

**TRANSNET CORPORATE CENTRE (TCC)**

an Operating Division of **TRANSNET SOC LTD**

[hereinafter referred to as **Transnet**]

[Registration No. 1990/000900/30]

**FOR THE PROVISION OF RECRUITMENT RELATED SERVICES (BACKGROUND CHECKS AND VETTING) FOR A PERIOD OF ONE (1) YEAR**

<b>RFQ NUMBER</b>	<b>TCC/2022/06/0154/4811/RFQ</b>
<b>ISSUE DATE:</b>	<b>02 June 2022</b>
<b>CLOSING DATE:</b>	<b>08 June 2022</b>
<b>CLOSING TIME:</b>	<b>13:00 PM</b>
<b>BID VALIDITY PERIOD:</b>	<b>120 Business Days from Closing Date</b>

**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. 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**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET SOC LTD</b>							
BID NUMBER:	TCC/2022/06/0154/4811/RFQ	ISSUE DATE:	02 June 2022	CLOSING DATE:	08 June 2022	CLOSING TIME:	13h00 PM
DESCRIPTION	<b>FOR THE PROVISION OF RECRUITMENT RELATED SERVICES 9BACKGROUND CHECKS AND VETTING) FOR A PERIOD OF ONE (1) YEAR</b>						
<b>BID RESPONSE DOCUMENTS SUBMISSION</b>							
<p>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.</p> <p><b>RESPONDENTS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH TENDER/RFQ SELECTED.</b></p> <p>The Transnet e-Tender Submission Portal can be accessed as follows:</p> <ul style="list-style-type: none"> <li>Log on to the Transnet eTenders management platform website (<a href="https://www.transnet.net">https://www.transnet.net</a>);</li> <li>Click on "TENDERS";</li> <li>Scroll towards the bottom right hand side of the page;</li> <li>Click on "register on our new eTender Portal";</li> <li>Click on "ADVERTISED TENDERS" to view advertised tenders;</li> <li>Click on "SIGN IN/REGISTER – for bidder to register their information (must fill in all mandatory information);</li> <li>Click on "SIGN IN/REGISTER" - to sign in if already registered;</li> <li>Toggle (click to switch) the "Log an Intent" button to submit a bid;</li> <li>Submit bid documents by uploading them into the system against each tender selected.</li> <li>No late submissions will be accepted. The bidder guide can be found on the Transnet Portal <a href="https://transnetetenders.azurewebsites.net">transnetetenders.azurewebsites.net</a></li> </ul>							
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>							
CONTACT PERSON	Abednego Marosane						
TELEPHONE NUMBER	011 308 3761						
E-MAIL ADDRESS	<a href="mailto:abednego.marosane@transnet.net">abednego.marosane@transnet.net</a>						
<b>SUPPLIER INFORMATION</b>							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE		NUMBER				
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE		NUMBER				
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA		

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No	B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]</b>			
<b>1</b> ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	<b>2</b> ARE YOU A FOREIGN BASED SUPPLIER FOR THE <b>GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER QUESTIONNAIRE BELOW ]
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?			<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO
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

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

**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**

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### **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 formal briefing session will not be held but should Respondents have specific queries they should email these to the Transnet representative indicated in Section 1: SBD 1 Form.

### **3 Communication**

- 3.1 Specific queries relating to this RFQ before the closing date of the RFQ should be submitted to the contact person specified in Section 1 of this RFQ before **12:00 pm on 07 June 2022**. In the interest of fairness and transparency Transnet's response to such a query will then be made available to other bidders.
- 3.2 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in respect of this RFQ between the closing date and the date of the award of the business.
- 3.3 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.
- 3.4 Respondents may also, at any time after the closing date of the RFQ, communicate with the contact person specified in Section 1 of this RFQ on any matter relating to its RFQ response
- 3.5 Respondents are to note that changes to its submission will not be considered after the closing date.

### **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**

- 8.1 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 goods / service(s) and request Respondents to re-bid on any changes;
  - reject any Quotation which does not conform to instructions and specifications which are detailed herein;

- disqualify Quotations submitted after the stated submission deadline;
- not necessarily accept the lowest priced Quotation or an alternative bid;
- place an order in connection with this Quotation at any time after the RFQ's closing date;
- award only a portion of the proposed goods / 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 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.

