

**Request for Quotations – Scope of work
FOR THE PROVISION TO, TO SUPPLY AND DELIVERY OF BOILER SHELL
SPARES REQUIRED AT TRANSNET ENGINEERING GERMISTON: RFQ
Number TE23-GMX-07L-02943**



Dear Bidder,

SBD 1 FORM

PART A - INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET ENGINEERING, A DIVISION TRANSNET SOC LTD

BID NUMBER:	TE23-GMX-07L-02943	ISSUE DATE:	22 June 2023	CLOSING DATE:	03 July 2023	CLOSING TIME:	12H00
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DESCRIPTION FOR THE PROVISION TO, TO SUPPLY AND DELIVERY OF BOILER SHELL SPARES REQUIRED AT TRANSNET ENGINEERING GERMISTON

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

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.

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	Japie Steyn	CONTACT PERSON	Not Applicable
TELEPHONE NUMBER	011 820 22206	TELEPHONE NUMBER	Not Applicable
FACSIMILE NUMBER	Not Applicable	FACSIMILE NUMBER	Not Applicable
E-MAIL ADDRESS	Japie.steyn@transnet.net	E-MAIL ADDRESS	Not Applicable

SUPPLIER INFORMATION

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NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN: 		OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT 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 ENCLOSE 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]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS					
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**

1. TAX COMPLIANCE REQUIREMENTS

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

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

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

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

DATE:

1. Scope of Works/Requirements

Item NO	Short Description	Unit Measure	QTY
1	Top Cover Ring Gasket. ES 816	EA	2
2	Stainless Steel Flexible Hoses (5 per set	EA	1
3	Stainless Steel Flexible Hoses (2 per set	EA	1
4	Load Control Relay. ESG301	EA	1
5	LCR VS1 & VS2 Unit Each.ESG301B	EA	2
6	8 Pin Relay.ESG301C	EA	2
7	Load Setting Potentiometer.ESG302	EA	1
8	Starting Thermostat.ESG303	EA	1
9	Bleed Nozzle Body.ESG305	EA	3
10	Bleed Nozzle Gasket.ESG305A	EA	6
11	Bleed Nozzle Pipe.ESG305B	EA	6

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12	Solenoid Valve Coil.ESG311ANR	1
13	Solenoid Valve Bleed & Dump.ESG311NR	2
14	Gauge Glass 3 Plate Protector.ES1318	1
15	Protector Glass.ES131A	3
16	Gauge Glass Seal 5/8". ESG319	2
17	Gauge Glass Fitting Set.ESG320	1
18	Gauge Glass Fitting Gasket.ESG320A	1
19	Gauge glass. ESG322	2
20	40 mm Manual Blowdown Valve.ESG323	1
21	Blowdown Actuator Unit.ESG323A	1
22	Blowdown Valve & Actuator Unit.ESG323B	1
23	T2 Auto Blowdown Duration timer. ESG323C	1
24	T1 Auto Blowdown Interval Timer.ESG323D	1
25	Auto Actuator Capacitor.ESG323E	1
26	T4 Load Limiting Timer.ESG323G	1
27	Blowdown Load Limiting potentiometer. ESG	1
28	Blowdown Valve Gasket.ESG323K	4
29	Auto Blowdown Hand Switch.ESG323L	1
30	Blowdown Repair Kit.323M	1
31	Pressure Gauge.ESG326	1
32	Pressure Gauge Syphon.ESG326A	1
33	No-Volt Solenoid Valve.ESG342	1
34	No-Volt Solenoid Valve Coil.ESG342	1
35	Flow Control Valve Kit.ESG343A/32	1
36	32mm Flow Control Valve. ESG/32	2
37	Modulator 11 Pin Type.ESG301G	1
38	ES240 Blowdown Valve Manifold.ES2404	1
39	32mm in line Check Valve Non retu.ES703	2
40	Pump Contactor ESG 340	1

2. Evaluation Criteria

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

STEP ONE (1) – Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check
<ul style="list-style-type: none"> Whether the Bid has been lodged on time
<ul style="list-style-type: none"> Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time
<ul style="list-style-type: none"> Verify the validity of all returnable documents
<ul style="list-style-type: none"> Verify if the Bid document has been duly signed by the authorised respondent

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STEP TWO (2) – 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"> Whether the Bid contains a 100% priced offer
<ul style="list-style-type: none"> Whether the Bid materially complies with the scope and/or specification given

STEP 3 - EVALUATION: PRICE AND SPECIFIC GOALS

The following will be considered in the evaluation:

EVALUATION CRITERIA
<ul style="list-style-type: none"> Price (80)
<ul style="list-style-type: none"> Specific Goals (20)

a. SPECIFIC GOALS:

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	Number of points allocated (80/20)
B-BBEE Level of contributor – Level 1	15
B-BBEE Level of contributor - Level 2	10
+50% Black Youth Owned Entities	5
Non-Compliant and/or B-BBEE Level 3-8 contributors	0

b. EVIDENCE REQUIRED FOR CLAIMING SPECIFIC GOALS

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 level of contributor	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

STEP 4 - Award of business

- Immediately after approval to award the **RFQ** 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 **purchase order** will be concluded with the successful bidder(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.

