



## **TRANSNET FREIGHT RAIL**

an Operating Division of **TRANSNET SOC LTD**

[hereinafter referred to as **Transnet**]

[Registration No. 1990/000900/30]

### **REQUEST FOR INFORMATION [RFI]**

**Information is required** to enable Transnet to first conduct a detailed technical assessment of various security solutions that will be proposed by the respondents the most technically proficient security solutions that will enable Transnet to develop a specification for its current security challenges.

### **THEREAFTER**

### **THROUGH A SEPARATE "REQUEST FOR PROPOSAL" [RFP] PROCESS**

to appoint Service Providers to undertake the provision of an out-come based security solution for Transnet Freight Rail (TFR) nationally.

<b>RFI NUMBER:</b>	HOAC HO 37380
<b>ISSUE DATE:</b>	18 February 2022
<b>CLOSING DATE:</b>	15 March 2022
<b>CLOSING TIME:</b>	10:00 AM

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ANNEXURE A NON-DISCLOSURE AGREEMENT

ANNEXURE B TRANSNET'S SUPPLIER INTEGRITY PACT

**RFI for the Provision of an Out-Come Based Security Solution for Transnet Freight Rail (TFR) Nationally****SECTION 1: SBD1 FORM****PART A****INVITATION TO PROVIDE INFORMATION**

<b>YOU ARE HEREBY INVITED TO PROVIDE INFORMATION FOR REQUIREMENTS OF TRANSNET FREIGHT RAIL, A DIVISION TRANSNET SOC LTD</b>							
RFI NUMBER:	HOAC HO 37380	ISSUE DATE:	18 February 2022	CLOSING DATE:	15 March 2022	CLOSING TIME:	10:00 am
DESCRIPTION	FOR THE PROVISION OF AN OUT-COME BASED SECURITY SOLUTION FOR TRANSNET FREIGHT RAIL (TFR) NATIONALLY OVER AN AGREED PERIOD						
<b>RFI RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>							
TRANSNET FREIGHT RAIL,							
INYANDA HOUSE 1 (MAIN ENTRANCE),							
21 WELLINGTON ROAD,							
PARKTOWN, JOHANNESBURG, 2001							
<b>RFI PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>				<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>			
CONTACT PERSON	Leslie Richards			CONTACT PERSON	Leslie Richards		
TELEPHONE NUMBER	011-584 0645			TELEPHONE NUMBER	011-584 0645		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	leslie.richards@transnet.net			E-MAIL ADDRESS	leslie.richards@transnet.net		
<b>SUPPLIER INFORMATION</b>							
NAME RESPONDENT	OSF						
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 NUMBER:	REFERENCE
						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 (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE] (Not Applicable)</b>							

Respondent's Signature

Date and Company Stamp

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

<p>IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>DOES THE ENTITY HAVE A BRANCH IN THE RSA?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>

**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.**

SIGNATURE OF RESPONDENT: .....

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

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

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

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

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

## SECTION 2: NOTICE TO RESPONDENTS

### 1 INFORMATION REQUEST

Information is requested from interested persons, companies, close corporations or enterprises [hereinafter referred to as the **Respondent(s)**] to supply the aforementioned information to Transnet. Respondents are to note that only those who have responded to the RFI, will be allowed to participate in the Stage 2 RFP process.

<b>DESCRIPTION</b>	<b>Information is required to</b> enable Transnet to first conduct a detailed technical assessment of various security solutions that will be proposed by the respondents the most technically proficient security solutions that will enable Transnet to develop a specification for its current security challenges.
<b>RFI ADVERT</b>	All Transnet tenders are advertised on the National Treasury's e-Tender Publication Portal and the Transnet website. Should one of these media (i.e. National Treasury's e-Tender Publication Portal or Transnet website) not be available, respondents are advised to check on the other media for advertised tenders.
<b>RFI DOWNLOADING</b>	<p>This <b>RFI</b> may be downloaded directly from National Treasury's e-Tender Publication Portal at <a href="http://www.etenders.gov.za">www.etenders.gov.za</a> and Transnet website at <a href="http://www.transnet.net">www.transnet.net</a> free of charge.</p> <p>To download RFI and Annexures:</p> <ul style="list-style-type: none"> <li>• Click on "Tender Opportunities";</li> <li>• Select "Advertised Tenders";</li> <li>• In the "Department" box, select Transnet SOC Ltd;</li> </ul> <p>Once the tender has been located in the list, click on the "Tender documents" tab and process to download all uploaded documents.</p> <p>The <b>RFI</b> may also be downloaded from the Transnet website at <a href="http://www.transnet.net">www.transnet.net</a> free of charge. To access the Transnet eTender portal, please click <a href="#">here</a>.</p> <p>To download <b>RFI</b> and Annexures,</p> <ul style="list-style-type: none"> <li>• Scroll towards the bottom right-hand side of the page,</li> <li>• On the blue window click on 'Transnet SOC Ltd' or Select Operating Division.</li> </ul>
<b>COMMUNICATION</b>	<p>Any addenda to the RFI or clarifications will be published on the e-tender portal and Transnet website. Respondents are required to check the e-tender portal and Transnet website prior to finalising their RFI submissions for any changes or clarifications to the RFI.</p> <p>Transnet will not be held liable if Respondents do not receive the latest information regarding this RFI.</p>
<b>ISSUE DATE</b>	<b>18 February 2022</b>
<b>BRIEFING SESSION</b>	<p>Yes – <b>Non-Compulsory</b></p> <p>Respondents are required to confirm their attendance and to send their contact details including the number of representatives (where applicable) to the following address: <a href="mailto:Leslie.richards@transnet.net">Leslie.richards@transnet.net</a></p> <p>This is to ensure that Transnet may make the necessary arrangements for the briefing session.</p> <p>Refer to paragraph 2 for details.</p>
<b>CLOSING DATE</b>	<b>10 am on Tuesday 15 March 2022</b>
	Respondents must ensure that are delivered timeously to the correct address. As a general rule, if a response to an RFI is late or delivered to the incorrect address, it

	will not be accepted for consideration.
<b>BID OPENING</b>	A public opening <b>will not</b> be held for this RFI, however Respondents will be provided with a copy of the opening register indicating the names of the Respondents, upon request.