## **9 BACKGROUND**

Transnet seeks to appoint a competent service provider to provide background checks service for a period of 12 months as an interim solution to allow the tender process of a similar tender which will cover Transnet Group for period of over three (3) years.

### **DETAILED SCOPE OF WORK**

The Service Provider's scope of work will include:

- a. Individual credential verifications in respect to employees or potential employees referring to:
  - ID verification, residence and work permit information.
  - Formal education i.e., Matric, Tertiary Qualifications, Trade Certificates (all qualifications with NQF level on a candidate's application must be verified);
  - Institution registration and accreditation
  - Professional memberships

- Driver's Licences; and
  - Employment confirmations and workplace references i.e. The candidate's employment, history, dates of service, position title and remuneration details, where required, past job requirements, key performance areas, performance, and conduct.
- b. Verification in respect of:
- Criminal records (or the lack thereof) via AFIS
  - Credit records (Consolidated Credit Report) and/or fraud listing
  - Clearance certificate where an applicant is a former member of any official military, security, police or intelligence force or service in South Africa or elsewhere; and
  - External business interest where required
- c. The minimum statutory checks required by the Companies Act for the appointment of Group Executive Committee as they would qualify as 'prescribed officers'
- d. Checks required by Section 23 (1) of the Private Security Industry Regulation Act ("the Act"), for any natural person applying for registration may be registered as a security service provider if the applicant is a fit and proper person to render a security service. These checks are meant to establish if a person:
- Was found guilty of an offence specified in the Schedule to the Act within a period of 10 years immediately before the submission of the application to the Private Security Industry Regulatory Authority ("Authority").
  - Was found guilty on improper conduct in terms of the Act within a period of five years immediately before the submission of the application to the Authority; and
  - Is currently employed in the Public Service in circumstances where such registration may conflict with a legislative provision applicable to the applicant.

In addition the Service Provider will conduct checks across Africa and international. Also, The Service Provider will ensure legal compliance pertaining to employment background screening check services and also assist Transnet in staying abreast of legal requirements regarding background screening.

It is the responsibility of the Service Provider to ensure data security and take measures to protect sensitive consumer information, have policies regarding the proper maintenance and disposal of personally identifiable information and data recovery/backup system.

Further the Service Provider Transnet must ensure compliance to the Sanction Act and Financial Intelligence Centre (FIC) Amendment Act 1 of 2017.

## **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**

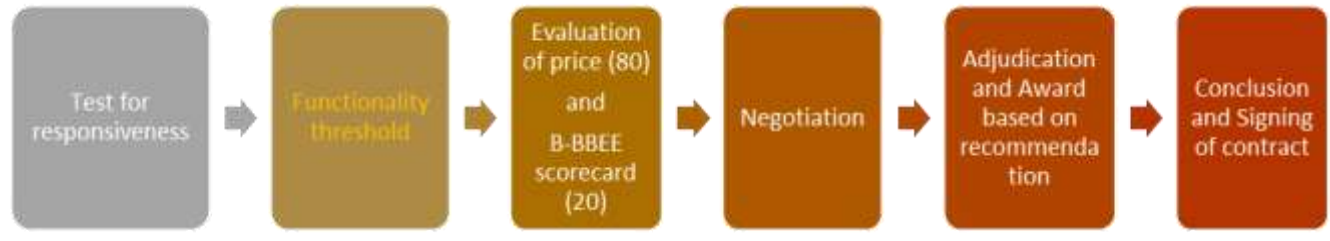
				
<b>AI Voice Bot "Jack"</b> Speak to our AI Voice Chat Bot "JACK", you converse with him like chatting to a human, with the option to record a message and speak to an agent at anytime.	<b>What's App</b> Speak to an Agent via What's App.	<b>Speak to an Agent</b> Speak to an Agent via the platform with no call or data charge	<b>Telegram</b> Speak to an Agent via Telegram	
 <b>0800 003 056</b>	 <b>086 551 4153</b>	 <b>reportit@ethicshelpdesk.com</b>	 <b>*120*0785980808#</b>	

