

Transnet Port Terminals

an Operating Division **TRANSNET SOC LTD**

[Registration Number 1990/000900/30]

REQUEST FOR PROPOSAL (RFP)

For the Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

RFP NUMBER	: iCLM PE 576/TPT
ISSUE DATE	: 3 November 2022
NON-COMPULSORY BRIEFING	: 11 November 2022
CLOSING DATE	: 29 November 2022
CLOSING TIME	: 10h00
TENDER VALIDITY PERIOD	: 180 business days

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.

PREFERENTIAL PROCUREMENT PREQUALIFICATION CRITERIA - ONLY THE FOLLOWING RESPONDENTS MAY RESPOND TO THIS RFQ:

RESPONDENTS WITH A MINIMUM B-BBEE STATUS LEVEL OF 1 to 4.

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

SECTION 1: SBD1 FORM**PART A****INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET PORT TERMINALS, A DIVISION TRANSNET SOC LTD							
BID NUMBER:	iCLM PE 576/TPT	ISSUE DATE:	3 November 2022	CLOSING DATE:	29 November 2022	CLOSING TIME:	10h00
DESCRIPTION	Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase						
BID RESPONSE DOCUMENTS SUBMISSION							
RESPONDENTS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH TENDER SELECTED (please refer to section 2, paragraph 3 for a detailed process on how to upload submissions): https://transnetetenders.azurewebsites.net							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Caroline Allen			CONTACT PERSON	Caroline Allen		
TELEPHONE NUMBER	041 507 2062			TELEPHONE NUMBER	041 507 2062		
FACSIMILE NUMBER	-			FACSIMILE NUMBER	-		
E-MAIL ADDRESS	Caroline.Allen@transnet.net			E-MAIL ADDRESS	Caroline.Allen@transnet.net		
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE			NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]							

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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: _____

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T1.1 TENDER NOTICE AND INVITATION TO TENDER

SECTION 1: NOTICE TO TENDERERS

1. INVITATION TO TENDER

Responses to this Tender [hereinafter referred to as a **Tender**] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as a Tenderer].

DESCRIPTION	Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.
TENDER DOWNLOADING	This Tender may be downloaded directly from the National Treasury eTender Publication Portal at www.etenders.gov.za and the Transnet website at https://transnetetenders.azurewebsites.net (please use Google Chrome to access Transnet link) FREE OF CHARGE.

NON-COMPULSORY TENDER CLARIFICATION MEETING	<p>A Non-Compulsory Tender Clarification Meeting and Site Inspection will be conducted at the Supply Chain Boardroom, First Floor, NRE Building, Green Street, Port of Port Elizabeth on the 11th of November 2022 at 10:00am [10 O'clock] for a period of \pm 2 (two) hours. [Tenderers to provide own transportation and accommodation].</p> <p>The Non-Compulsory Tender Clarification Meeting will start punctually and information will not be repeated for the benefit of Tenderers arriving late.</p> <p>Bidders to confirm their attendance with Caroline.Allen@transnet.net by email on or before 9th of November 2022.</p> <p>A Site visit will take place, tenderers are to note:</p> <ul style="list-style-type: none"> • Tenderers are required to wear safety shoes, goggles, long sleeve shirts, high visibility vests and hard hats. • Tenderers without the recommended PPE will not be allowed on the site walk. • Tenderers and their employees, visitors, clients and customers entering Transnet Offices, Depots, Workshops and Stores will have to undergo breathalyser testing. • All forms of firearms are prohibited on Transnet properties and premises. • The relevant persons attending the meeting must ensure that their identity documents, passports or driver's licences are on them for inspection at the access control gates. <p>Certificate of Attendance in the form set out in the Returnable Schedule T2.2-02 hereto must be completed and submitted with your Tender as proof</p>
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	<p>of attendance is required for a non-compulsory site meeting and/or tender briefing.</p> <p>Tenderers are required to bring this Returnable Schedule T2.2-02 to the Non-Compulsory Tender Clarification Meeting to be signed by the <i>Employer's</i> Representative.</p>
CLOSING DATE	<p>10h00 on 29th of November 2022</p> <p>Tenderers must ensure that tenders are uploaded timeously onto the system. If a tender is late, it will not be accepted for consideration.</p>

2. TENDER SUBMISSION

Transnet has implemented a new electronic tender submission system, the e-Tender Submission Portal, in line with the overall Transnet digitalization strategy where suppliers can view advertised tenders, register their information, log their intent to respond to bids and upload their bid proposals/responses on to the system.

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

Log on to the Transnet eTenders management platform website

(<https://transnetetenders.azurewebsites.net>);

- 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.
- **Tenderers 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 Tenderer can upload 30mb per upload and multiple uploads are permitted.**

b) The tender offers to this tender will be opened as soon as possible after the closing date and time. Transnet shall not, at the opening of tenders, disclose to any other company any confidential details pertaining to the Tender Offers / information received, i.e. pricing, delivery, etc. The names and locations of the Tenderers will be divulged to other Tenderers upon request.

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- c) Submissions must not contain documents relating to any Tender other than that shown on the submission.

3. CONFIDENTIALITY

All information related to this RFP is to be treated with strict confidentiality. In this regard Tenderers are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Works, which is either directly or indirectly related to Transnet's business, written approval to divulge such information must be obtained from Transnet.

4. DISCLAIMERS

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

- 4.1. Award the business to the highest scoring Tenderer/s unless objective criteria justify the award to another tenderer.
- 4.2. Not necessarily accept the lowest priced tender or an alternative Tender;
- 4.3. Go to the open market if the quoted rates (for award of work) are deemed unreasonable;
- 4.4. Should the Tenderers be awarded business on strength of information furnished by the Tenderer, which after conclusion of the contract is proved to have been incorrect, Transnet reserves the right to terminate the contract;
- 4.5. Request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 4.6. Not accept any changes or purported changes by the Tenderer to the tender rates after the closing date;
- 4.7. Verify any information supplied by a Tenderer by submitting a tender, the Tenderer/s hereby irrevocably grant the necessary consent to the Transnet to do so;
- 4.8. Conduct the evaluation process in parallel. The evaluation of Tenderers at any given stage must therefore not be interpreted to mean that Tenderers have necessarily passed any previous stage(s);

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- 4.9. Unless otherwise expressly stated, each tender lodged in response to the invitation to tender shall be deemed to be an offer by the Tenderer. The Employer has the right in its sole and unfettered discretion not to accept any offer.
- 4.10. Not be held liable if tenderers do not provide the correct contact details during the clarification session and do not receive the latest information regarding this RFP with the possible consequence of being disadvantaged or disqualified as a result thereof.
- 4.11. Transnet reserves the right to exclude any Tenderers from the tender process who has been convicted of a serious breach of law during the preceding 5 [five] years including but not limited to breaches of the Competition Act 89 of 1998, as amended. Tenderers are required to indicate in tender returnable [clause 12 on T2.2-21], [**Breach of Law**] whether or not they have been found guilty of a serious breach of law during the past 5 [five] years.
- 4.12. Transnet reserves the right to perform a risk analysis on the preferred tenderer to ascertain if any of the following might present an unacceptable commercial risk to the employer:
- *unduly high or unduly low tendered rates or amounts in the tender offer;*
 - *contract data of contract provided by the tenderer; or*
 - *the contents of the tender returnables which are to be included in the contract.*
5. Transnet will not reimburse any Tenderer for any preparatory costs or other work performed in connection with this Tender, whether or not the Tenderer is awarded a contract.

6. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

Tenderer are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. The CSD can be accessed at <https://secure.csd.gov.za/>. Tenderer are required to provide the following to Transnet in order to enable it to verify information on the CSD:

Supplier Number..... and Unique registration reference number.....

**Transnet urges its clients, suppliers and the general public
to report any fraud or corruption to
TIP-OFFS ANONYMOUS: 0800 003 056 OR Transnet@tip-offs.com**

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T1.2 TENDER DATA

The conditions of tender are the Standard Conditions of Tender as contained in Annex C of the CIDB Standard for Uniformity in Engineering and Construction Works Contracts. The Standard for Uniformity in Construction Procurement was first published in Board Notice 62 of 2004 in Government Gazette No 26427 of 9 June 2004. It was subsequently amended in Board Notice 67 of 2005 in Government Gazette No 28127 of 14 October 2005, Board Notice 93 of 2006 in Government Gazette No 29138 of 18 August 2006, Board Notice No 9 of 2008 in Government Gazette No 31823 of 30 January 2009, Board Notice 86 of 2010 in Government Gazette No 33239 of 28 May 2010, Board Notice 136 of 2015 in Government Gazette 38960 of 10 July 2015 and Board Notice 423 of 2019 in Government Gazette No 42622 of 8 August 2019.

This edition incorporates the amendments made in Board Notice 423 of 2019 in Government Gazette 42622 of 8 August 2019. (see www.cidb.org.za).

The Standard Conditions of Tender make several references to Tender data for detail that apply specifically to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item of data given below is cross-referenced in the left-hand column to the clause in the Standard Conditions of Tender to which it mainly applies.

