procurement policy.
- 1.5 The maximum points for this bid are allocated as follows:

PRICE	POINTS
B-BBEE status level of contributor 1 or 2	80
+50% black youth owned entities	6.67
30% black women owned entities	6.67
Total points for Price and Specific Goals must not exceed	100

- 1.6 Failure on the part of a bidder to submit proof of specific goals together with the bid will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.7 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;

(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 defined 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"** means:

- 1) B-BBEE status level certificate issued by an unauthorised body or person;
- 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
- 3) Any other requirement prescribed in terms of the B-BBEE Act.

(j) **"QSE"** means a Qualifying Small Enterprise in terms of a 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.

(l) **"Specific goals"** means targeted advancement areas or categories of persons or groups either previously disadvantaged or falling within the scope of the Reconstruction and Development Programme identified by Transnet to be given preference in allocation of procurement contracts in line with section 2(1) of the PPPFA.

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for comparative price of bid under consideration
 Pt = Comparative price of bid under consideration
 Pmin = Comparative price of lowest acceptable bid

In terms of Transnet Preferential Procurement Policy (TPPP) and Procurement Manuals, the following preference points must be awarded to a bidder who provides the relevant required evidence for claiming points.

Selected Specific Goal	Number of points allocated (80/20)
B-BBEE Level of contributor (1 or 2)	6.67
+50% Black Youth Owned Entities	6.67
30% Black women Owned entities	6.67
Non-Compliant and/or B-BBEE Level 3-8 contributors	0

4. EVIDENCE REQUIRED FOR CLAIMING SPECIFIC GOALS

4.1 In terms of Transnet Preferential Procurement Policy (TPPP) and Procurement Manuals, preference points must be awarded to a bidder for providing evidence in accordance with the table below :

Specific Goals	Acceptable Evidence
B-BBEE	B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate (in case of JV, a consolidated scorecard will be accepted) as per DTIC guideline
30% Black Women Owned Entities	B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate (in case of JV, a consolidated scorecard will be accepted) as per DTIC guideline
+50% Black Youth Owned Entities	Certified copy of ID Documents of the Owners and B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate (in case of JV, a consolidated scorecard will be accepted) as per DTIC guideline

4.2 The table below indicates the required 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
-----	----

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 any of the enterprises below:

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 proprietor
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other 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-BBEE status level of contribution indicated in paragraphs 4.1 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;
- 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 4.1 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 the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have-
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) 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.

WITNESSES

1.

2.

Resp

SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

SECTION 8**CERTIFICATE OF ATTENDANCE OF COMPULSORY RFQ BRIEFING**

It is hereby certified that –

1. _____

2. _____

Representative(s) of _____ *[name of entity]*
attended the RFQ briefing in respect of the proposed Goods/Services to be rendered in terms of this RFQ on
_____ 2023 _____

TRANSNET'S REPRESENTATIVE

RESPONDENT'S REPRESENTATIVE

DATE _____

DATE _____

NOTE:

This certificate of attendance must be filled in duplicate, one copy to be kept by Transnet and the other copy to be kept by the bidder.

SECTION 9**PROTECTION OF PERSONAL INFORMATION**

1. The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Person information act, No.4 of 2013.("POPIA"):
consent; data subject; electronic communication; information officer; operator; person; personal information; processing; record; Regulator; responsible party; special information; as well as any terms derived from these terms.
2. Transnet will process all information by the Respondent in terms of the requirements contemplated in Section 4(1) of the POPIA:
Accountability; Processing limitation; Purpose specification; Further processing limitation; Information quality; Openness; Security safeguards and Data subject participation.
3. The Parties acknowledge and agree that, in relation to personal information that will be processed pursuant to this RFQ, 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 RFQ 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 RFQ, 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 RFQ (physically, through a computer or any other form of electronic communication).

9. Transnet shall notify the Respondent in writing of any unauthorised access to information, cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such crimes or suspected crime. The Respondent must take all necessary remedial steps to mitigate the extent of the loss or compromise of personal information and to restore the integrity of the affected personal information as quickly as is possible.
10. The Respondent may, in writing, request Transnet to confirm and/or make available any personal information in its possession in relation to the Respondent and if such personal information has been accessed by third parties and the identity thereof in terms of the POPIA. The Respondent may further request that Transnet correct (excluding critical/mandatory or evaluation information), delete, destroy, withdraw consent or object to the processing of any personal information relating to the Respondent in Transnet's possession in terms of the provision of the POPIA and utilizing Form 2 of the POPIA Regulations.
11. In submitting any information or documentation requested in this RFQ, the Respondent is hereby consenting to the processing of their personal information for the purpose of this RFQ 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
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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 RFQ 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