### SECTION 3

#### EVALUATION METHODOLOGY, CRITERIA AND RETURNABLE DOCUMENTS

#### 1 Evaluation Criteria

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



##### 1.1 STEP ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check
<ul style="list-style-type: none"> <li>Whether the Bid has been lodged on time</li> </ul>
<ul style="list-style-type: none"> <li>Bidder has signed SECTION 6: Certificate of Acquaintance with RFQ Documents</li> </ul>
<ul style="list-style-type: none"> <li>Bidder has signed Bid document (All Sections)</li> </ul>

***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
<ul style="list-style-type: none"> <li>Bidder has completed SECTION 1: SBD1 Form</li> </ul>
<ul style="list-style-type: none"> <li>Bidder has submitted a Priced Offer</li> </ul>

***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 70 points for Technical Criteria**

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

Evaluation Criteria	Maximum Points
<b>Bidder experience in providing Employment Background Checks and Vetting</b> <ul style="list-style-type: none"> <li>No client Reference [0]</li> <li>(1) client Reference [10]</li> <li>(2) Client Reference [20]</li> <li>(3) Client Reference [30]</li> <li>Over 4 Client Reference [40]</li> </ul>	40
<b>Bidder footprint - ability to do fingerprint capturing</b> <ul style="list-style-type: none"> <li>Less than 30% footprint [0]</li> <li>Between 30% - 50% footprint [10]</li> <li>Between 50% - 75% footprint [20]</li> <li>Between 75% - 99% footprint [30]</li> <li>Between 100% footprint [40]</li> </ul>	30
<b>Bidder Turnaround Times</b> <ul style="list-style-type: none"> <li>Results will be provided in over (6) days of request [0]</li> <li>Results will be provided within (5) days of request [10]</li> <li>Results will be provided within (4) days of request [20]</li> <li>Results will be provided within (3) days of request [30]</li> </ul>	30
<b>Total</b>	<b>100</b>
<b>Minimum points</b>	<b>70</b>

***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 Criteria** [Weighted score 80 points]:

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) **Broad-Based Black Economic Empowerment criteria** [Weighted score 20 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.

### **1.5 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).
- Over and above the negotiating of prices with the preferred bidder to get a market-related price, Transnet may engage preferred bidder(s) to negotiate reduced rates before or after the award of business to achieve cost effectiveness in all its contracts.

### **1.6 STEP SEVEN: 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 [120] 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**

### **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.						
<b>Is the Respondent</b> (Complete with a "Yes" or "No")						
<b>A DPIP/FPPO</b>		<b>Closely Related to a DPIP/FPPO</b>		<b>Closely Associated to a DPIP/FPPO</b>		
<b>List all known business interests, in which a DPIP/FPPO may have a direct/indirect interest or significant participation or involvement.</b>						
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.

#### 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	<b><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></b>
Returnable Documents Used for Scoring	<b><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></b>
Essential Returnable Documents	<b><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></b>

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

<b>RETURNABLE DOCUMENTS &amp; SCHEDULES</b>	<b>SUBMITTED [Yes or No]</b>
Section 1: SBD1 Form	
SECTION 4: Pricing and Delivery Schedule	
Annexure D: Valid proof of Respondent's compliance to B-BBEE requirements stipulated in Section 9 of this RFQ	
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: Bidder's Experience	
Annexure H: Bidder's Footprint	
Annexure I: Bidder's Turnaround Times	
SECTION 5: Proposal Form and List of Returnable documents	
SECTION 6: Certificate Of Acquaintance with RFQ, Terms & Conditions & Applicable Documents	
SECTION 7: RFQ Declaration and Breach of Law Form	
SECTION 9: B-BBEE Preference Claim Form	
SECTION 11: Protection of Personal Information	

**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.

**Annexure D:**

Bidder to attach Valid proof of Respondent's compliance to B-BBEE requirements stipulated in Section 7 of this RFQ