Clause	Data
C.1.1	The <i>Employer</i> is Transnet SOC Ltd (Reg No. 1990/000900/30)
C.1.2	The tender documents issued by the <i>Employer</i> comprise:
	Part T: The Tender
Part T1: Tendering procedures	T1.1 Tender notice and invitation to tender T1.2 Tender data
Part T2 : Returnable documents	T2.1 List of returnable documents T2.2 Returnable schedules
	Part C: The contract
Part C1: Agreements and contract data	C1.1 Form of offer and acceptance C1.2 Contract data (Part 1 & 2) C1.3 Form of Securities
Part C2: Pricing data	C2.1 Pricing instructions C2.2 Activity Schedule
Part C3: Scope of work	C3.1 Works Information

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Part C4: Site information

C4.1 Site information

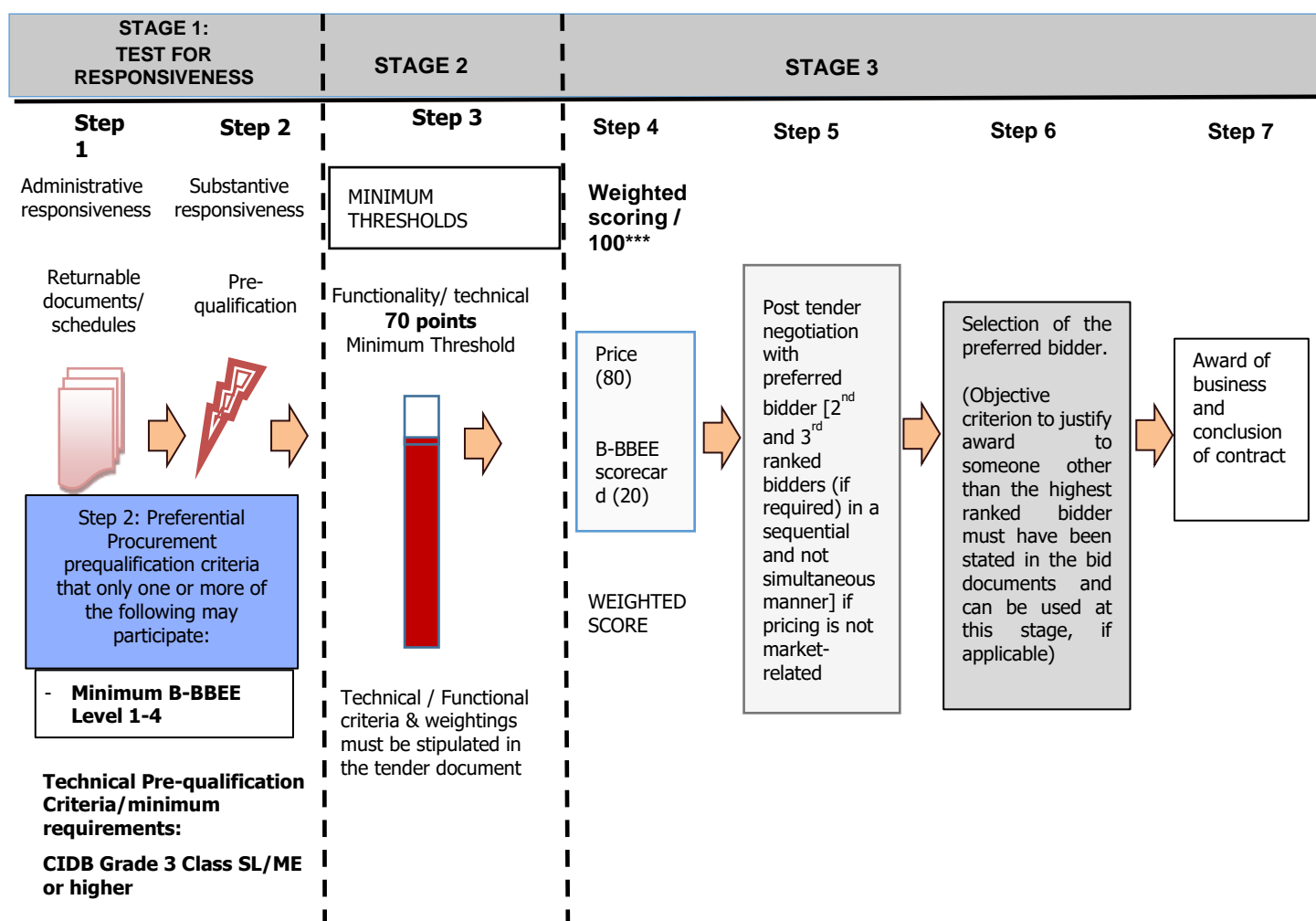
C.1.4 The Employer's agent is:

Name: Caroline Allen

Address: NRE Building, Green Street, Port of Port Elizabeth

Tel No. 041 507 2062

E – mail Caroline.Allen@transnet.net



C.2.1 Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders:

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1. Stage One - Pre-qualification criteria for preferential procurement in terms of the Preferential Procurement Regulations, 2017:

- a) A tenderer having a stipulated minimum B-BBEE status level of contributor of 1-4.

Any tenderer that fails to meet the stipulated pre-qualifying criteria will be regarded as an unacceptable tender.

2. Stage Two - Eligibility in terms of the Construction Industry Development Board:

- a) Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, designation of **Grade 3 Class SL/ME or higher** class of construction work, are eligible to have their tenders evaluated.

- b) Joint Venture (JV)

Joint ventures are eligible to submit tenders subject to the following:

1. every member of the joint venture is registered with the CIDB;
2. the lead partner has a contractor grading designation of **Grade 3 Class SL/ME or higher** class of construction work; and
3. the combined Contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a Contractor grading designation determined in accordance with the sum tendered for a **Grade 3 Class SL/ME** or higher class of construction work or a value determined in accordance with Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations
4. The tenderer shall provide a certified copy of its signed joint venture agreement.

Any tenderer that fails to meet the stipulated pre-qualifying criteria will be regarded as an unacceptable tender.

3. Stage Three - Functionality:

Only those tenderers who obtain the minimum qualifying score for functionality will be evaluated further in terms of price and the applicable preference point system. The minimum qualifying for score for functionality is 70 points.

The evaluation criteria for measuring functionality and the points for each criteria and, if any, each sub-criterion are as stated in C.3.11 below.

Any tenderer that fails to meet the stipulated pre-qualifying criteria will be regarded as an unacceptable tender.

Tender Number: iCLM PE 576/TPT

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C.2.7 The arrangements for a non-compulsory clarification meeting are as stated in the Tender Notice and Invitation to Tender. **Tenderers must complete and sign the attendance register.** Addenda will be issued to and tenders will only be received from those tendering entities including those entities that intends forming a joint venture appearing on the attendance register.

Tenderers are also **required to bring their RFP document to the briefing session and have their returnable document T2.2-02 certificate of attendance** signed off by the Employer's authorised representative.

C.2.12 No alternative tender offers will be considered.

C.2.13.3 Each tender offer shall be in the **English Language**.

C.2.13.5 The *Employer's* details and identification details that are to be shown on each tender offer are as follows:

Identification details:

The tender documents must be uploaded with:

- Name of Tenderer:
- Contact person and details:.....
- The Tender Number: **iCLM PE 576/TPT**
- The Tender Description: **Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase**

Documents must be marked for the attention of:

Employer's Agent:

C.2.13.9 Telephonic, telegraphic, facsimile or e-mailed tender offers will not be accepted.

C.2.15 The closing time for submission of tender offers is:

Time: **10h00 on the 29th of November 2022**

Location: The Transnet e-Tender Submission Portal:

(<https://transnetetenders.azurewebsites.net/>);

NO LATE TENDERS WILL BE ACCEPTED

C.2.16 The tender offer validity period is **180 business days** after the closing date. Tenderers are to note that they may be requested to extend the validity period of their tender, on the same terms and conditions, if Transnet's internal evaluation and governance approval processes has not been finalised within the validity period.

C.2.23 The tenderer is required to submit with his tender:

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1. A valid Tax Clearance Certificate issued by the South African Revenue Services.
Tenderers also to provide Transnet with a TCS PIN to verify Tenderers compliance status.
2. A **valid B-BBEE Certificate** from a Verification Agency accredited by the South African Accreditation System [**SANAS**], or a **sworn affidavit** confirming annual turnover and level of black ownership in case of all EMEs and QSEs with 51% black ownership or more together with the tender;
3. A valid CIDB certificate in the correct designated grading;
4. Proof of registration on the Central Supplier Database;
5. Letter of Good Standing with the Workmen's compensation fund by the tendering entity or separate Letters of Good Standing from all members of a newly constituted JV.

Note: Refer to Section T2.1 for List of Returnable Documents

C3.11 The minimum number of evaluation points for functionality is: **70**

The procedure for the evaluation of responsive tenders is Functionality, Price and Preference:

Only those tenderers who attain the minimum number of evaluation points for Functionality will be eligible for further evaluation, failure to meet the minimum threshold will result in the tender being disqualified and removed from any further consideration.

Functionality Criteria

The functionality criteria and maximum score in respect of each of the criteria are as follows:

(Please see CIDB Compiler guidance note T1.2 – Tender Data).

Functionality criteria	Sub-criteria	Sub-criteria points	Maximum number of points

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T2.2-03 Project Plan	Service provider to provide a project plan in Microsoft Project or similar software format demonstrating all activities from start date, access date, planned completion, key dates/sectional completion dates & completion date. In addition, the program shall clearly demonstrate adequate provisions for Time Risk Allowance (TRA) and time risk allowances are not float. TPT will compare submitted project plans against previous STS crane back slipping project plans.	<ul style="list-style-type: none"> • 20 points = 2 days • 15 points = More than 2 but less than 3 days • 10 points = More than 3 but less than 4 days • 5 points = More than 4 but less than 5 days • 0 points = More than 5 days 	20
		Submitted Project Plan: <ul style="list-style-type: none"> • 5 points = Microsoft Project Plan • 5 points = Activities from start to end and resources included • 5 points = Milestones and TRA (time risk allowance included) • 5 points = Project based line included 	20
T2.2-04 Previous Experience	Service Provider shall submit a list of references and a minimum of five projects previously executed. This shall comprise of the following: Name of the company, contract person, telephone, value and year which project was executed.	<ul style="list-style-type: none"> • 3 References submitted = 20 • 2 References submitted = 10 • 1 References submitted = 5 • 0 References submitted = 0 	20
T2.2-05 Method Statement	Service Provider shall submit a method statement, which TPT will compare activities against previous STS crane back slipping project method statements.	<ul style="list-style-type: none"> • Submitted Method Statement: • 5 points = Back slipping activities and quality control plan • 5 points = Back slipping safety plan, risks 	15

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		identified and environment plan • 5 points = Back slipping timelines and milestones	
T2.2-06 CV's	Service Provider shall submit the following CV's: • On-site team having a minimum experience of two or more in the same field. • Site safety officer or supervisor who has a minimum experience of five years in the field. • Project manager who has a minimum experience of five years in the field.	Submitted CVs: • 5 points = Onsite team having a minimum experience of two or more in the same field. • 10 points = Site safety officer or supervisor who have a minimum experience of five years in the field. • 10 points = Project manager who has a minimum experience of five years in the field.	25
			100

Functionality shall be scored independently by not less than 2 (two) evaluators and averaged in accordance with the following schedules:

- T2.2-03 Project Plan
- T2.2-04 Previous Experience
- T2.2-05 Method Statement
- T2.2-06 CV's

Each evaluation criteria will be assessed in terms of scores of 0, 5, 10, 15, 20 and 25 points.