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3. **Price schedule: For the provision to, to SUPPLY AND DELIVERY OF BOILER SHELL SPARES required at Transnet Engineering Germiston as per the Scope of work below.**

NB:- for fair price comparison, bidders must indicate whether they are VAT registered.

Item No	Description of Item	Qty	Unit	Unit Price (ZAR)	TOTAL PRICE [ZAR]
1	Top Cover Ring Gasket. ES 816	2	EA	28/07/2023	
2	Stainless Steel Flexible Hoses (5 per set	1	EA	28/07/2023	
3	Stainless Steel Flexible Hoses (2 per set " or with the latest technology	1	EA	28/07/2023	
4	Load Control Relay. ESG301	2	EA	28/07/2023	
5	LCR VS1 & VS2 Units Each.ESG301B	2	EA	28/07/2023	
6	8 Pin Relay.ESG301C	1	EA	28/07/2023	
7	Load Setting Potentiometer.ESG302 A	1	EA	28/07/2023	
8	Starting Thermostat.ESG303	3	EA	28/07/2023	
9	Bleed Nozzle Body.ESG305	6	EA	28/07/2023	
10	Bleed Nozzle Gasket.ESG305A	6	EA	28/07/2023	
11	Bleed Nozzle Pipe.ESG305B	1	EA	28/07/2023	
12	Solenoid Valve Coil.ESG311ANR " or with the latest technology	2	EA	28/07/2023	
13	Solenoid Valve Bleed & Dump.ESG311NR	1	EA	28/07/2023	
14	Gauge Glass 3 Plate Protector.ES1318	2	EA	28/07/2023	
15	Gauge Glass Seal 5/8".ESG319 " or with the latest technology	2	EA	28/07/2023	

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16	Gauge Glass Fitting Set.ESG320	1	EA	28/07/2023	
17	Gauge Glass Fitting Gasket.ESG320A	1	EA	28/07/2023	
18	Gauge glass. ESG322	2	EA	28/07/2023	
19	40 mm Manual Blowdown Valve.ESG323	1	EA	28/07/2023	
20	Blowdown Actuator Unit.ESG323A	1	EA	28/07/2023	
21	Blowdown Valve & Actuator Unit.ESG323B	1	EA	28/07/2023	
22	T2 Auto Blowdown Duration Timer.ESG323C	1	EA	28/07/2023	
23	T1 Auto Blowdown Interval Timer.ESG323D	1	EA	28/07/2023	
24	Auto Actuator Capacitor.ESG323E “ or with the latest technology	1	EA	28/07/2023	
25	T4 Load Limiting Timer.ESG323G	1	EA	28/07/2023	
26	Blowdown Load Limiting Potentiometer.ESG	1	EA	28/07/2023	
27	Blowdown Valve Gasket.ESG323K	4	EA	28/07/2023	
28	Auto Blowdown Hand Switch.ESG323L	1	EA	28/07/2023	
29	Blowdown Repair Kit.323M	1	EA	28/07/2023	
30	Pressure Gauge.ESG326	1	EA	28/07/2023	

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31	Pressure Gauge Syphon.ESG326A	1	EA	28/07/2023	
32	No-Volt Solenoid Valve.ESG342	1	EA	28/07/2023	
33	No-Volt Solenoid Valve Coil.ESG342	1	EA	28/07/2023	
34	Flow Control Valve Kit.ESG343A/32	1	EA	28/07/2023	
35	32mm Flow Control Valve.ESG/32	2	EA	28/07/2023	
36	Modulator 11 Pin Type.ESG301G	1	EA	28/07/2023	
37	ES240 Blowdown Valve Manifold.ES2404	1	EA	28/07/2023	
38	32mm in line Check Valve Non retu.ES703	2	EA	28/07/2023	
39	Pump Contactor ESG 340	1	EA	28/07/2023	
40	Protector Glass.ES131A		EA	28/07/2023	
TOTAL PRICE, EXCL. VAT:					
VAT 15%					
TOTAL PRICE INCL. VAT					

VERY IMPORTANT

PLEASE SUBMIT YOUR CSD FORM AND A VALID TAX COMPLIANCE SYSTEM PIN

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

Delivery address will be Transnet Engineering, Germiston

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Discount:

Trade Discount : _____ % Settlement Discount _____ %
Price Firm Until : _____ Delivery Period : _____
Brand Name : _____

**IF YOU HAVE NOT RECEIVED AN ORDER WITHIN 30 DAYS FROM VALIDITY DATE OF RFQ.
PLEASE ACCEPT YOUR QUOTE WAS UNSUCCESSFUL**

PERMANENT MARKING OF MATERIAL, COMPONENTS AND PACKAGING.