**Annexure F:**  
Bidder to attach TAX compliance status and PIN

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Respondent's Signature

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Date & Company Stamp

**Annexure G:**  
Bidder's Experience

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

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



**Annexure H:**  
Bidder's Footprint

NO.	REGION	OD	ADDRESS	CITY	Mark with an X where you have facility (within 30km) of Transnet Site to capture finger print of Candidates/Employees
1	Johannesburg	Transnet Corporate Centre	Carlton Centre, 138 Eloff	Johannesburg	
2	Port Elizabeth	School of Engineering	John Tallant Road	Port Elizabeth	
3	Johannesburg	Wits University	Upper Ground Floor, Chamber of Mines, West Campus Johannesburg	Johannesburg	
4	Kempton Park	Transnet Freight Rail	Road P91 off the R25, Esselen Park Campus, Main Building, Room 21	Kempton Park	
5	Port Elizabeth	School of Engineering	Corner Paterson and Broad Street	Port Elizabeth	
6	Parktown	Transnet Freight Rail	Inyanda House	Parktown	
7	Kempton Park	Transnet Freight Rail	1 anvil road Isando. Transnet Freight Rail Administration Building.	Kempton Park	
8	Johannesburg	Transnet Group Planning	Western Service Road	Johannesburg	
9	Heidelberg	Transnet Capital Projects: Inland Terminal	Poortje Street	Johannesburg	
10	Heidelberg	Transnet Freight Rail	01 Viljoen Street	Johannesburg	
11	Johannesburg	Transnet Freight Rail	Knowledge Centre	Johannesburg	
12	Germiston	Transnet Rail Engineering	3 Keswick, Street	Germiston	
13	Germiston	Transnet Rail Engineering	No 3, Keswick Road	Germiston	
14	City Deep	Transnet Freight Rail	Houer Road	Gauteng	
15	Sentrarand	Transnet Rail Engineering	Electric Locomotive Maintenance	Boksburg	
16	Sentrarand	Transnet Freight Rail	1 Durand Street PUTFONTEIN	Putfontein	
17	Boksburg	Transnet Rail Engineering	20 Sebenza Street	Boksburg	
18	Alrode	Transnet Pipelines	General Alberts Park	Alberton	

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19	Koedoespoort	Transnet Rail Engineering	Koedoespoort and Creswell Road	Pretoria	
20	Pyramid South	Transnet Rail Engineering	Old Warm baths Road	Pretoria	
21	Pretoria	Transnet Rail Engineering	3rd Avenue	Pretoria	
22	Pretoria	Transnet Rail Engineering	Cnr Minaar & Paul Kruger	Pretoria	
23	Pretoria	Transnet Rail Engineering	Corner Micheal Brink and Voortrekker	Pretoria	
24	Pretoria	Transnet Freight Rail	Capital park, to office no. 17/18	Pretoria	
25	Kilner Park	Transnet Rail Engineering	160 Lynette Str	Pretoria	
26	Koedoespoort	Transnet Rail Engineering	Populier Street	Pretoria	
27	Witbank	Transnet Freight Rail	Cnr Langermann & Main Streets	Witbank	
28	Nelspruit	Transnet Freight Rail	First Andrew Street	Nelspruit	
29	Rustenburg	Transnet Freight Rail	Office B446636	Rustenburg	
30	Koedoespoort	Transnet Rail Engineering	8 Trans Road	Pretoria	
31	Polokwane	Transnet Freight Rail	Hospital Street	Polokwane	
32	Leeuhof (Vereeniging)	Transnet Freight Rail	Hollywood Blvd	Vereeniging	
33	Ermelo	Transnet Rail Engineering	Ermelo	Ermelo	
34	Ermelo	Transnet Freight Rail	Office 2	Ermelo	
35	NPA Durban, Services Workshop	Transnet National Ports Authority	4 Bayhead Road	4 Bayhead Road	
36	Durban	Transnet Pipelines	202 Smith St	Durban	
37	Durban	Transnet Capital Projects	237 Mahatma Gandhi	Durban	
38	Durban	Transnet Property	202 Anton Lembede Street	Durban	
39	Bayhead	Transnet Freight Rail	151 South Coast Road	Bayhead	
40	Durban	Transnet Rail Engineering	150 Eel Road,	Durban	
41	Durban	Transnet Rail Engineering	80 Bayhead Road	Durban	
42	Durban	Transnet Rail	477 Smith Street	Durban	