The scores of each of the evaluators will be averaged, weighted and then totalled to obtain the final score for functionality, unless scored collectively. (See CIDB Inform Practice Note #9).

Note: Any tender not complying with the above-mentioned requirements, will be regarded as non-responsive and will therefore not be considered for further evaluation. This note must be read in conjunction with Clause C.2.1.

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- C.3.12. Only tenders that achieve the minimum qualifying score for functionality will be evaluated further in accordance with the 80/20 preference points systems as described in Preferential Procurement Regulations 6 and 7.

80 where the financial value of one or more responsive tenders received have a value equal to or below R50 million, inclusive of all applicable taxes,

Up to 100 minus W_1 tender evaluation points will be awarded to tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed. **Should the BBBEE rating not be provided, tenderers with no verification will score zero points for preferencing.**

Note: Transnet reserves the right to carry out an independent audit of the tenderers scorecard components at any stage from the date of close of the tenders until completion of the contract.

-
- C.3.13 Tender offers will only be accepted if:

1. The tenderer or any of its directors/shareholders is not listed on the Register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector;
 2. the tenderer does not appear on Transnet's list for restricted tenderers and National Treasury's list of Tender Defaulters;
 3. the tenderer has fully and properly completed the Compulsory Enterprise Questionnaire and there are no conflicts of interest which may impact on the tenderer's ability to perform the contract in the best interests of the Employer or potentially compromise the tender process and persons in the employ of the state.
 4. Transnet reserves the right to award the tender to the tenderer who scores the highest number of points overall, unless there are **objective criteria** which will justify the award of the tender to another tenderer. Objective criteria include but are not limited to the outcome of a due diligence exercise to be conducted. The due diligence exercise may take the following factors into account inter alia; the tenderer:
 - a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
 - b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
-

Tender Number: iCLM PE 576/TPT

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c) has the legal capacity to enter into the contract,

d) is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,

e) complies with the legal requirements, if any, stated in the tender data and

f) is able, in the option of the employer to perform the contract free of conflicts of interest.

C.3.14 The number of paper copies of the signed contract to be provided by the Employer is 1 (one).

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T2.1 List of Returnable Documents

2.1.1 These schedules are required for pre-qualification and eligibility purposes:

- T2.2-01 **Stage One as per CIDB: Eligibility Criteria Schedule** - CIDB Registration
- T2.2-02 **Stage Two as per CIDB: Eligibility Criteria Schedule** - Respondents with a minimum B-BBEE status level of 1 to 4.

2.1.2 Stage Three as per CIDB: these schedules will be utilised for evaluation purposes:

- T2.2-03 **Evaluation Schedule:** Project Plan
- T2.2-04 **Evaluation Schedule:** Previous Experience
- T2.2-05 **Evaluation Schedule:** Method Statement
- T2.2-06 **Evaluation Schedule:** Project Organogram, Management CV's

2.1.3 Returnable Schedules:

General:

- T2.2-07 Authority to submit tender
- T2.2-08 Record of addenda to tender documents
- T2.2-09 Letter of Good Standing
- T2.2-10 Risk Elements
- T2.2-11 Availability of equipment and other resources
- T2.2-12 Capacity and ability to meet delivery schedule
- T2.2-13 Environmental Management
- T2.2-14 Health and Safety Management
- T2.2-15 Health and Safety Questionnaire
- T2.2-16 Health and Safety Cost Breakdown
- T2.2-17 Site Establishment requirements

Agreement and Commitment by Tenderer:

- T2.2-18 CIDB SFU ANNEX G Compulsory Enterprise Questionnaire
- T2.2-19 Compliance to Scope of Work
- SDB 6.1 Preference points claim form
- T2.2-20 Non-Disclosure Agreement
- T2.2-21 RFP Declaration Form
- T2.2-22 RFP – Breach of Law
- T2.2-23 Certificate of Acquaintance with Tender Document
- T2.2-24 Service Provider Integrity Pact
- T2.2-25 Supplier Code of Conduct
- T2.2-26 Protection of Personal Information Act (POPIA)

2.1.4 Bonds/Guarantees/Financial/Insurance:

- T2.2-27 Insurance provided by the Contractor
- T2.2-28 Two (2) years audited financial statements

2.1.5 Transnet Vendor Registration Form:

- T2.2-29 Transnet Vendor Registration Form

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

2.2 C1.1 Offer portion of Form of Offer & Acceptance

2.3 C1.2 Contract Data

2.4 C1.3 Forms of Securities

2.5 C2.1 Pricing Instructions

2.6 C2.2 Activity Schedule

2.7 C2.3 Works Information

2.8 C2.4 Site Information

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

T2.2-01: Eligibility Criteria Schedule - CIDB Grading Designation

Note to tenderers:

Tenderers are to indicate their CIDB Grading by filling in the table below. **Attach a copy of the CIDB Grading Designation or evidence of being capable of being so registered.**

CRS Number	Status	Grading	Expiry Date

4. Only those tenderers who are registered with the CIDB, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a **Grade 3 Class SL/ME or higher** class of construction work, are eligible to have their tenders evaluated.

5. Joint Venture (JV)

Joint ventures are eligible to submit tenders subject to the following:

5. every member of the joint venture is registered with the CIDB;
6. the lead partner has a contractor grading designation of not lower than one level one level below the required grading designation in the class of construction works under consideration and possesses the required recognition status; and
7. the combined Contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a Contractor grading designation determined in accordance with the sum tendered for a **Grade 3 Class SL/ME or higher** class of construction work or a value determined in accordance with Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations
8. the Contractor shall provide the employer with a certified copy of its signed joint venture agreement;
9. and in the event that the joint venture is an 'Incorporated Joint Venture' the Memorandum of Incorporation to be provided within 4 (four) weeks of the Contract Date.

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T2.2-02: Eligibility Criteria Schedule:

Certificate of Attendance at Non-Compulsory Tender Clarification Meeting

This is to certify that

(Company Name/
Member of Joint Venture)

Represented
by:

(Name and Surname)

Was represented at the non-compulsory tender clarification meeting

Held at:		
On (date)		Starting time:

Particulars of person(s) attending the meeting:

Name

Signature

Capacity

Attendance of the above company at the meeting was confirmed:

Name

Signature

**For and on Behalf of the
Employers Agent.**

Date

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

T2.2-03: Evaluation Schedule: Programme - Project Plan

Service Provider to submit a project plan and to be attached to the returnable document having the following requirements:

- The project plan should be on Microsoft project or similar software
- The project plan must indicate all activities from start to end
- The project plan to indicate milestones
- The project plan to indicate TRA (time risk allowance included) and time risk allowances are not float.
- The project plan should indicate timelines from start to end and provide a letter of confirmation on a company letterhead confirming the lead-time for back slipping activities, this is to be attached.

Note to tenderers:

Programme

The Tenderer details the programme for evaluation and attaches it to this schedule.

The Tenderer's attention is drawn to core clause 31 of the NEC3 Engineering and Construction contract regarding the items to be shown on a programme.

The tenderer shall provide the proposed programme, at a minimum Level 2 showing but not limited to the following:

- Ability to execute the works in terms of the *Employer's* requirements and within the required timeframe indicating, in a logical sequence, the order and timing of the construction that will take place in order to Provide the Works clearly indicating the capacity & capability to achieve the dates stated in the Contract Data.
- Dates when the *Contractor* will need access to any part of the Site; submission & approval process & timing for Health & Safety Files, Environmental Files and Quality Files. In addition, the Programme must clearly demonstrate the procurement process for all long lead items if applicable.
- The *Contractor* indicates how he plans in achieving the following dates and clearly demonstrates them on the schedule - Start Date, Access Date, Planned Completion, Key Dates & Completion Date. In addition, the Programme clearly demonstrates adequate provisions for Time Risk Allowance (TRA). Time Risk Allowances are not float, are owned by the Tenderer, can be included in the activity duration and illustrated in the schedule in a code field or as an attachment.
- The Programme must clearly support and demonstrate alignment to the Method Statement as contained in T2.1 List of Returnables.

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The scoring of the Programme will be as follows:

P r o j e c t P l a n	Service Provider to provide a project plan in Microsoft Project format demonstrating all activities from - start date, access date, planned completion, key dates/Sectional completion dates & completion date. In addition, the program shall clearly demonstrate adequate provisions for Time Risk Allowance (TRA) and time risk allowances are not float.	T2.2-03	Duration as per Project Plan	20
			20 points = 2 days	
			15 points = More than 2 but less than 3 day	
			10 points = More than 3 but less than 4 days	
			5 points = More than 4 but less than 5 days	
			0 points = More than 5 days	
			Submitted Project Plan:	20
			5 points = Microsoft Project Plan	
			5 points = Activities from start to end and resources included	
			5 points = Milestones and TRA (time risk allowance included)	
			5 points = Project based line included	

Attachment A: Hard Copy of Programme

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T2.2-04: Previous Experience

Service Provider shall submit a list of references and a minimum of three projects that have been previous executed. This shall comprise of the following: name of the company, contract person, telephone, value and year which project was executed

Nature of Service	Name of Company	Contact Person	Contact Number	Value of Service	Year Completed

Experience	Service Provider shall submit a list of references and a minimum of five projects previous executed. This shall comprise of the following: name of the company, contract person, telephone, value and year which project was executed	T2.2-04	3 References submitted = 20 2 References submitted = 10 1 References submitted = 5 0 References submitted = 0	20
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Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

T2.2-05: Evaluation Schedule: Method Statement

The Tenderer to submit an approach paper which responds to the *works* and outlines the proposed approach / methodology.

- The Approach Paper should cover:
 - The understanding of the proposed approach and project objective including the technical methodology;
 - The tenderers must sufficiently demonstrate the approach/methodology that will be employed to cover the scope of the project.
- A detailed method statement is required to cover all aspects of the back slipping activities, quality, safety, risk and environment.
- In addition to general methodology for the project, the tenderer must demonstrate the following aspects but not limited to:
 - timelines and milestones of the project.

Provide specific information for the following points:

- Inspection of all equipment
- Installation of the fence
- Jacking down of the crane
- Slide slipping of the crane
- Back slipping of the crane
- Detailed method statement, technical approach and construction sequencing in terms of the Works Information (design philosophy).