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

## 2 FORMAL BRIEFING

A non-compulsory briefing session will be conducted at **Esselen Park** on the **25 February 2022** at 10:00 am for a period of **± 2 hours**. [Respondents to provide own transportation and accommodation]. The briefing session will start punctually, and information will not be repeated for the benefit of Respondents arriving late.

- 2.1 A Certificate of Attendance set out in **Section 9** hereto must be completed and submitted with your RFI response as proof of attendance is required.
- 2.2 Respondents are required to RSVP to [leslie.richards@transnet.net](mailto:leslie.richards@transnet.net), notifying intention to attend the non-compulsory briefing session before 10:00 am on Wednesday, 23 February 2022, providing detail of email addresses, names, contact numbers and number of attendees.
- 2.3 Dependent on the number of anticipated attendees, the non-compulsory briefing session will be conducted at Esselen Park as well as electronically by means of Microsoft Teams. Clarification will be published on the e-tender portal and Transnet website. Respondents are required to check the e-tender portal and Transnet website prior to the briefing session taking place.

## 3 RESPONSE SUBMISSION

Proposals must be addressed on the cover as follows:

The Secretariat, Division Bid Adjudication Committee  
 RFI No: HOAC HO 37380  
 Description: FOR THE PROVISION OF AN OUT-COME BASED SECURITY SOLUTION FOR TRANSNET FREIGHT RAIL (TFR) NATIONALLY  
 Name of Respondent:  
 Contact details of Respondent:  
 Return address of Respondent:

## 4 RFI/ INSTRUCTIONS

- 4.1 The measurements of the "tender slot" are 400mm wide x 100mm high. **RFI** responses which are larger than the dimensions mentioned must be split into two or more files and clearly marked. **Transnet will not be held responsible if bid documents do not comply with the mentioned dimensions and Respondents experience difficulty in submitting their bids as a result.**
- 4.2 It should also be noted that the above tender box is located at Reception at the main entrance to Inyanda House 1 in Wellington Road and is accessible to the public 24 hours a day, 7 days a week.
- 4.3 **RFI** proposals must be submitted in duplicate hard copies [1 original and 1 copy] and must be bound, a USB of the proposed solution.
- 4.4 All returnable documents listed in the expression of interest [section 5] in this **RFI** must be returned with your submission.

4.5 The person or persons signing the submission must be legally authorised by the respondent to do so.

## 5 B-BBEE JOINT VENTURES OR CONSORTIUMS

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

Please indicate below whether your entity has an existing JV, and if so, provide details, including details of the percentage split of business, or whether your entity intends to create a JV relationship for RFP purposes:

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## 6 PREFERENTIAL PROCUREMENT

### 6.1 Subcontracting

The respondents to are to supply a proposal for subcontracting initiatives achievable in an Outcome Based Solution this will be required for information purposes.

## 7 COMMUNICATION

- 7.1 For specific queries relating to this **RFI** a Clarification Request Form should be submitted to **Leslie Richards**, email [leslie.richards@transnet.net](mailto:leslie.richards@transnet.net) before **12:00 pm on Thursday, 12 March 2022**, substantially in the form set out in **Section 7**. In the interest of fairness and transparency Transnet's response to such a query will be published on the e-tender portal and Transnet website.
- 7.2 After the closing date of the **RFI** a Respondent may only communicate with the Secretariat of the Division Bid Adjudication Committee, at telephone number 011 584 0821, email [prudence.nkabinde@transnet.net](mailto:prudence.nkabinde@transnet.net) on any matter relating to its **RFI** Proposal.
- 7.3 Respondents are to note that changes to its submission will not be considered after the closing date.
- 7.4 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in respect of this **RFI**.

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.

## 8 CONFIDENTIALITY

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

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Respondent's Signature

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Date and Company Stamp

## 9 STATUS OF THIS RFI AND SUBSEQUENT PROCESS

- 9.1 This **RFI** is not an offer to purchase and Transnet is under no obligation to accept any proposals in this process and/or the subsequent **RFP** which may be issued hereafter.
- 9.2 As this is a Request for Information only, no business will be awarded through this process.

## 10 DISCLAIMERS

- 10.1 Respondents are hereby advised that Transnet is not committed to any course of action as a result of its issuance of this **RFI** and/or its receipt of submissions in response to it. In particular, please note that Transnet reserves the right and at its sole and full discretion to:
- (a) utilise any information provided to it in response to this **RFI** to draft the scope of requirements for inclusion in an **RFP**;
  - (b) take no further action whatsoever, if it so decides;
  - (c) withdraw from this process and the provisions of this project at any time;
  - (d) not invite **RFI** respondents for further participation in the **RFP** process;
  - (e) not bind itself to accept any or all of the **RFIs**;
  - (f) increase or decrease the quantities/scope as indicated in the **RFI**;
- 10.2 An **RFI** will only be deemed accepted once written notice is given by Transnet to the Respondent(s) and after any amendments have been documented and agreed to.
- 10.3 Note that Transnet will not reimburse any Respondent for any preparatory costs or other work performed in connection with this submission.
- 10.4 **Transnet reserves the right to eliminate or shortlist respondents based on the quality of their proposed solution(s).**

## 11 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

Respondents may be requested 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.