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		Engineering			
43	Durban	Transnet Rail Engineering	311 Edwin Swales Drive	Durban	
44	Port of Durban	Transnet National Ports Authority	Ocean Terminal Building,	Durban	
45	Durban	Transnet Port Terminal	45B Johnstone Road	Durban	
46	Durban	Transnet Port Terminal	Pier 1, Container Terminal	Port Entrance 9, Bayhead Rd Durban	
47	Durban	Transnet Port Terminal	CVR Building	Bayhead	
48	Durban	Transnet Port Terminal	45 Bay Terrace	Durban	
49	Pinetown	Transnet Pipeline	Pinetown	Pinetown	
50	Durban	Maritime School	1 Airport Road	Durban	
51	Pietermaritzburg	Transnet Freight Rail	9 Devonshire Road	Pietermaritzburg	
52	Newcastle	Transnet Freight Rail	Albert Wessels Drive	Newcastle	
53	Vryheid	Transnet Rail Engineering	Slubaan Road	Vryheid	
54	Vryheid	Transnet Freight Rail	Off Jan Moolman Street	Vryheid	
55	Ladysmith	Transnet Pipelines	Ladysmith	Ladysmith	
56	Empangeni	Transnet Freight Rail	4 Kiewiet Street	Empangeni	
57	Richards Bay	Transnet Rail Engineering	Locomotive Depot	Richards Bay	
58	Richards Bay	Transnet Port Terminal	Umhlatuze Building DBT	Richards Bay	
59	Richards Bay	Transnet Port Terminal	Gordon Road	Richards Bay	
60	Richards Bay	Transnet Capital Projects	Absa building 1 floor	Richards Bay	
61	Richards Bay	Transnet National Ports Authority	Ventura Rd	Richard's Bay	
62	Empangeni	Transnet Rail Engineering	Wagon Maintenance Depot	Richards Bay	
63	Ladysmith	Transnet Rail Engineering	End Diamana Road	Ladysmith	
64	Ladysmith	Transnet Freight Rail	Cnr Lyell and Alexander Streets	Ladysmith	

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65	Bloemfontein	Transnet Rail Engineering	Cnr Nathan & Maselspoort Road	Bloemfontein	
66	Bloemfontein	Transnet Rail Engineering	Admin Building 1st floor.	Bloemfontein	
67	Bloemfontein	Transnet Freight Rail	Transnet Road	Bloemfontein	
68	Bloemfontein	Transnet Rail Engineering	Diesel Maintenance Road	Bloemfontein	
69	Posmasburg	Transnet Rail Engineering	Wagons	Posmasburg	
70	Kimberley	Transnet Rail Engineering	Cnr Quinn & Roper Street	Kimberley	
71	Beaconsfield	Transnet Rail Engineering	Oliver Road	Kimberley	
72	Kimberley	Transnet Freight Rail	1A Austin Street	Kimberley	
73	Kimberley	Transnet Freight Rail	1B Austin Street	Kimberley	
74	Kimberley	Transnet Freight Rail	1B Austin Street	Kimberley	
75	Barkly West	Transnet Freight Rail	1B Austin Street	Kimberley	
76	Kimberley	Transnet Freight Rail	Old Promat Building, Florence Street	Kimberley	
77	Kimberley	Transnet Freight Rail	Transnet School of Rail, C/o Oliver & Study Street	Kimberley	
78	Kimberley	Transnet Freight Rail	Transnet Property Management Building, Austin Street	Kimberley	
79	Beaconsfield Yards	Transnet Freight Rail	Alex Yard, Main Building, Landbouweg	Kimberley	
80	Beaconsfield Loco	Transnet Freight Rail	Austin Street	Kimberley	
81	De Aar Yard & Loco	Transnet Freight Rail	Infra Building, Freelanders Street	De Aar	
82	Postmasburg	Transnet Freight Rail	1 Transnet Street	Postmasburg	
83	Sishen	Transnet Freight Rail	1 Transnet Street	Sishen	
84	Upington	Transnet Freight Rail	Kalahari Street	Upington	
85	Warrington	Transnet Freight Rail	Sassar Road	Warrington	
86	Kimberley	Transnet Freight Rail	1B Austin Street	Kimberley	
87	Kimberley	Transnet Rail Engineering	Oliver Road	Kimberley	