Tenderers to note that the approach paper should not be more than 15 pages.

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Index of documentation attached to this schedule

	DOCUMENT NAME
1	
2	
3	
4	
5	
6	
7	

Please note: Tenderers are required to provide detailed method statements for the categories as listed above. Each sub-category as listed will be scored based on the linear scale below, and will be averaged and weighed to provide a final score. Tenderers to note that they will not achieve an "acceptable" score should they not provide the information as required in this Returnable.

The table below will be used as guidelines for scoring / evaluating the method statement submitted by the Tenderer:

Method Statement	Service Provider shall submit a method statement	T2.2-05	Submitted Method Statement: 5 points = Back slipping activities and quality control plan 5 points = Back slipping safety plan, risks identified and environment plan 5 points = Back slipping timelines and milestones	15
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T2.2-06: Evaluation Schedule: Project Organogram, Management & CV's

Submit the following documents as a minimum with your tender document:

1. A comprehensive and detailed **organogram** that shows the structure and composition of their management structure involved in the *works*, inclusive of the key staff/professionals, identified in the Contract Data Part two.
2. Detailed CV's providing the following:
 - The roles and responsibilities for the *works* of each resource should be clearly stated.
 - Detailed experience in this specific construction activity and positions held, such as recent assignments inclusive of total duration that has a bearing on the scope of work.
 - The education, training (*inter alia* NEC3) and skills of the assigned staff in the specific sector, field, subject, etc. which is directly linked to the *works*. Qualifications (degrees, diplomas, grades) and membership of professional societies and relevant professional registrations to be attached.
 - Site Management resources should include at least, amongst others:
 - Project /Contracts Manager
 - Project /Contracts Manager should at least have a relevant qualification and must have experience in the Civil/Mechanical Projects. The Project/Contracts Manager must have experience working with the NEC3 Engineering and Construction Contract.
 - Construction Manager
 - Construction Manager should at least have a relevant qualification in Engineering and must have experience in Civil/Mechanical Projects. The Construction Manager must have experience working with the NEC3 Engineering and Construction Contract.
 - Project Planner

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- Project Planner should at least have relevant qualification and experience in project planning and scheduling in one of the built environment disciplines. In addition, experience working with the NEC3 Engineering and Construction Contract Option chosen for this contract, is a requirement.
- Quality Officer
 - Quality officer should have a have a relevant qualification and experience on a project of a similar nature.
- Health & Safety Manager
 - Health and Safety Manager should have valid professional registration with SACPCMP as a Construction Health and Safety Manager.
- Health & Safety Officer
 - Health & Safety Officer should have valid professional registration with SACPCMP as a Construction Health & Safety Officer.
- Environmental Officer
 - Environmental Officer should have a have a relevant qualification and experience on a project of a similar nature.

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The following table is to be populated by the tenderer identifying the resources for the key roles for the *works*. Attached submissions to this returnable.

Key Person Role	Name of Resource
Project Manager	
Health and Safety Officer	

The scoring of the Project Organogram, Management & CV's will be as follows:

CV's	<p>Service Provider shall submit the following CV's:</p> <p>Onsite team having a minimum experience of two or more in the same field.</p> <p>Site safety officer or supervisor who have a minimum experience of five years in the field.</p> <p>Project manager who have a minimum experience of five years in the field.</p>	T2.2-06	<p>Submitted CVs:</p> <p>5 points = On-site team having a minimum experience of two or more in the same field.</p> <p>10 points = Site safety officer or supervisor who have a minimum experience of five years in the field.</p> <p>10 points = Project manager who have a minimum experience of five years in the field.</p>	25
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T2.2-07: Authority to submit a Tender

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for his category of organisation or alternatively attach a certified copy of a company / organisation document which provides the same information for the relevant category as requested here.

A – COMPANY	B - PARTNERSHIP	C - JOINT VENTURE	D - SOLE PROPRIETOR

A. Certificate for Company

I, _____ chairperson of the board of directors _____
 _____, hereby confirm that by resolution of the board taken on _____
 _____ (date), Mr/Ms _____, acting in the capacity of _____
 _____, was authorised to sign all documents in connection with this tender offer and any
 contract resulting from it on behalf of the company.

Signed

Date

Name

Position

Chairman of the Board of Directors

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B. Certificate for Partnership

We, the undersigned, being the **key partners** in the business trading as _____
 _____ hereby authorise Mr/Ms _____ acting in the capacity of _____
 _____, to sign all documents in connection with the tender offer for
 Contract _____ and any contract resulting from it on our behalf.

Name	Address	Signature	Date

NOTE: This certificate is to be completed and signed by the full number of Partners necessary to commit the Partnership. Attach additional pages if more space is required.

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C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms

_____, an authorised signatory of the company _____

_____, acting in the capacity of lead partner, to sign all documents in

connection with the tender offer for Contract _____ and

any contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

Furthermore we attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners.

Name of firm	Address	Authorising signature, name (in caps) and capacity

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D. Certificate for Sole Proprietor

I, _____, hereby confirm that I am the sole owner of the business trading as _____.

Signed	Date	
Name	_____	_____
	Position	Sole Proprietor
	_____	_____

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T2.2-08: Record of Addenda to Tender Documents

This schedule as submitted confirms that the following communications received from the *Employer* before the submission of this tender offer, amending the tender documents, have been taken into account in this specific tender offer:

	Date	Title or Details
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T2.2-09 Letter/s of Good Standing with the Workmen's Compensation Fund

Attached to this schedule is the Letter/s of Good Standing.

- 1.
- 2.
- 3.
- 4.

Name of Company/Members of Joint Venture:

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T2.2-10: Risk Elements

Tenderers to identify and evaluate the potential risk elements associated with the Works and possible mitigation thereof. The risk elements and the mitigation as identified thereof by the Tenderer are to be submitted.

If No Risks are identified "No Risks" must be stated on this schedule.

Tenderers are also to evaluate any risk/s stated by the *Employer* in Contract Data Part C1, and provide possible mitigation thereof.

Tenders to note: Notwithstanding this information, all costs related to risk elements which are at the Contractor's risk are deemed to be included in the tenderer's offered total of the Prices.

The Tenderer to submit a list of all Equipment and other resources that will be used to execute the *works* as described in the Works Information.

[illegible]

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T2.2-12: Capacity and Ability to meet Delivery Schedule

Note to tenderers:

The Tenderer is required to demonstrate to the *Employer* that the tenderer has sufficient current and future capacity to carry out the work as detailed in the Works Information and that the tenderer has the capacity and plans in place to meet the required delivery schedule as required. To this end, the following must be provided by the Tenderer:

A schedule detailing the following:

- Maximum quantity of work concurrently performed by the Tenderer in the recent past in order to illustrate his potential capacity to design, fabricate and/or construct work of a similar nature;
- Current and future work on his order book, showing quantity and type of equipment;
- Quantity of work for which the Tenderer has tenders in the market or is currently tendering on;
- The work as covered in this Works Information, planned and scheduled as per the Tenderer's capacities and methods but meeting the required delivery schedule.

Index of documentation attached to this schedule:

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Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

T2.2-13: Evaluation Schedule: Environmental Management

The Tenderer must review the following documents for context to meet the environmental requirements, namely:

- Transnet SOC Limited – Environmental Risk Management Policy (refer to TIMS Policy Commitment marked as annexure A and Scope of Work marked as annexure B, clause 4 Safety and Compliance);
- Project Environmental Specification (PES) which comprises of the following as a minimum:
 - Standard Operating Procedure for Construction Environmental Management
 - Minimum Standards for Construction Environmental Management

1. The tenderer must provide evidence of how their Environmental Management System (EMS) will ensure conformance to the abovementioned requirements.

By signing this Tender Schedule, the tenderer confirms that they will comply with the above requirements and in particular Transnet policy statements and environmental specifications.

Name of Company _____

Company representative _____

Date _____

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T2.2-14 Evaluation Schedule: Health and Safety Management

The tenderer must submit the following documents as a minimum with the tender submission:

CONTRACTOR COMPLIANCE FILE ASSESSMENT CHECKLIST

Date of inspection/ Evaluation: _____

Client	
Employer (Principal contractor)	
Registered name of the enterprise	
Trade name of the Enterprise	
Company Registration No	
SARS registration No(PAYE)	
UIF registration No	
COIDA registration no	
Relevant SETA for EEA purpose	
Industry sector	
Bargaining Council	
Contact person & position	
Contact number	
Site Address	
Postal Address	
Chief Executive Officer	
Chief Executive officer's email and contact number	
Construction Manager	
Health and Safety Representative	
Activities/ Service rendered	
Commencement date	
Completion date	
Site Phone	
Total number of employees on site:	
Female	
Male	
People with disabilities	

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CONTRACTOR	Complying	Not Complying (i.e. Comments)	Not Applicable
1. Site Specific Organogram of reporting structure. This document must provide all persons appointed in terms of OHS Act No. 85 of 1993 including contact details. (rev, date, approval)			
2. Contractor scope of work information (Company Profile)			
3. Notification of Construction Work to the Department of Labour: Document to display required information as per OHS Act No.85 of 1993 – Construction Regulations Annexure A, Must carry the stamp of acceptance from the Department of Labour (if applicable)			
4. Application for a permit to do construction work (if applicable)			
5. Valid Letter of Good Standing with FEM/WCA: And proof of relevant insurances to carry out work.			
MANAGEMENT PLANS			
6. Copy of reference documents: Health & Safety, Security, Quality, Environmental, and other applicable Specifications Including a signed register of communication to Managers, Supervisors & Safety Officers			
7. Approved Contractor Execution Plan correlating with Specification provided by Transnet (i.e. Approved health and safety plan, environmental plan, security plan etc.)			
8. Contractors Health and Safety Policy			
9. Site Specific Emergency Plan			
10. Contractors Traffic Management Plan (if applicable)			
11. Procedure for handling Hazardous Chemical Substance's and Applicable Safety Data Sheet (if applicable).			
APPOINTMENTS			
12. Fully completed appointments of the following (depends on the scope of work) but not limited to:			
• Sec. 16(2) – Delegated Authority (Assistant to the CEO)			
• CR 8(1) – Construction Manager			
• CR 8(7) – Construction Supervisor			
• CR 8(8) – Assistant Construction Supervisor			
• CR 8(5) – Construction Safety Officer			
• CR 9(1) – Risk assessment			
• CR 10. (1)(a) – Fall Prevention Planner (if applicable)			
• CR 10.(2)(b) (fall risk) Physical & Psychological fitness			
• CR 23.(d)(k) – Vehicle operator and Inspector			