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

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

**TIP-OFFS ANONYMOUS:**



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

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

				
	<p><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.</p>	<p><b>What's App</b> Speak to an Agent via What's App.</p>	<p><b>Speak to an Agent</b> Speak to an Agent via the platform with no call or data charge</p>	<p><b>Telegram</b> Speak to an Agent via Telegram</p>
 <b>0800 003 056</b>	 <b>086 551 4153</b>	 <b>reportit@ethicshelpdesk.com</b>	 <b>*120*0785980808#</b>	

## SECTION 3: RFI SCOPE OF REQUIREMENTS

### 1 INTRODUCTION

In order to achieve its mandate, TFR relies heavily on asset availability (E.g. Trains, Substations, Relay Rooms & Signalling, Track, Overhead Track Equipment, Telecommunications assets, etc.), etc.). Unfortunately, the areas are marred by multiple and frequent theft, vandalism, sabotage and other security incidents on this critical equipment and infrastructure. This resulted in loss of volumes railed, damage to rolling stock (wagons and locomotives), which in turn results in additional costs to repair and replace damaged equipment. The frequency of the events has increased in recent years and has now started to affect the rest of TFR's business

TFR is therefore seeking ways to reduce theft and vandalism through various initiatives and security solutions which may be available in the market that would assist in protecting its assets against theft and vandalism.

Given the high level of losses associated with theft and vandalism, TFR intends to investigate the possibility of market proposals to implement an effective security solution based on an outcome / performance-based contracting model.

This document is a Request for Information (RFI) regarding vendor capabilities in supplying security solutions for TFR assets and contracting using a performance/outcomes-based model approach.

Interested parties are requested to provide information on various solutions that will benefit TFR in terms of securing its assets.

The service provider will be required to apply sufficient measures to reduce crime on the line or manage incidents at an acceptable level in line with the agreed Service Level Agreements to be developed with successful respondents.

The Service providers will ensure that all related infrastructure and rolling stock that supports the running of trains is protected from theft, vandalism and sabotage.

The rail related infrastructure, rolling stock and perway will amongst others include the following:

- Overhead and underground cables
- Railway line (rails)
- Pandrol springs and other rail fastenings
- Signalling, points machines, cables and stations
- Operational yards and depots
- Relay rooms
- Sub stations
- Tie stations
- Tunnels
- Bridges
- Locomotives
- Wagons
- Telecommunications high sites

- Fibre-optic cables
- theft of commodities, such as from containers, automotive, fuel, coal and similar traffic

## 2 BACKGROUND

TFR has numerous security service providers that can be categorized as Physical Guarding and the Equestrian Security Services; Unmanned Aerial Vehicles (Drones) and Intrusion Detection contract (Pepper Gas). The Physical Guarding contracts are predominantly on the payment of the unit costs of the security guards supplied and performance mainly managed by contract management by inhouse security and the imposing of penalties where the service provider has failed or was negligent in the performance of their work.

The current guarding contracts focus on crime prevention through static and roving guarding (patrols). The yards, Office buildings, Substations & Relay Rooms are guarded statically through the posting of security guards. The rail reserve and the rail-line are guarded thorough Crime Prevention Vehicles, Task Teams, Drones, and Equestrian.

There are instances where TFR request that the Service Providers prevent crime on the rail reserve, and the latter would apply other measures to ensure that crime is prevented or reduced. The service providers would deploy other means, e.g. Helicopter observations, extra Task Teams, etc. in order to reduce crime in our environment.

The Transnet Freight Rail [TFR] network has an infrastructure that is open-ended, i.e. in the open from end-to-end. The infrastructure comprises perway, overhead and ground cable, signalling equipment, electrical substations and relay rooms, etc.

## 3 OUTCOME BASED CONTRACTING FOR SECURITY PROVIDERS

Outcome-Based Security is a security approach where the customer contracts an end-to-end security solution from the security service providers rather than prescribing to the security provider on how the services should be rendered. Transnet has traditionally gone out to the market for security services through prescribing how the services should be provided by listing the number of guards required per site, number and type of vehicles required, security site requiring armed guarding etc.

This approach has been found to be limiting to the security service providers who have often complained that they were unable to provide an optimal security solution due to how Transnet has specified the services that must be rendered. On the flip side as well, Transnet could not hold Security Service Providers (SSPs) accountable if there no improvement in security incidents in areas where SSPs provided services.

The Performance/Outcome-Based Security solution provides the Security Service Providers (SSPs) who are considered to be experts in the field to package their security offerings without Transnet being prescriptive on how this should be done.

Outcome-Based Security will state what the requested performance levels of the contractor shall be in terms of theft, vandalism and related incidents and will incorporate both penalties for substandard performance and incentives if the agreed performance targets are exceeded.

The payment of the contracted outcome-based security service providers will be divided into fixed and variable payment, where a certain portion of the security fees will be linked to the service provider's performance.

#### **4 KEY OBJECTIVES OF THIS RFI PROCESS**

The objective of this RFI is to gather information from suppliers in order to move to a new contracting regime which is outcome/performance-based contracting, where a separate Request For Procurement (RFP) event will be embarked upon to determine service providers that will be allocated a particular rail line (corridor or section thereof) and they ensure that they provide an intergraded plan to address crime and crime-related matters in that line (corridor/section).

The following list of deliverables captures the minimum intent and objectives of the RFI process. Transnet requests all Respondents to assist with the achievement of these objectives by submitting the requested information as indicated below. This will be finalised in the RFP documents following the RFI process:

- 4.1 Use the received information to develop the requirements for an out-come based security solution.
- 4.2 Identify new specifications and practical solutions that are offered
- 4.3 To obtain financial/ cost implications for an out-come based security solution for Transnet Freight Rail (TFR) nationally over an agreed period

#### **5 GENERAL RESPONDENT OBLIGATIONS**

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

#### **6 CONFIDENTIALITY AND COMPLIANCE**

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

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

#### **7 UNDERTAKINGS BY RESPONDENT**

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

#### **8 COSTS TO RESPOND TO THE RFI**

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

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

## **9 AUTHORITY OF SIGNATORY**

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

Failure to comply with this clause may result in rejection of the RFI response.