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88	Kimberley	Transnet Rail Engineering	Beacons Field	Kimberley	
89	Kroonstad	Transnet Rail Engineering	7th Avenue	Kroonstad	
90	Kroonstad	Transnet Rail Engineering	7th Avenue	Kroonstad	
91	Uitenhage	Transnet Rail Engineering	Old Uitenhage Road	Uitenhage	
92	Port Elizabeth	Central	North Union Street	Port Elizabeth	
93	Port Elizabeth	Transnet National Ports Authority	North Union Street	Port Elizabeth	
94	Port Elizabeth	Transnet Port Terminal	Neptune Road, Off Klub Road, Bluewaterbay/Coega	Port Elizabeth	
95	NPA PE, Services workshop	Transnet National Ports Authority	Lighthouse Workshop	Port Elizabeth	
96	Port Elizabeth	Transnet Freight Rail	Cnr of Strand & Fleming Streets	Port Elizabeth	
97	North End	Transnet Freight Rail	C/O Broad Street & Paterson Road	Port Elizabeth	
98	Port Elizabeth	Transnet Rail Engineering	Old Grahamstown Road	Port Elizabeth	
99	New Brighton & PE Harbour	Transnet Freight Rail	Admin Building 1st floor.	Port Elizabeth	
100	Swartkops	Transnet Freight Rail	John Tallant Road	Port Elizabeth	
101	Port Elizabeth	Transnet Rail Engineering	John Gallant Road	Port Elizabeth	
102	Port Elizabeth	Transnet Port Terminal	Green Street	Port Elizabeth	
103	Port Elizabeth	Transnet Capital Projects	Newton Park	Port Elizabeth	
104	Uitenhage	Transnet Freight Rail	Room 109, 1st Floor	Uitenhage	
105	East London	Transnet Port Terminal	Hely Hutchinson Road	East London	
106	East London	Transnet National Ports Authority	Ganteaume Cres	East London	
107	East London	Transnet Rail Engineering	(op Fire station next to Scorpion)	East London	
108	East London	Transnet Freight Rail	Cambridge	East London	

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109	Mossel Bay	Transnet National Ports Authority	55 Bland St	Mosselbay	
110	Rosmead	Transnet Freight Rail	Room 1	Eastern Cape	
111	Cape Town	Transnet Port Terminal	Container Road, Ben Schoeman Dock	Paarden Eiland, Cape Town	
112	NPA CT, Lighthouse Services Workshop	NPA CT, Lighthouse Services Workshop	100 Beach Road	Cape Town	
113	Cape Town	Western	1 Adderley Street	Cape Town	
114	Cape Town	Transnet National Ports Authority	South Arm Rd, Waterfront,	Cape Town	
115	Cape Town	Transnet Rail Engineering	19 Voortrekker Road	Cape Town	
116	Cape Town	Transnet Capital Projects	Off Modderdam Road	Bellville	
117	Bellville 2	Transnet Freight Rail	Caledon West Street	Belville	
118	Saldanha	Transnet Freight Rail	Transnet Park Building	Bellville South	
119	Bellville	Transnet Freight Rail	Belcon Building	Bellville South	
120	Saldanha	Transnet National Ports Authority	Moss Gas Park	Saldanha	
121	Saldanha	Transnet Freight Rail	Salkor Building	Saldanha	
122	Saldanha	Transnet Freight Rail	CT Building	Saldanha	
123	Saldanha	Transnet Freight Rail	Salkor Building	Saldanha	
124	Saldanha	Transnet Freight Rail	Salkor Building	Saldanha	
125	Saldanha	Transnet Freight Rail	Salkor Building	Saldanha	
126	Saldanha	Transnet Freight Rail	Salkor Building	Saldanha	
127	Saldanha	Transnet Port Terminal	Administration Building, Office 25	Saldanha	
128	Worcester	Transnet Freight Rail	2 Louis Lange Street	Worcester	
129	Beaufort West	Transnet Freight Rail	Beaufort West	Beaufort West	
130	Cape Town	Transnet Capital Projects	Table Bay Building 163	Cape Town	
131	East London	Locomotive Depot	Locomotives Depot Of two rivers drive	Cambridge	