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• GSR 3.4 – First aider			
• CR 29 (h) – Fire Fighter			
• Sec 24, GAR 9(2) – Incident Investigator			
• CR 13(1)(a) – Excavation Supervisor			
• CR 28(a) – Stacking and Storage Supervisor			
• CR 12(1) – Temporary works designer			
• CR 14(1) – Demolition work supervisor			
• CR 16(1) – Scaffolding work supervisor			
• CR 17 (1) – Suspended platform work supervisor			
• CR 18(1)(a) – Rope access supervisor			
• CR 19(8)(a) – Material host Inspector			
• CR 20(1) – Bulk mixing plant supervisor			
• CR 21(2) – Explosive actuated fastening devices inspector			
• Sec 17(1) – SHE Rep (more than 20 employees)			
• GSR 13(a) – Ladder Inspector An abbreviated CV of the above appointed persons shall be attached to the appointment. Competency certificates will also be attached as required in specifications			
13. Elevated work training (Rescue/ Safety harnesses) – accredited Training (<i>If applicable</i>)			
14. Fall Protection Plan by competent person / Rescue Plan (<i>If applicable</i>)			
15. Contract/Project Specific Risk Assessment indicating the fullscope of work and risk profile – High risk task inventory registers to be attached.			
16. Risk Assessment (HIRA), Method Statement, Safe Work Procedure to be generated for each specific task to be performed on the contract/project i.e. Site establishment, confined spaces, working at heights, working near water, excavations etc. Note: before establishment they can supply what they will start with – site establishment, fencing, clear & grub...so only request what is relevant at the time.			
17. PPE Policy and most recent issue register.			
INDUCTION			
18. Induction application forms completed for every employee of the contractor performing work on site; The following shall be attached:			
• Employee Dossier with applicable documentation;			
• Proof of site specific induction;			
• Copy of ID Document;			
• Legal Letter of Appointment;			

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

<ul style="list-style-type: none"> • Proof of competence i.e.: Artisans, drivers, operators etc.; 			
<ul style="list-style-type: none"> • Valid medical certificate of fitness done by an Occupational Health Practitioner (i.e. Annexure 3 for construction work) 			
REGISTERS			
19. Copy of equipment registers to be used with copy of each item's inspection checklist. The registers are not limited to the following, depends on the scope of work:			
<ul style="list-style-type: none"> • Site visitors register 			
<ul style="list-style-type: none"> • Excavation Inspection Register 			
<ul style="list-style-type: none"> • Hand tools Inspection register 			
<ul style="list-style-type: none"> • Barricading Inspection Register 			
<ul style="list-style-type: none"> • Traffic Inspection Register 			
<ul style="list-style-type: none"> • Mobile Toilet Inspection Register 			
<ul style="list-style-type: none"> • Daily Risk Assessment and Toolbox Talk 			
<ul style="list-style-type: none"> • PPE Inspection Register 			
<ul style="list-style-type: none"> • First Aid kit Inspection Register 			
<ul style="list-style-type: none"> • Fire Fighting Equipment Register 			
<ul style="list-style-type: none"> • Portable electrical Equipment Register 			
<ul style="list-style-type: none"> • Pneumatic Tool Register 			
<ul style="list-style-type: none"> • Compressor Checklist 			
<ul style="list-style-type: none"> • Ladder Inspection Register 			
<ul style="list-style-type: none"> • Vehicle Inspection Register 			
<ul style="list-style-type: none"> • Working at Height Equipment Register 			
INCIDENT/ACCIDENT MANAGEMENT			
20. Incident /Accident Management Procedure including reporting, recording and investigation of incidents and accidents			
21. Register of first aid injuries			
22. Register of reportable injuries to the Provincial Director			
OTHERS			
23. Section 37(2) mandatory agreement between client - contractor and contractor - sub contractor. As well as:			
<ul style="list-style-type: none"> • CR 5.1(k) Principal Contractor appointment 			
<ul style="list-style-type: none"> • CR 7(1)(c)(v) Sub Contractor appointment 			
24. Training Matrix (Management, Supervisors and Employees)			
25. Copy of the OHS act and its Regulations , COID Act Regulations			

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CONTRACTOR'S COMPLIANCE FILE REVIEW			
Date	Print Full Name	Designation	Signature
Status			
Approved			
Not Approved			
Reasons for not approving			



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Attached submissions to this schedule:

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Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

T2.2-15: Health and Safety Questionnaire

CONTRACTOR QUESTIONNAIRE				
1.	POLICY, ORGANISATION AND MANAGEMENT INVOLVEMENT	YES	NO	N/A
1.1	Does your company have a SHEQ Policy?			
1.2	Has a copy signed by the Chief Executive Officer / Managing Director been supplied?			
	Provide company organogram.			
1.3	Company Certified? i.e. ISO 14001, ISO 9001, OHSAS 18001 etc.			
	If yes, provide proof of periodical work area inspections and Regular Health and Safety meetings with personnel			
1.4	Does the company have OHSAct 16.2 Appointee?			
1.5	Is your company registered with the Compensation Commissioner (COID Act) or licenses compensation insurer? If so, please provide registration number.			
1.6	Do you have a copy of good standing certificate, confirming that your registration is paid up? If so, please provide copy thereof			
1.7	Does the company comply with the relevant legal appointees for this project i.e. Representatives, Environmental Control Officer, First Aiders, Risk Assessors, etc.?			
2.	ACCREDITATION	YES	NO	
2.1	Does the company have the auditable Management Systems in place?			
	If so, please provide proof of certificate issued by a credible external Assurance Auditor.			
3.	TRAINING	YES	NO	
3.1	Has the training based on risks/hazards that has been identified been done?			
3.2	Is training provided to employees at the following stages?			
	▪ When joining the company			
	▪ When changing jobs within the company			
	▪ When new plant or equipment needs to be operated			
	▪ As a result of experience of and feedback from an accident/incident reports			
3.3	Provide proof of specialist training provided such as training analysis, Certificates, Job Specific Training or Induction Training program?			

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3.4	What legal or compliance training is provided specifically to			
	▪ First line supervisors?			
	▪ Middle and top management?			
3.5	Are all employees (including sub-contractors) instructed as to the application of rules and regulations within your organization?			
3.6	Does this training include the selection, use and care of personal protective equipment?			
3.7	What refresher training is provided and at what intervals?			
	Please list examples			
4.	PURCHASE OF GOODS, MATERIALS AND SERVICES	YES	NO	
4.1	Do you have a system which ensures that all statutory inspections of plant and equipment are carried out?			
	Give examples of plant/equipment covered:			
4.2	Is there a record of inspections conducted above?			
4.3	Do you carry out plant and equipment inspections prior to work commencing to ensure the hazards are identified?			
	Please provide copies of these inspection reports.			
4.4	Do you evaluate the competence of all sub-contractors?			
	Please describe how this is achieved and how the results are monitored.			
5.	INSPECTIONS	YES	NO	
5.1	Are periodic work inspections carried out by first line supervisors?			
5.2	Are unsafe acts and conditions reported and remedial actions formally monitored?			
6.	RULES AND REGULATIONS	YES	NO	
6.1	Do organisational rules and regulations exist for personnel and subcontractors?			
	Do these cover			
	▪ General rules			
	▪ Project rules			
	▪ Specific task rules			
6.2	Do these rules include a permit to work system (as applicable)?			
6.3	Do you have experience of contractor execution plans?			
	Give examples of where these have been used			
6.4	Do you have a formal company guideline for holding pre-contract progress meetings with the client?			
7.	RISK MANAGEMENT	YES	NO	
7.1	Have you performed assessment of the risks involved in the execution of contract work?			
7.2	Do you have safe work procedure for all high risk/hazards identified?			

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7.3	Are employees trained on Safe Work Procedures?			
7.4	Do you have a copy of the PPE needs analysis done and issue records kept?			
8.	BUSINESS CONTINUITY AND EMERGENCY ARRANGEMENTS	YES	NO	
8.1	Do you have an emergency plan AND business continuity plan in place?			
8.2	Are provision made for Trained First Aiders?			
8.3	Are employees trained on the emergency plan/procedure and business continuity plan?			
9.	FALL PROTECTION	YES	NO	
9.1	Are you able to demonstrate that work at heights undertaken under competent supervision, carried out by employees who are trained and medically fit?			
9.2	Does your fall protection plan include rescue plan, risk assessment, inspection, testing and maintenance of fall protection equipment?			
10.	PROJECT SECURITY	YES	NO	
10.1	Has the security assessment for the site been done?			
10.2	Are measures put in place to ensure security of the project personnel and equipment?			
11.	RECRUITMENT OF PERSONNEL	YES	NO	
11.2	Are medical examinations carried prior to employment, in all cases?			
11.3	Are exit medicals conducted on staff once they have resigned? e.g. via trade testing, reference checks, etc.			
11.4	How do you assess the competence of staff before an appointment is made?			
11.5	Is the substance abuse policy and testing procedure in place?			
12.	REPORTING AND INVESTIGATION OF ACCIDENTS, INCIDENTS AND DANGEROUS CONDITIONS	YES	NO	
12.1	Do you have a procedure for reporting, investigating and recording accidents and incidents?			
	Supply copy of this procedure and incident register including first aid and medical cases.			
12.2	Is there a standard report/investigation form used? If yes, supply copy.			
12.3	Do you have a formal system for reporting situations/near misses etc.? If yes, provide copy.			