It is a requirement from Transnet Engineering, for traceability purposes, that all material, components, spares and packaging be marked in such a way that it is traceable back to the supplier. Tenderers must ensure that material, components and spares offered on the tender, manufactured by a specific manufacturer, is what they will supply to the Transnet Engineering warehouse.

Should tenderers supply and material, components or spares other than what was requested and offered on the rfq/tender document such a tenderer's name will be removed from the list of approved suppliers for that specific item.

REQUIREMENT FOR DELIVERY OF MANUFACTURED MATERIAL/COMPONENTS:

Please ensure to send the relevant drawing/s with a validity date on together with the delivery or else the delivery can be rejected.

Ensure documents are stamped and signed by the inventory receiving store.

NEGOTIATION:

Transnet reserves the right to enter into post tender/rfq negotiations after the closing date of the RFQ.

4. NB: Please note that the following documentation are to be submitted together with the quotation:

3.1. Mandatory Returnable documents:

3.1.1. Completed pricing schedule

Failure to submit the above stated documents will result in your quotation been disqualified.

3.2. Essential Returnable documents:

3.2.1. SDB1 FORM

3.2.2. RFQ Declaration and Breach of Law Form

3.2.3. Protection of Personal Information

3.3. Returnable documents used for scoring:

3.3.1. Valid proof of Respondent's compliance to the Specific Goals evidence requirements

Failure to submit the above stated documents will result in you scoring a zero (0) points for the particular specific Goals.

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Kindly note that if your company is interested in submitting a quotation then a response has to be submitted on or before **03 July 2023 at 12h00**.

LATE TENDERS WILL BE DISQUALIFIED.

Validity Period

Transnet requires a validity period of **04 November 2023** 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.

4. DISCLAIMERS

Please note that **Transnet reserves the right to:**

- a) modify the RFQ's Goods/Services and request Respondents to re-bid on any such changes;
- b) reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- c) disqualify Proposals submitted after the stated submission deadline [closing date];
- d) award a contract in connection with this Proposal at any time after the RFQ's closing date;
- e) award a contract for only a portion of the proposed Goods/Services which are reflected in the scope of this RFQ;
- f) split the award of the contract between more than one Supplier/Service provider, should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations; split award per each component/line item based on the lowest rank bidder.
- g) cancel the bid process;
- h) 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;
- i) request audited financial statements or other documentation for the purposes of a due diligence exercise;
- j) not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it;
- k) 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;
- l) to award the business to the next ranked bidder, provided that he/she is still prepared to provide the required Goods/Services at the quoted price, should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to provide the required Goods/Services at their quoted price, even after they have been issued with a Letter of Regret.

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

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All clarifications prior to closing should be submitted onto the system or be directed to **Japie Steyn** via email: **japie.steyn@transnet.net**

5. 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.						
Is the Respondent (Complete with a "Yes" or "No")						
A DPIP/FPPO		Closely Related to a DPIP/FPPO		Closely Associated to a DPIP/FPPO		
List all known business interests, in which a DPIP/FPPO may have a direct/indirect interest or significant participation or involvement.						
No	Name of Entity / Business	Role in the Entity / Business (Nature of interest/ Participation)	Shareholding %	Registration Number	Status (Mark the applicable option with an X)	
					Active	Non-Active
1						
2						
3						

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

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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.

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

YES/NO

13.2.1. If so, furnish particulars:

.....
.....

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

YES/NO

13.3.1. If so, furnish particulars:

.....
.....

14 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

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

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

14.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium² will not be construed as collusive bidding.

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

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.

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

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14.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 12, 13 and 14 ABOVE IS CORRECT.

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

BREACH OF LAW

We further hereby certify that *I/we 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 _____

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

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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	
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NO	
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12. Further, the Respondent declares that they have obtained all consents pertaining to other data subject's personal information included in its submission and thereby indemnifying Transnet against any civil or criminal action, administrative fines or other penalty or loss that may arise as a result of the processing of any personal information that the Respondent submitted.
13. The Respondent declares that the personal information submitted for the purpose of this 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