## **10 OFFERING OF COMMISSION OR GRATUITY**

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

## **11 RFI ASSESSMENT CRITERIA**

The following RFI criteria will be used to assess all proposals from RFI Respondents.

Specific detailed items that are important for the Respondent to consider in the response preparation process include which will be purely for information (please ensure all sections are completed):

- Technical Compliance
- Technical Capability
- Technical Presentation
- Quality of presentation, reply to the RFI and attention to required detail. (The evaluation team will review the proposed solution and invite the respondents to present the same solution as submitted).
- Compliance with the terms and conditions of the RFI documents.
- Satisfaction of the project objectives.

## SECTION 4: TRANSNET'S RFI INFORMATION

### 1 STATISTICS [The Services]

TFR relies heavily on its assets availability and is therefore seeking ways to reduce theft and vandalism through various initiatives. Therefore, TFR is seeking a security solution which may be available in the market which would assist in protecting its assets and preventing them from theft and vandalism.

Given the alleged high level of losses associated with theft and vandalism, TFR intends to investigate the possibility of market proposals to implement an effective security solution based on an outcome performance based contracting model.

This document is a Request for Information (RFI) regarding vendor capabilities in supplying security solutions for TFR assets and contracting using an outcome performance-based model approach.

TFR is seeking for the interested parties to provide information on various solutions that will benefit TFR in terms of securing its assets.

To achieve its mandate, TFR relies heavily on its asset's availability (E.g., Trains, Substations, Relay Rooms, Rail Network, etc.). Unfortunately, the areas are marred by multiple and frequent security as well as vandalism events on this critical equipment and infrastructure that have resulted in loss of volumes railed, damage to rolling stock (wagons and locomotives) which results in additional costs to repair and replace damaged equipment. The frequency of the events has increased in recent years and has now started to significantly affect TFR's business.

The service provider will be required to apply all measures possible to reduce crime crime-related on the line or manage incidents at an acceptable level in line with the agreed Service Level Agreements, Memorandum of agreements and related Master Agreements (personnel, technology, and related measures)

The eventual service provider/s will be paid a market market-related fee, for the security measures deployed on the corridor to protect TFR assets against theft, vandalism and/or sabotage.

TFR Security will not dictate how many or how much security and/or the type of security to be deployed by the service provider.

The service providers making it to the RFP stage will conduct their own security assessment in the different corridors, access the status, identify the weakness or vulnerabilities, and make recommendations to address such identified vulnerabilities.

Please note that the aforementioned information is provided merely as an indication of the size and nature of Transnet's current requirements and consequently does not necessarily reflect the extent of the Services to be provided by appointed Service Provider(s) through an award of business at any future date.

### 2 SCOPE

During the RFI stage the service provider must demonstrate solutions that will achieve the following outcomes as per the following table:

Transnet is calling for experienced service providers with a proven track record to demonstrate during the RFI stage, security solutions for outcomes-based security which will be used by Transnet for information purposes

only. During the RFI stage the service provider must demonstrate integrated Critical Asset / Infrastructure Protection solutions that will achieve the following desired outcomes as indicated in the following table:

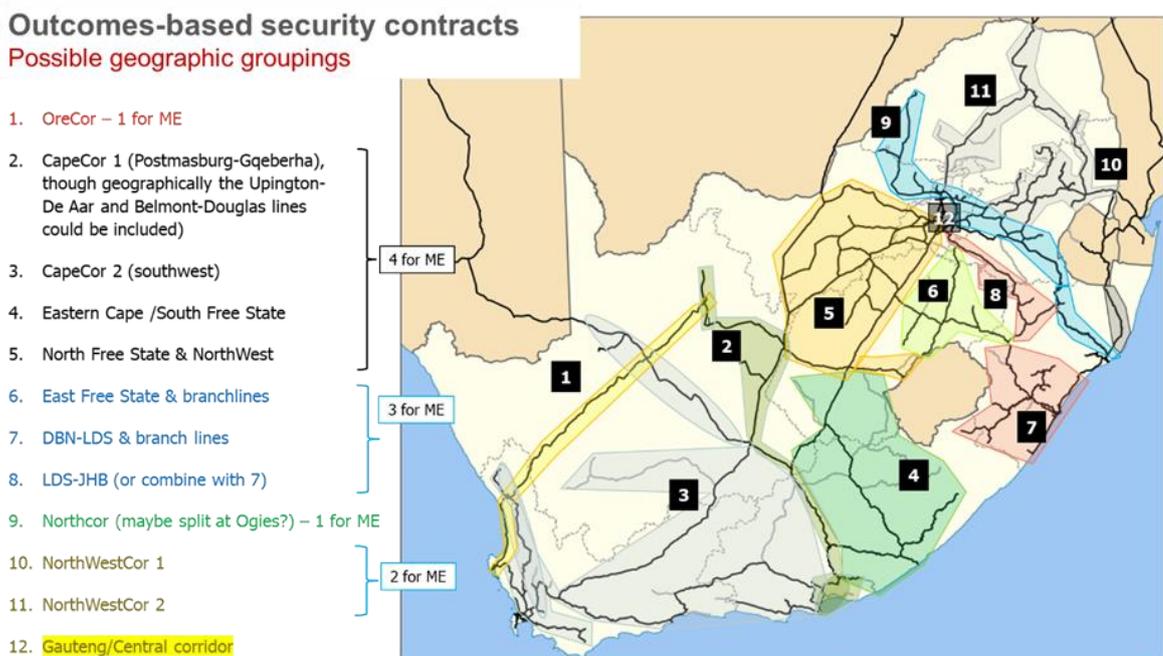
Current Problem	Desired outcome
<p><b>House and Infra Breaking in (Malicious Damage to Property)</b></p> <ul style="list-style-type: none"> <li>- Criminals forcefully break entry into the Substations, Relay Rooms, High Sites and Locomotives to steal copper / aluminium / aluminium and batteries.</li> <li>- The methods of break-ins vary from entry through the roof, subverting the door and its locking mechanism, and literally breaking the walls.</li> <li>- Vandalism of the infrastructure is also coupled with the break-ins.</li> <li>- Old, substandard, and non-existing fencing sometimes plays a role in house breaking.</li> </ul>	<ul style="list-style-type: none"> <li>- A solution to prevent vandalism, easy access, and illegal entry into Critical Infrastructure (Substations, Locomotives, High Sites and Relay Rooms, etc.) and equally so ensure the necessary Critical Infrastructure Protection. An integrated security solution which can be a combination of technology and guarding to deter, detect, deny, delay, defend and to protect Critical Infrastructure and related assets / property "consideration for this aspect to cut across below requirement".</li> </ul>
<p><b>Theft of batteries from the Substations, Relay Rooms, High Sites and Locomotives</b></p> <ul style="list-style-type: none"> <li>- The batteries used in these installations are in high demand in the street due to their compatibility with most electric and electronic appliances in the country.</li> <li>- There are also reports that similar batteries are in high demand at the neighbouring countries for storage of electricity.</li> </ul>	<ul style="list-style-type: none"> <li>- An integrated solution which can be a combination of technology and guarding to discourage and completely stop theft of batteries and possibly make sales of stolen batteries impossible in and out of the country e.g. (Asset Tracking System to track equipment if the theft does occur)</li> <li>-</li> </ul>