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	YEAR-1	YEAR-2	YEAR-3	YEAR-4	YEAR-5
Lost time accidents per 100 employees					
Major/Reportable injuries per 100 employees					
Number of dangerous occurrences					
Lost man days due to accidents					
13. COMMUNICATION AND CONSULTATION				YES	NO
13.1	Are progress and other legal meetings held?				
13.2	Are minutes of the meetings recorded and results of these meetings communicated to all employees? If yes, please describe method				
13.3	Are daily talks meetings conducted to discuss hazards on site, incident recall, performance?				
14. COSTS				YES	NO
14.1	Has the Contractor made provision for the cost for IMS requirements for the project? Refer to Pricing Schedule Requirements (Annexure 8.4, TRN-IMS-GRP-PROC-014-8.4)				
Name of Transnet Contract Manager/Designated Transnet Person:					
Signature of Transnet Contract Manager/Designated Transnet Person:					
Date of Receipt of Documentation:					
Comments:					
Date of Endorsement of Documentation:					

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T2.2-16 Health and Safety Cost Breakdown

Tenderer (Company)	Responsible Person	Designation	Date
Project/Tender Title	Project/Tender No.	Project Location / Description	

#	Cost element	Unit Cost (R)	# of Units	Total Cost (R)
1.	Human Resources			
2.	Systems Documentation			
3.	Meetings & Administration			
4.	H&S Training			
5.	PPE & Safety Equipment			
6.	Signage & Barricading			
7.	Workplace Facilities			
8.	Emergency & Rescue Measures			
9.	Hygiene Surveys & Monitoring			
10.	Medical Surveillance			
11.	Safe Transport of Workers			
12.	HazMat Management (e.g. asbestos /silica)			
13.	Substance Abuse Testing (3 kits @R500 pm)			
14.	H&S Reward & Recognition			

Total Health and Safety Estimate (R)	
Total Estimate Value (R)	
H&S Cost as % of Tender value	

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Tenderers to indicate their Site establishment area requirements:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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T2.2-18 : CIDB Compulsory Enterprise Questionnaire

The following particulars hereunder must be furnished.

In the case of a Joint Venture, separate enterprise questionnaires in respect of each partner/member must be completed and submitted.

1. **Section 1: Name of enterprise:** _____
2. **Section 2: VAT registration number, if any:** _____
3. **Section 3: CIDB registration number, if any:** _____
4. **Section 4: CSD number:** _____

5. Section 5: Particulars of sole proprietors and partners in partnerships

Name	Identity number	Personal income tax number

* Complete only if sole proprietor or partnership and attach separate page if more than 3 partners

6. Section 6: Particulars of companies and close corporations

Company registration number _____

Close corporation number _____

Tax reference number: _____

Section 7: The attached SBD4 must be completed for each tender and be attached as a tender requirement.

Section 8: The attached SBD 6 must be completed for each tender and be attached as a requirement.

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The undersigned, who warrants that he / she is duly authorised to do so on behalf of the enterprise:

- i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- ii) confirms that the neither the name of the enterprise or the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears on the Register of Tender Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise appears, has within the last five years been convicted of fraud or corruption;
- iv) confirms that I / we are not associated, linked or involved with any other tendering entities submitting tender offers and have no other relationship with any of the tenderers or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest; and
- v) confirms that the contents of this questionnaire are within my personal knowledge and are to the best of my belief both true and correct.

Signed

Date

Name

Position

Enterprise
name

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T2.2 – 19 Compliance to Scope of Works

The contractor must provide a letter of confirmation on a company letterhead that they shall comply with all the clauses detailed in section 3 of the Scope of work.

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SBD 6.1

PREFERENCE POINTS CLAIM FORM

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

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

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable. Despite the stipulated preference point system, Transnet shall use the lowest acceptable bid to determine the applicable preference point system in a situation where all received acceptable bids are received outside the stated preference point system.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100

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

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) "**all applicable taxes**" includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) "**B-BBEE**" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

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- (c) **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the supply/provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **"EME"** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (g) **"functionality"** means the ability of a bidder to provide goods or services in accordance with specification as set out in the bid documents
- (h) **"Price"** includes all applicable taxes less all unconditional discounts.
- (i) **"Proof of B-BBEE Status Level of Contributor"**
 - i) the B-BBEE status level certificate issued by an authorised body or person;
 - ii) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
 - iii) any other requirement prescribed in terms of the B-BBEE Act.
- (j) **"QSE"** means a Qualifying Small Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (k) **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties.

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:
80/20

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

Where

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

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

- 4.1 preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

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B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 4.2 The table below indicates the required proof of B-BBEE status depending on the category of enterprises:

Enterprise	B-BBEE Certificate & Sworn Affidavit
Large	Certificate issued by SANAS accredited verification agency
QSE	<p>Certificate issued by SANAS accredited verification agency</p> <p>Sworn Affidavit signed by the authorised QSE representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership (only black-owned QSEs - 51% to 100% Black owned)</p> <p>[Sworn affidavits must substantially comply with the format that can be obtained on the DTI's website at www.dti.gov.za/economic_empowerment/bee_codes.jsp.]</p>
EME¹	<p>Sworn Affidavit signed by the authorised EME representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership</p> <p>Certificate issued by CIPC (formerly CIPRO) confirming annual turnover and black ownership</p> <p>Certificate issued by SANAS accredited verification agency only if the EME is being measured on the QSE scorecard</p>

- 4.3 A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level verification certificate for every separate bid.
- 4.4 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 4.5 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

¹ In terms of the Implementation Guide: Preferential Procurement Regulations, 2017, Version 2, paragraph 11.11 provides that in the Transport Sector, EMEs can provide a letter from accounting officer or get verified and be issued with a B-BBEE certificate by SANAS accredited professional or agency as the Transport Sector Code has not been aligned to the generic Codes. EMEs in the Transport Sector are not allowed to provide a sworn affidavit as the generic codes are not applicable to them.

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- 4.6 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- 4.7 Bidders are to note that the rules pertaining to B-BBEE verification and other B-BBEE requirements may be changed from time to time by regulatory bodies such as National Treasury or the DTI. It is the Bidder's responsibility to ensure that his/her bid complies fully with all B-BBEE requirements at the time of the submission of the bid.

5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contribution: . =(maximum of 20 points)
- (Points claimed in respect of paragraph 6.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

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

(***Tick applicable box***)

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

- 7.1.1 If yes, indicate:

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

(***Tick applicable box***)

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

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

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

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Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional Supplier
- ☐ Other Suppliers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

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

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If a bidder submitted false information regarding its B-BBEE status level of contributor,, which will affect or has affected the evaluation of a bid, or where a bidder has failed to declare any subcontracting arrangements or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have

- (a) disqualify the person from the bidding process;

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- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) if the successful bidder subcontracted a portion of the bid to another person without disclosing it, Transnet reserves the right to penalise the bidder up to 10 percent of the value of the contract;
 - (e) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (f) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

T2.2- T2.2-20 NON-DISCLOSURE AGREEMENT

[October/November 2022]

Tender Number: ICLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Note to tenderers: This Non-Disclosure Agreement is to be completed and signed by an authorised signatory:

THIS AGREEMENT is made effective as of day of 2022 by and between:

TRANSNET SOC LTD

(Registration No. 1990/000900/30), a company incorporated and existing under the laws of South Africa, having its principal place of business at Transnet Corporate Centre 138 Eloff Street , Braamfontein , Johannesburg 2000

and

.....
.....

(Registration No.), a private company incorporated and existing under the laws of South Africa having its principal place of business at

.....
.....
.....
.....

WHEREAS

Transnet and the Company wish to exchange Information [as defined below] and it is envisaged that each party may from time to time receive Information relating to the other in respect thereof. In consideration of each party making available to the other such Information, the parties jointly agree that any dealings between them shall be subject to the terms and conditions of this Agreement which themselves will be subject to the parameters of the Tender Document.

IT IS HEREBY AGREED

1. INTERPRETATION

In this Agreement:

- 1.1 **Agents** mean directors, officers, employees, agents, professional advisers, contractors or sub-contractors, or any Group member;
- 1.2 **Bid** or **Bid Document** (hereinafter Tender) means Transnet's Request for Information [**RFI**] Request for Proposal [**RFP**] or Request for Quotation [**RFQ**], as the case may be;

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

1.3 **Confidential Information** means any information or other data relating to one party [the **Disclosing Party**] and/or the business carried on or proposed or intended to be carried on by that party and which is made available for the purposes of the Bid to the other party [the **Receiving Party**] or its Agents by the Disclosing Party or its Agents or recorded in agreed minutes following oral disclosure and any other information otherwise made available by the Disclosing Party or its Agents to the Receiving Party or its Agents, whether before, on or after the date of this Agreement, and whether in writing or otherwise, including any information, analysis or specifications derived from, containing or reflecting such information but excluding information which:

- 1.3.1 is publicly available at the time of its disclosure or becomes publicly available [other than as a result of disclosure by the Receiving Party or any of its Agents contrary to the terms of this Agreement]; or
- 1.3.2 was lawfully in the possession of the Receiving Party or its Agents [as can be demonstrated by its written records or other reasonable evidence] free of any restriction as to its use or disclosure prior to its being so disclosed; or
- 1.3.3 following such disclosure, becomes available to the Receiving Party or its Agents [as can be demonstrated by its written records or other reasonable evidence] from a source other than the Disclosing Party or its Agents, which source is not bound by any duty of confidentiality owed, directly or indirectly, to the Disclosing Party in relation to such information;

1.4 **Group** means any subsidiary, any holding company and any subsidiary of any holding company of either party; and

1.5 **Information** means all information in whatever form including, without limitation, any information relating to systems, operations, plans, intentions, market opportunities, know-how, trade secrets and business affairs whether in writing, conveyed orally or by machine-readable medium.

2. **CONFIDENTIAL INFORMATION**

2.1 All Confidential Information given by one party to this Agreement [the **Disclosing Party**] to the other party [the **Receiving Party**] will be treated by the Receiving Party as secret and confidential and will not, without the Disclosing Party's written consent, directly or indirectly communicate or disclose [whether in writing or orally or in any other manner] Confidential Information to any other person other than in accordance with the terms of this Agreement.

2.2 The Receiving Party will only use the Confidential Information for the sole purpose of technical and commercial discussions between the parties in relation to the Tender or for the subsequent performance of any contract between the parties in relation to the Tender.