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**Annexure I:**  
**Bidder's Turnaround Times**

Bidder must confirm the time it will take to respond to request for Background Checks and Vetting per candidate

	Mark with X the applicable
Results will be provided in over (6) days of request	
Results will be provided within (5) days of request	
Results will be provided within (4) days of request	
Results will be provided within (3) days of request	

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Respondent's Signature

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## SECTION 4

### QUOTATION FORM

*Respondents are required to complete the table below:*

#	Description	uom	QTY	Price Excl. (VAT)
1.	ID verification	Per person per report	1	
2.	Passport Verification - SADC	Per person per report	1	
3.	Passport Verification - International	Per person per report	1	
4.	Residence verification	Per person per report	1	
5.	Work permit information verification	Per person per report	1	
6.	Formal education i.e., Matric, Tertiary Qualifications, Trade Certificates	Per person per report	1	
7.	Institution registration and accreditation	Per person per report	1	
8.	Professional memberships	Per person per report	1	
9.	Driver's Licences – South Africa	Per person per report	1	
	Driver's Licences – International	Per person per report	1	
10.	Employment confirmations and workplace references	Per person per report	1	
11.	Criminal records (or the lack thereof) via AFIS	Per person per report	1	
12.	Credit records (Consolidated Credit Report) and/or fraud listing	Per person per report	1	
13.	Clearance certificate where an applicant is a former member of any official military, security, police or intelligence force or service in South Africa or elsewhere	Per person per report	1	
14.	External business interest	Per person per report	1	

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

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



15.	The minimum statutory checks required by the Companies Act for the appointment of Group Executive Committee as they would qualify as 'prescribed officers'	Per person per report	1	
16.	Checks required by Section 23 (1) of the Private Security Industry Regulation Act ("the Act"), for any natural person applying for registration may be registered as a security service provider if the applicant is a fit and proper person to render a security service	Per person per report	1	

**Bidder must add all other Background Checks and Vetting not listed**

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Respondent's Signature

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Date & Company Stamp

## 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

**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 interest<sup>1</sup> 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

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


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 consortium<sup>2</sup> 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.

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital,  
efforts, skill and knowledge in an activity for the execution of a contract.

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

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

## SECTION 7

### 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.**

#### 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
  - 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 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 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
<b>PRICE</b>	<b>80</b>
<b>B-BBEE STATUS LEVEL OF CONTRIBUTION</b>	<b>20</b>
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

- 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;
- (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 EEnterprise 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 80/20 PREFERENCE POINT SYSTEMS**

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

80/20

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

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

$$PS = 80 \left( 1 + \frac{P_t - P_{\max}}{P_{\max}} \right) \text{ OR } PS = 90 \left( 1 + \frac{P_t - P_{\max}}{P_{\max}} \right)$$

Where:

- $P_s$  = Points scored for the price of Bid under consideration

$P_t$  = Price of Bid under consideration

$P_{max}$  = Price of highest acceptable Bid

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

- 4.1 In terms 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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 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
<b>Large</b>	Certificate issued by SANAS accredited verification agency
<b>QSE</b>	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 <a href="http://www.dti.gov.za/economic_empowerment/bee_codes.jsp">www.dti.gov.za/economic_empowerment/bee_codes.jsp</a> .]
<b>EME<sup>3</sup></b>	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,

<sup>3</sup> In terms of the Implementation Guide: Preferential Procurement Regulations, 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.

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 is to the below designated groups:

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 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-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;
- 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 or any other matter required 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.

WITNESSES

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**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:**

<b>YES</b>		<b>NO</b>	
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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/infocreg/>, click on contact us, click on complaints.IR@justice.gov.za