<p><b>Vandalism/theft of track side boxes and signalling cables, points machines, OHTE cable theft, Rail theft, Substations, Relay Rooms, Locomotives, etc.</b></p> <ul style="list-style-type: none"> <li>- Most sites are attacked and vandalised due to their remote locations.</li> <li>- This also makes it difficult to deploy static security and patrol on foot.</li> <li>- In most cases Transnet is reactive when dealing with the problems encountered at remote areas.</li> <li>- Some sites and land at remote geographical locations are occupied by vagrants which makes it difficult and costly exercise for Transnet to remove them if they occupy the sites and land over a prolonged duration</li> <li>- Syndicates are targeting OHTE cables on the main lines. OHTE cable are cut and TFR are losing 1000s of kms per year. This also causes delays and cancellations of trains which negatively affects Transnet's revenue. Syndicates often use well-armed gangs to target certain main lines</li> </ul>	<ul style="list-style-type: none"> <li>- A solution for early warning and detection of OHTE copper / aluminium / aluminium conductors, underground cables and tampering of Track Switches and side boxes. This solution should contain features that could detect the intrusion and encroachment and alert the Security department in real time and provide the status of the sites on a 24/7 basis. The integrated solution can be a combination of technology and guarding and threat risk assessments</li> </ul>
<p><b>Lack of tangible evidence</b></p> <ul style="list-style-type: none"> <li>- Arrested suspects are often acquitted due to lack of tangible evidence</li> <li>- Once a crime is committed, evidence needs to collect, and case built up</li> </ul>	<ul style="list-style-type: none"> <li>- A solution to record and capture events of good quality and kept safely to be presented as evidence in court</li> <li>- The solution must include a Multi-disciplinary Specialised Investigations inclusive of Case Court Management and Legal Advisory,</li> </ul>
<p><b>Commodity Theft</b> Transnet experiences commodity theft which includes container break ins, automotive from car trains, fuel, and coal</p>	<ul style="list-style-type: none"> <li>- A solution that will present commodity theft which could include technology such as container tampering monitoring with as well as provide a GPS location of the container tampered with.</li> <li>- A solution with many other security features to enhance protection of cargo on the rail and at the container terminals</li> </ul>
<p><b>Community</b></p> <ul style="list-style-type: none"> <li>- If the community are not involved it's difficult to gather intelligence and protect our infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>- The solution must include a plan in how to involve the local communities.</li> </ul>

For all the above the service provider must demonstrate:

- how they will integrate with law enforcement agencies and industries are affected.
- Taking into consideration a huge project, demonstrate how fast the SSP can get up to speed with their solution i.e., high level project plan.
- Detail what an appropriate performance/outcomes-based model (concept level) is to secure a particular corridor. Consider there are budget constraints exists, the solution proposed should balance the perfect solution vs practical cost and preferably present various options such as the SSP can guarantee 80% reduction in volume loss for x million and 90% at y million etc. Provide an appropriate penalty vs reward model.
- State what would be required from TFR to make such an outcomes-based agreement work.

**The Transnet Freight Rail geographical groupings.**



The table hereunder lists the types of assets should be considered for protection by the security solution offered by the SSPs:

Asset Group	Container and Central Corridor	Northcor and North East	Capecor and Orelina	Total
Relay Rooms	263	255	252	<b>770</b>
(D&E) Sub Station	246	113	183	<b>542</b>
High Sites	180	34	232	<b>446</b>
Tie Station	307	157	282	<b>746</b>
Tunnels	93	48	59	<b>200</b>
Bridges	88	71		<b>159</b>
Offices (Corp)	194	96	151	<b>441</b>
Fuel Depots	6	9	7	<b>22</b>
No. Yards	74	25	20	<b>119</b>
Operation: No. Depots				<b>19</b>
Infra Depots: No. Depots	7	7	8	<b>22</b>
Warehouses	5	5	5	<b>15</b>
No. Container Terminal				<b>16</b>
Locomotives	712	998	823	<b>2 533</b>
No. Signalling Points	3 719	2 152	2 414	<b>8 285</b>
No. Cranking Points	274	244	575	<b>1 093</b>
Ground cables (Length)	4 335	4 155	4 125	<b>12 615</b>
Overhead cables (length)	433.50	415.50	412.50	<b>1 262</b>
Rails-Main line (Open Asset)				
S lines	-	1 066	957	<b>2 023</b>
N1 Lines	2 493	1 784	1 303	<b>5 580</b>
N2 Lines	2 389	757	2 926	<b>6 072</b>
N3 Lines	327	48	1 626	<b>2 001</b>
Branch lines	1 978	365	4 951	<b>7 294</b>
Clinics	5	3	6	<b>14</b>
Exposed cable	210	30	900	<b>1 140</b>
Central Train Control (CTC)	10	8	7	<b>25</b>
Signalling	3 341	2 231	2 642	<b>8 214</b>

**Table 1: Types of Assets on the Rail Corridors**

### 2.3 Deliverables:

The key deliverables of this project will contain the following:

- a) Use the information received from the RFI to develop the requirements for an out-come based security solution.
- b) Identify new specifications and practical solutions that are offered
- c) To obtain estimate financial/ cost implications for an out-come based security solution for Transnet Freight Rail (TFR) nationally cost monthly

### 3 REQUIREMENTS FOR RFI

Respondents expressing an interest to participate in this RFI stage must qualify supply the requested information which gives an indication their capability to supply / provide the full range of Products/ Services in future RFP issued to the market, as set out below:

**Minimum Eligibility Criteria** are as follows:

- (i) Technical Compliance; and
- (ii) Technical Capability to provide an Outcome Based Solution.

### 4 TECHNICAL INFORMATION TO UNDERSTAND WHETHER THE BIDDER IS IN THE SECURITY INDUSTRY AND HAS ALL THE RELEVANT INFORMATION

Respondents are required to indicate by ticking the applicable box in the table below: (For Information Purpose)

Description	Yes	No
Does the respondent have a valid PSIRA certificate and accreditation as a security provider in line terms of section 20 Of the Private Security Industry Regulation Act? The certificate must be a certified copy of the original and issued by PSIRA.		
Does the respondent have PSIRA Registration documents or exceptions of all Company Directors or CC members, indicating at least Grade B qualification? The certificate must be a certified copy of the original and issued by PSIRA.		
Does the respondent have Criminal record clearance certificates for all company directors or CC members, not older than 6 months? Bidder to provide a police clearance certificate for all Company Directors and/or Members. The extent of the clearance must be in line with the Schedule Table of Offences, of the Private Security Industry Regulation Act, 2001.		

**5 TECHNICAL CAPABILITY TO PROVIDE AN OUTCOME BASED SECURITY SOLUTION (THIS WILL FOCUS ON PROPOSALS SUBMITTED WHETHER THEY ADDRESS THE BELOW TABLE REQUISITES)**

Respondents are required to include the following requirements in the Outcome Based Security Solution proposed as indicated in the table below.

	Capability to provide an Outcome Based Solution	Requirement Captured in the Proposed Solution
1	Define a solution to prevent vandalism, easy access, and illegal entry into Critical Infrastructure (Substations, Locomotives, High Sites and Relay Rooms, etc.) and equally so ensure the necessary Critical Infrastructure Protection. An integrated security solution which can be a combination of technology and guarding to deter, detect, deny, delay, defend and to protect Critical Infrastructure and related assets / property "consideration for this aspect to cut across below requirement".	Yes/ No
2	Define an integrated solution which can be a combination of technology and guarding to discourage and completely stop theft of batteries and possibly make sales of stolen batteries impossible in and out of the country e.g. (Asset Tracking System to track equipment if the theft does occur)	Yes / No
3	Define a solution for early warning and detection of OHTE copper / aluminium / aluminium conductors, underground cables and tampering of Track Switches and side boxes. This solution should contain features that could detect the intrusion and encroachment and alert the Security department in real time and provide the status of the sites on a 24/7 basis. The integrated solution can be a combination of technology and guarding and threat risk assessments	Yes/No
4	Define a solution to record and capture events of good quality and kept safely to be presented as evidence in court and the solution must include a Multi-disciplinary Specialised Investigations inclusive of Case Court Management and Legal Advisory,	Yes/ No
5	Define a solution that will present commodity theft which could include technology such as container tampering monitoring with as well as provide a GPS location of the container tampered with.	Yes / No

Respondent's Signature

Date and Company Stamp

6	Define a solution that includes a plan in how to involve the local communities?	Yes / No
7	Define and demonstrate how the solutions identified will integrate with law enforcement agencies and industries	Yes / No
8	Define and demonstrate the time it will take to implement the solutions identified, taking into consideration the size of the project, i.e., high level project plan.	Yes / No
9	Define in detail an appropriate performance/outcomes-based model (concept level) to secure a particular corridor. Taking into consideration there are budget constraints, the solution proposed should balance the perfect solution vs practical cost and preferably present various options such to guarantee 80% reduction in volume loss for x million and 90% at y million etc. Provide an appropriate penalty vs reward model.	Yes / No

**4.1. STEP ONE: Test for Administrative Responsiveness**

The test for administrative responsiveness will include the following:

Administrative responsiveness check	RFI Reference
<ul style="list-style-type: none"> <li>Whether the RFI proposal has been lodged on time</li> </ul>	<i>Section 1 paragraph 4</i>
<ul style="list-style-type: none"> <li>Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time</li> </ul>	<i>Section 5</i>
<ul style="list-style-type: none"> <li>Verify if the RFI proposal document has been duly signed by the authorised respondent</li> </ul>	<i>All sections</i>

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

**4.2. STEP TWO: - Technical Proposal and Presentation**

**The test for the Technical Proposal and Presentation will include the following:**

- Respondents must complete and submit a Presentation providing a proposed solution for an Outcome Based Security Solution
- Respondents must submit the proposed solution in a presentation format on a **USB** and **a hardcopy**.
- The evaluation team will review the proposed solution and invite the respondents to present the same solution as submitted.
- Respondents are to note that Transnet will further review proposals received and review based on the below checklist which does not have a pass or fail however for information purposes.