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

2.3 Notwithstanding clause 2.1 above, the Receiving Party may disclose Confidential Information:

- 2.3.1 to those of its Agents who strictly need to know the Confidential Information for the sole purpose set out in clause 2.2 above, provided that the Receiving Party shall ensure that such Agents are made aware prior to the disclosure of any part of the Confidential Information that the same is confidential and that they owe a duty of confidence to the Disclosing Party. The Receiving Party shall at all times remain liable for any actions of such Agents that would constitute a breach of this Agreement; or
- 2.3.2 to the extent required by law or the rules of any applicable regulatory authority, subject to clause 2.4 below.
- 2.4 In the event that the Receiving Party is required to disclose any Confidential Information in accordance with clause 2.3.2 above, it shall promptly notify the Disclosing Party and cooperate with the Disclosing Party regarding the form, nature, content and purpose of such disclosure or any action which the Disclosing Party may reasonably take to challenge the validity of such requirement.
- 2.5 In the event that any Confidential Information shall be copied, disclosed or used otherwise than as permitted under this Agreement then, upon becoming aware of the same, without prejudice to any rights or remedies of the Disclosing Party, the Receiving Party shall as soon as practicable notify the Disclosing Party of such event and if requested take such steps [including the institution of legal proceedings] as shall be necessary to remedy [if capable of remedy] the default and/or to prevent further unauthorised copying, disclosure or use.
- 2.6 All Confidential Information shall remain the property of the Disclosing Party and its disclosure shall not confer on the Receiving Party any rights, including intellectual property rights over the Confidential Information whatsoever, beyond those contained in this Agreement.

3. RECORDS AND RETURN OF INFORMATION

- 3.1 The Receiving Party agrees to ensure proper and secure storage of all Information and any copies thereof.
- 3.2 The Receiving Party shall keep a written record, to be supplied to the Disclosing Party upon request, of the Confidential Information provided and any copies made thereof and, so far as is reasonably practicable, of the location of such Confidential Information and any copies thereof.
- 3.3 The Company shall, within 7 [seven] days of receipt of a written demand from Transnet:
 - 3.3.1 return all written Confidential Information [including all copies]; and

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

3.3.2 expunge or destroy any Confidential Information from any computer, word processor or other device whatsoever into which it was copied, read or programmed by the Company or on its behalf.

3.4 The Company shall on request supply a certificate signed by a director as to its full compliance with the requirements of clause 3.3.2 above.

4. ANNOUNCEMENTS

4.1 Neither party will make or permit to be made any announcement or disclosure of its prospective interest in the Tender without the prior written consent of the other party.

4.2 Neither party shall make use of the other party's name or any information acquired through its dealings with the other party for publicity or marketing purposes without the prior written consent of the other party.

5. DURATION

The obligations of each party and its Agents under this Agreement shall survive the termination of any discussions or negotiations between the parties regarding the Tender and continue thereafter for a period of 5 [five] years.

6. PRINCIPAL

Each party confirms that it is acting as principal and not as nominee, agent or broker for any other person and that it will be responsible for any costs incurred by it or its advisers in considering or pursuing the Tender and in complying with the terms of this Agreement.

7. ADEQUACY OF DAMAGES

Nothing contained in this Agreement shall be construed as prohibiting the Disclosing Party from pursuing any other remedies available to it, either at law or in equity, for any such threatened or actual breach of this Agreement, including specific performance, recovery of damages or otherwise.

8. PRIVACY AND DATA PROTECTION

8.1 The Receiving Party undertakes to comply with South Africa's general privacy protection in terms Section 14 of the Bill of Rights in connection with this Tender and shall procure that its personnel shall observe the provisions of such Act [as applicable] or any amendments and re-enactments thereof and any regulations made pursuant thereto.

8.2 The Receiving Party warrants that it and its Agents have the appropriate technical and organisational measures in place against unauthorised or unlawful processing of data relating

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to the Tender and against accidental loss or destruction of, or damage to such data held or processed by them.

9. GENERAL

- 9.1 Neither party may assign the benefit of this Agreement, or any interest hereunder, except with the prior written consent of the other, save that Transnet may assign this Agreement at any time to any member of the Transnet Group.
- 9.2 No failure or delay in exercising any right, power or privilege under this Agreement will operate as a waiver of it, nor will any single or partial exercise of it preclude any further exercise or the exercise of any right, power or privilege under this Agreement or otherwise.
- 9.3 The provisions of this Agreement shall be severable in the event that any of its provisions are held by a court of competent jurisdiction or other applicable authority to be invalid, void or otherwise unenforceable, and the remaining provisions shall remain enforceable to the fullest extent permitted by law.
- 9.4 This Agreement may only be modified by a written agreement duly signed by persons authorised on behalf of each party.
- 9.5 Nothing in this Agreement shall constitute the creation of a partnership, joint venture or agency between the parties.
- 9.6 This Agreement will be governed by and construed in accordance with South African law and the parties irrevocably submit to the exclusive jurisdiction of the South African courts.

Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

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BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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.

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.

2. Bidder's declaration

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest² in the enterprise, employed by the state? **YES/NO**

- 2.1.1 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

- 2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

- 2.2.1 If so, furnish particulars:

.....

- 2.3 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

² 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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or not they are bidding for this contract? **YES/NO**

2.3.1.1 If so, furnish particulars:

.....

3 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:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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 consortium³ will not be construed as collusive bidding.
- 3.4 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.
- 3.4 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.
- 3.5 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.
- 3.6 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 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6

³ 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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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.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

T2.2-21: RFP DECLARATION FORM

NAME OF COMPANY: _____

We _____ do hereby certify that:

1. Transnet has supplied and we have received appropriate tender offers to any/all questions (as applicable) which were submitted by ourselves for tender clarification purposes;
2. we have received all information we deemed necessary for the completion of this Tender;
3. at no stage have we received additional information relating to the subject matter of this tender from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the tender documents;
4. we are satisfied, insofar as our company is concerned, that the processes and procedures adopted by Transnet in issuing this tender and the requirements requested from tenderers in responding to this tender have been conducted in a fair and transparent manner; and
5. furthermore, we acknowledge that a direct relationship exists between a family member and/or an owner / member / director / partner / shareholder (unlisted companies) of our company and an employee or board member of the Transnet Group as indicated below: *[Respondent to indicate if this section is not applicable]*

FULL NAME OF OWNER/MEMBER/DIRECTOR/

PARTNER/SHAREHOLDER:

ADDRESS:

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Indicate nature of relationship with Transnet:

[Failure to furnish complete and accurate information in this regard may lead to the disqualification of your response and may preclude a Respondent from doing future business with Transnet]

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 company in the forthcoming adjudication process, we shall notify Transnet immediately in writing of such circumstances.

6. We accept that any dispute pertaining to this tender will be resolved through the Ombudsman process and will be subject to the Terms of Reference of the Ombudsman. The Ombudsman process must first be exhausted before judicial review of a decision is sought. (Refer "Important Notice to respondents" below).
7. We further accept that Transnet reserves the right to reverse a tender award or decision based on the recommendations of the Ombudsman without having to follow a formal court process to have such award or decision set aside.
8. We have acquainted ourselves and agree with the content of T2.2-18 "Service Provider Integrity Pact".

For and on behalf of duly authorised thereto
Name:
Signature:
Date:

IMPORTANT NOTICE TO TENDERERS

- Transnet has appointed a Procurement Ombudsman to investigate any material complaint in respect of tenders exceeding R5,000,000.00 (five million S.A. Rand) in value. Should a Tenderer have any material concern regarding an tender process which meets this value threshold, a complaint may be lodged with Transnet's Procurement Ombudsman for further investigation.
- It is incumbent on the Tenderer to familiarise himself/herself with the Terms of Reference for the Transnet Procurement Ombudsman, details of which are available for review at Transnet's website www.transnet.net.
- An official complaint form may be downloaded from this website and submitted, together with any supporting documentation, within the prescribed period, to procurement.ombud@transnet.net

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- For transactions below the R5,000,000.00 (five million S.A. Rand) threshold, a complaint may be lodged with the Chief Procurement Officer of the relevant Transnet Operating Division.
- All Tenderers should note that a complaint must be made in good faith. If a complaint is made in bad faith, Transnet reserves the right to place such a tenderer on its List of Excluded Bidders.

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T2.2-22: Request for proposal – Breach of Law

NAME OF COMPANY: _____

I / We _____ do hereby certify that ***I/we have/have not been*** 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 Tenderer is required to disclose excludes relatively minor offences or misdemeanours, e.g. traffic offences.

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 Tenderer from the tendering process, should that person or company have been found guilty of a serious breach of law, tribunal or regulatory obligation.

Signed on this _____ day of _____ 2022

SIGNATURE OF TENDER

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

T2.2-23 Certificate of Acquaintance with Tender Documents

NAME OF TENDERING ENTITY:

1. By signing this certificate I/we acknowledge that I/we have made myself/ourselves thoroughly familiar with, and agree with all the conditions governing this RFP. This includes those terms and conditions of the Contract, the Supplier Integrity Pact, Non-Disclosure Agreement etc. contained in any printed form stated to form part of the documents thereof, but not limited to those listed in this clause.
2. I/we furthermore agree that Transnet SOC Ltd shall recognise no claim from me/us for relief based on an allegation that I/we overlooked any tender/contract condition or failed to take it into account for the purpose of calculating my/our offered prices or otherwise.
3. I/we understand that the accompanying Tender will be disqualified if this Certificate is found not to be true and complete in every respect.
4. For the purposes of this Certificate and the accompanying Tender, I/we understand that the word "competitor" shall include any individual or organisation, other than the Tenderer, whether or not affiliated with the Tenderer, who:
 - a) has been requested to submit a Tender in response to this Tender invitation;
 - b) could potentially submit a Tender in response to this Tender invitation, based on their qualifications, abilities or experience; and
 - c) provides the same Services as the Tenderer and/or is in the same line of business as the Tenderer
5. The Tenderer has arrived at the accompanying Tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium will not be construed as collusive Tendering.
6. In particular, without limiting the generality of paragraph 5 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - a) prices;
 - b) geographical area where Services 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 Tender;

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- e) the submission of a tender which does not meet the specifications and conditions of the tender; or
- f) Tendering with the intention not winning the tender.
7. 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 Services to which this tender relates.
8. The terms of the accompanying tender have not been, and will not be, disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.
9. I/We am/are aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to tenders and contracts, tenders 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. In addition, Tenderers that submit suspicious tenders may be restricted from conducting business with the public sector for a period not exceeding 10 [ten] years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

Signed on this _____ day of _____ 2022

SIGNATURE OF TENDERER

Tender Number: ICLM PE 576/TPT

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T2.2-24 Service Provider Integrity Pact

Important Note: All potential tenderers must read this document and certify in the RFP Declaration Form that that have acquainted themselves with, and agree with the content. The contract with the successful tenderer will automatically incorporate this Integrity Pact and shall be deemed as part of the final concluded contract.