**TECHNICAL SOLUTION CHECK SHEET****(Won't be used to progress to the RFP stage but used for reporting purposes)**

	<b>Capability to provide an Outcome Based Solution</b>	<b>Requirement Captured in the Proposed Solution</b>
1	Define a solution to prevent vandalism, easy access, and illegal entry into Critical Infrastructure (Substations, Locomotives, High Sites and Relay Rooms, etc.) and equally so ensure the necessary Critical Infrastructure Protection. An integrated security solution which can be a combination of technology and guarding to deter, detect, deny, delay, defend and to protect Critical Infrastructure and related assets / property "consideration for this aspect to cut across below requirement".	Yes/ No
2	Define an integrated solution which can be a combination of technology and guarding to discourage and completely stop theft of batteries and possibly make sales of stolen batteries impossible in and out of the country e.g. (Asset Tracking System to track equipment if the theft does occur)	Yes/ No
3	Define a solution for early warning and detection of OHTE copper / aluminium conductors, underground cables and tampering of Track Switches and side boxes. This solution should contain features that could detect the intrusion and encroachment and alert the Security department in real time and provide the status of the sites on a 24/7 basis. The integrated solution can be a combination of technology and guarding and threat risk assessments	Yes/ No
4	Define a solution to record and capture events of good quality and kept safely to be presented as evidence in court and the solution must include a Multi-disciplinary Specialised Investigations inclusive of Case Court Management and Legal Advisory,	Yes/ No
5	Define a solution that will present commodity theft which could include technology such as container tampering monitoring with as well as provide a GPS location of the container tampered with.	Yes/ No
6	Define a solution that includes a plan in how to involve the local communities?	Yes/ No
7	Define and demonstrate how the solutions identified will integrate with law enforcement agencies and industries	Yes/ No
8	Define and demonstrate the time it will take to implement the solutions identified, taking into consideration the size of the project,i.e. high level project plan.	Yes/ No
9	Define in detail an appropriate performance/outcomes-based model (concept level) to secure a particular corridor. Taking into consideration there are budget constraints, the solution proposed should balance the perfect solution vs practical cost and preferably present various options such to guarantee 80% reduction in volume loss for x million and 90% at y million etc. Provide an appropriate penalty vs reward model.	Yes/ No

**4.3. STEP THREE: PROVIDE INDICATIVE PRICING**

Respondents may complete the table below for indicative pricing, or submit their own indicative pricing scheduled based on the Geographical Groupings Indicated on Map in Section 4, paragraph 2 of the RFI. The pricing will be used for budget purposes only.

<b>Item No</b>	<b>Description of Item</b>	<b>Unit</b>	<b>Rate</b>	<b>TOTAL PRICE OF ITEM [ZAR]</b>
1	OreCor -1	1	Monthly	
2	CapeCor - 1	1	Monthly	
3	CapeCor -2	1	Monthly	
4	Eastern Cape / South Free State	1	Monthly	
5	North Free State & North	1	Monthly	
6	East Free State & Branch Lines	1	Monthly	
7	DBN – LDS & Branch Lines	1	Monthly	
8	LDS - JHB	1	Monthly	
9	NorthCor	1	Monthly	
10	NorthWestCor 1	1	Monthly	
11	NorthWestCor 2	1	Monthly	
12	Gauteng / Central Corridor	1	Monthly	
<b>TOTAL PRICE, exclusive of VAT:</b>				
<b>VAT 15% (if applicable)</b>				
<b>Total Inclusive of VAT (where applicable)</b>				

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 Respondent's Signature

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 Date and Company Stamp

**SECTION 5: EXPRESSION OF INTEREST**

I/We \_\_\_\_\_

[name of company, close corporation or partnership]

of [full address] \_\_\_\_\_

\_\_\_\_\_ carrying on business under style or title of [trading as]

represented by \_\_\_\_\_

in my capacity as \_\_\_\_\_

being duly authorised, hereby lodge an **Expression of Interest for a Proposed Solution for** the provision of an out-come based security solution for Transnet Freight Rail (TFR) nationally over an agreed period as follows:

**ADDRESS FOR NOTICES**

Respondent to indicate its *domicilium citandi et executandi* hereunder:

Name of entity: \_\_\_\_\_

Facsimile: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

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

.....

.....

.....

.....

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

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

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**CONFIDENTIALITY**

All information related to a subsequent contract, both during and after completion, is to be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Services, which is either directly or indirectly related to Transnet’s business, written approval to divulge such information must be obtained from Transnet.

**RETURNABLE DOCUMENTS**

Returnable Documents means all the documents, Sections and Annexures, as listed in section 5 must be returned.

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

a) Respondents must submit with their responses to this RFI, all the returnable documents indicated below with a [✓].

- Returnable Documents	Submitted [✓]
SECTION 1: SBD1 FORM	
Outcome Based Solution Proposal	
Outcome Based Solution Presentation in a USB (will be used at presentation stage)	
Section 4: Financial proposal - indicative pricing / Respondents proposed indicative pricing schedule (Estimated Cost Model, & Total Cost of Ownership) Once Off System Development and Configuration Cost to be provided in an (Excel and Hardcopy)	

b) **Essential Returnable Documents**

In addition to the requirements of section (a) above, Respondents are further required to submit with their Proposals the following **essential Returnable Documents** as detailed below.

ESSENTIAL RETURNABLE DOCUMENTS	SUBMITTED [Yes or No]
SECTION 4: Transnet’s RFI Information	

c) **Other Essential Returnable Documents:**

*Respondents are urged to ensure that all these documents are returned with their Proposals.*

Please confirm submission of these essential Returnable Documents by indicating Yes or No in the table below:

\_\_\_\_\_  
Respondent’s Signature

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

<b>OTHER ESSENTIAL RETURNABLE DOCUMENTS &amp; SCHEDULES</b>	<b>SUBMITTED [Yes or No]</b>
Receipt for payment of RFI documents, where a bid fee is applicable [Section 2, paragraph 1]	
SECTION 2: Notice to Respondents	
SECTION 3: RFI Scope of Requirements	
SECTION 5: Expression of Interest	
SECTION 6: Certificate of Acquaintance with RFI, Terms & Conditions & Applicable Documents	
SECTION 7: RFI Clarification Form	
SECTION 8: SBD 9 - Certificate of Independent Bid Determination	
SECTION 9: Certificate of attendance of Non- compulsory RFI Briefing	
SECTION 10: Protection of Personal Information	

**CONTINUED VALIDITY OF RETURNABLE DOCUMENTS**

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

SIGNED at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: \_\_\_\_\_

NAME: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

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

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

**SECTION 6: CERTIFICATE OF ACQUAINTANCE WITH RFI, TERMS & CONDITIONS & APPLICABLE DOCUMENTS**

**By signing these RFI documents, the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with all the conditions governing this RFI, including those contained in any printed form stated to form part hereof including but not limited to the documents stated below. Transnet SOC Ltd will recognise no claim for relief based on an allegation that the Respondent overlooked any such term or condition.**

1	Transnet's Supplier Integrity Pact
2	Non-disclosure Agreement

Should the Respondent find any terms or conditions stipulated in any of the relevant documents quoted in this RFI unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted proposed solution. 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 Respondents accept that an obligation rests on them to clarify any uncertainties regarding any RFI to which they intend to respond on, before submitting the proposed solution. The Bidder agrees that he/she will have no claim or cause of action based on an allegation that any aspect of this RFI was unclear but in respect of which he/she failed to obtain clarity.

The respondent understands that the Certificate of Acquaintance with RFI documents must be included as a returnable document and must be true and complete in every respect.

SIGNED at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: \_\_\_\_\_

NAME: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

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

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

**SECTION 7: RFI CLARIFICATION REQUEST FORM**

RFI No: HOAC HO 37380

Deadline for RFI clarification submissions: Before **12:00 pm on** Thursday, 12 March 2022

TO: Transnet SOC Ltd  
ATTENTION: Leslie Richards  
EMAIL: leslie.richards@transnet.net  
DATE: .....  
FROM: .....

RFI Clarification No *[to be inserted by Transnet*

**REQUEST FOR RFI CLARIFICATION:**

.....  
.....  
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Respondent's Signature

Date and Company Stamp

**CERTIFICATE OF INDEPENDENT RFI DETERMINATION**

I, the undersigned, in submitting the accompanying Proposed Solution:

\_\_\_\_\_  
(RFI Number and Description)

in response to the invitation for a Proposed Solution made by:

\_\_\_\_\_  
(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:  
(Name of Respondent)

1. I have read and I understand the contents of this Certificate;
2. I understand that this Certificate must be true and complete in every respect;
3. I am authorized by the respondent to sign this Certificate, and to submit the accompanying Proposed Solution, on behalf of the responding organization;
4. Each person whose signature appears on the accompanying Proposed Solution has been authorized by the responding organization to determine the terms of, and to sign the RFI, on behalf of the responding organization;
5. For the purposes of this Certificate and the accompanying proposed solution, I understand that the word "competitor" shall include any individual or organization, other than the responding organization, whether or not affiliated with the responding organization, who:
  - a. has been requested to submit a proposed solution in response to this RFI invitation;
  - b. could potentially submit a proposed solution in response to this RFI invitation, based on their qualifications, abilities or experience; and
  - c. provides the same goods and services as the responding organization and/or is in the same line of business as the responding organization
6. The responding organization has arrived at the accompanying proposed solution independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>1</sup> will not be construed as collusive bidding.

<sup>1</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.

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

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

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - a. prices;
  - b. geographical area where product or service will be rendered (market allocation)
  - c. methods, factors or formulas used to calculate prices;
  - d. the intention or decision to submit or not to submit, a bid;
  - e. the submission of a bid which does not meet the specifications and conditions of the bid; or
  - f. bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. 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.
10. 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.

.....  
Signature

.....  
Date

.....  
Position

.....  
Name of Bidder

---

**SECTION 9: CERTIFICATE OF ATTENDANCE OF NON-COMPULSORY RFI BRIEFING**

It is hereby certified that –

1. \_\_\_\_\_

2. \_\_\_\_\_

Representative(s) of \_\_\_\_\_ *[name of entity]*

attended the RFI briefing in respect of the proposed Services to be rendered in terms of this RFI on  
\_\_\_\_\_ 20\_\_

\_\_\_\_\_  
TRANSNET'S REPRESENTATIVE

\_\_\_\_\_  
RESPONDENT'S REPRESENTATIVE

DATE \_\_\_\_\_

DATE \_\_\_\_\_

EMAIL \_\_\_\_\_

**NOTE:**

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

---

Respondent's Signature

---

Date and Company Stamp

## SECTION 10: 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 RFI, 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 RFI 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 RFI, 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 RFI (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 RFI, the Respondent is hereby consenting to the processing of their personal information for the purpose of this RFI 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 RFI 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/infoereg/>, click on contact us, click on complaints.IR@justice.gov.za