INTEGRITY PACT

Between

TRANSNET SOC LTD

Registration Number: 1990/000900/30

("Transnet")

and

The Contractor (hereinafter referred to as the "Tenderer/Service Providers/Contractor")

PREAMBLE

Transnet values full compliance with all relevant laws and regulations, ethical standards and the principles of economical use of resources, fairness and transparency in its relations with its Tenderers/Service Providers/Contractors.

In order to achieve these goals, Transnet and the Tenderer/Service Provider/Contractor hereby enter into this agreement hereinafter referred to as the "Integrity Pact" which will form part of the Tenderer's/Service Provider's/Contractor's application for registration with Transnet as a vendor.

The general purpose of this Integrity Pact is to agree on avoiding all forms of dishonesty, fraud and corruption by following a system that is fair, transparent and free from any undue influence prior to, during and subsequent to the currency of any procurement and/or reverse logistics event and any further contract to be entered into between the Parties, relating to such event.

All Tenderers/Service Providers/Contractor's will be required to sign and comply with undertakings contained in this Integrity Pact, should they want to be registered as a Transnet vendor.

3 OBJECTIVES

- 3.1 Transnet and the Tenderer/Service Provider/Contractor agree to enter into this Integrity Pact, to avoid all forms of dishonesty, fraud and corruption including practices that are anti-competitive in nature, negotiations made in bad faith and under-pricing by following a system that is fair, transparent and free from any influence/unprejudiced dealings prior to, during and subsequent to the currency of the contract to be entered into with a view to:
 - a) Enable Transnet to obtain the desired contract at a reasonable and competitive price in conformity to the defined specifications of the works, goods and services; and

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- b) Enable Tenderers/Service Providers/Contractors to abstain from bribing or participating in any corrupt practice in order to secure the contract.

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4 COMMITMENTS OF TRANSNET

Transnet commits to take all measures necessary to prevent dishonesty, fraud and corruption and to observe the following principles:

- 4.1 Transnet hereby undertakes that no employee of Transnet connected directly or indirectly with the sourcing event and ensuing contract, will demand, take a promise for or accept directly or through intermediaries any bribe, consideration, gift, reward, favour or any material or immaterial benefit or any other advantage from the Tenderer, either for themselves or for any person, organisation or third party related to the contract in exchange for an advantage in the tendering process, Tender evaluation, contracting or implementation process related to any contract.
- 4.2 Transnet will, during the registration and tendering process treat all Tenderers/ Service Providers/Contractor with equity, transparency and fairness. Transnet will in particular, before and during the registration process, provide to all Tenderers/ Service Providers/Contractors the same information and will not provide to any Tenderers/Service Providers/Contractors confidential/additional information through which the Tenderers/Service Providers/Contractors could obtain an advantage in relation to any tendering process.
- 4.3 Transnet further confirms that its employees will not favour any prospective Tenderers/Service Providers/Contractors in any form that could afford an undue advantage to a particular Tenderer during the tendering stage and will further treat all Tenderers/Service Providers/Contractors participating in the tendering process in a fair manner.
- 4.4 Transnet will exclude from the tender process such employees who have any personal interest in the Tenderers/Service Providers/Contractors participating in the tendering process.

5 OBLIGATIONS OF THE TENDERER / SERVICE PROVIDER

- 5.1 Transnet has a '**Zero Gifts**' Policy. No employee is allowed to accept gifts, favours or benefits.
 - a) Transnet officials and employees **shall not** solicit, give or accept, or from agreeing to solicit, give, accept or receive directly or indirectly, any gift, gratuity, favour, entertainment, loan, or anything of monetary value, from any person or juridical entities in the course of official duties or in connection with any operation being managed by, or any transaction which may be affected by the functions of their office.
 - b) Transnet officials and employees **shall not** solicit or accept gifts of any kind, from vendors, suppliers, customers, potential employees, potential vendors, and suppliers, or any other individual or organisation irrespective of the value.
 - c) Under **no circumstances** should gifts, business courtesies or hospitality packages be accepted from or given to prospective suppliers participating in a tender process at the respective employee's Operating Division, regardless of retail value.
 - d) Gratuities, bribes or kickbacks of any kind must never be solicited, accepted or offered, either directly or indirectly. This includes money, loans, equity, special privileges, personal favours, benefit or services. Such favours will be considered to constitute corruption.

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- 5.2 The Tenderer/Service Provider/Contractor commits itself to take all measures necessary to prevent corrupt practices, unfair means and illegal activities during any stage of its Tender or during any ensuing contract stage in order to secure the contract or in furtherance to secure it and in particular the Tenderer/Service Provider/Contractor commits to the following:
- a) The Tenderer/Service Provider/Contractor will not, directly or through any other person or firm, offer, promise or give to Transnet or to any of Transnet's employees involved in the tendering process or to any third person any material or other benefit or payment, in order to obtain in exchange an advantage during the tendering process; and
 - b) The Tenderer/Service Provider/Contractor will not offer, directly or through intermediaries, any bribe, gift, consideration, reward, favour, any material or immaterial benefit or other advantage, commission, fees, brokerage or inducement to any employee of Transnet, connected directly or indirectly with the tendering process, or to any person, organisation or third party related to the contract in exchange for any advantage in the tendering, evaluation, contracting and implementation of the contract.
- 5.3 The Tenderer/Service Provider/Contractor will not collude with other parties interested in the contract to preclude a competitive Tender price, impair the transparency, fairness and progress of the tendering process, Tender evaluation, contracting and implementation of the contract. The Tenderer / Service Provider further commits itself to delivering against all agreed upon conditions as stipulated within the contract.
- 5.4 The Tenderer/Service Provider/Contractor will not enter into any illegal or dishonest agreement or understanding, whether formal or informal with other Tenderers/Service Providers/Contractors. This applies in particular to certifications, submissions or non-submission of documents or actions that are restrictive or to introduce cartels into the tendering process.
- 5.5 The Tenderer/Service Provider/Contractor will not commit any criminal offence under the relevant anti-corruption laws of South Africa or any other country. Furthermore, the Tenderer/Service Provider/Contractor will not use for illegitimate purposes or for restrictive purposes or personal gain, or pass on to others, any information provided by Transnet as part of the business relationship, regarding plans, technical proposals and business details, including information contained or transmitted electronically.
- 5.6 A Tenderer/Service Provider/Contractor of foreign origin shall disclose the name and address of its agents or representatives in South Africa, if any, involved directly or indirectly in the registration or tendering process. Similarly, the Tenderer / Service Provider / Contractor of South African nationality shall furnish the name and address of the foreign principals, if any, involved directly or indirectly in the registration or tendering process.
- 5.7 The Tenderer/Service Provider/Contractor will not misrepresent facts or furnish false or forged documents or information in order to influence the tendering process to the advantage of the Tenderer/Service Provider/Contractor or detriment of Transnet or other competitors.
- 5.8 Transnet may require the Tenderer/Service Provider/Contractor to furnish Transnet with a copy of its code of conduct. Such code of conduct must address the compliance programme for the implementation of the code of conduct and reject the use of bribes and other dishonest and unethical conduct.

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- 5.9 The Tenderer/Service Provider/Contractor will not instigate third persons to commit offences outlined above or be an accessory to such offences.
- 5.10 The Tenderer/Service Provider/Contractor confirms that they will uphold the ten principles of the United Nations Global Compact (UNGC) in the fields of Human Rights, Labour, Anti-Corruption and the Environment when undertaking business with Transnet as follows:
- a) Human Rights
 - Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and
 - Principle 2: make sure that they are not complicit in human rights abuses.
 - b) Labour
 - Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining.
 - Principle 4: the elimination of all forms of forced and compulsory labour;
 - Principle 5: the effective abolition of child labour; and
 - Principle 6: the elimination of discrimination in respect of employment and occupation.
 - c) Environment
 - Principle 7: Businesses should support a precautionary approach to environmental challenges;
 - Principle 8: undertake initiatives to promote greater environmental responsibility; and
 - Principle 9: encourage the development and diffusion of environmentally friendly technologies.
 - d) Anti-Corruption
 - Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

6 INDEPENDENT TENDERING

- 6.1 For the purposes of that Certificate in relation to any submitted Tender, the Tenderer declares to fully understand that the word "competitor" shall include any individual or organisation, other than the Tenderer, whether or not affiliated with the Tenderer, who:
- a) has been requested to submit a Tender in response to this Tender invitation;
 - b) could potentially submit a Tender in response to this Tender invitation, based on their qualifications, abilities or experience; and
 - c) provides the same Goods and Services as the Tenderer and/or is in the same line of business as the Tenderer.
- 6.2 The Tenderer has arrived at his submitted Tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive tendering.
- 6.3 In particular, without limiting the generality of paragraph 5 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- a) prices;

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- b) geographical area where Goods or Services 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 Tender;
 - e) the submission of a Tender which does not meet the specifications and conditions of the RFP; or
 - f) tendering with the intention of not winning the Tender.
- 6.4 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 Goods or Services to which his/her tender relates.
- 6.5 The terms of the Tender as submitted have not been, and will not be, disclosed by the Tenderer, directly or indirectly, to any competitor, prior to the date and time of the official Tender opening or of the awarding of the contract.
- 6.6 Tenderers are aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to Tenders and contracts, Tenders 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 10 [ten] years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.
- 6.7 Should the Tenderer find any terms or conditions stipulated in any of the relevant documents quoted in the Tender unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Tender. 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.

7 DISQUALIFICATION FROM TENDERING PROCESS

- 7.1 If the Tenderer/Service Provider/Contractor has committed a transgression through a violation of section 3 of this Integrity Pact or in any other form such as to put its reliability or credibility as a Tenderer/Service Provider/Contractor into question, Transnet may reject the Tenderer's / Service Provider's / Contractor's application from the registration or tendering process and remove the Tenderer/Service Provider/Contractor from its database, if already registered.
- 7.2 If the Tenderer/Service Provider/Contractor has committed a transgression through a violation of section 3, or any material violation, such as to put its reliability or credibility into question. Transnet may after following due procedures and at its own discretion also exclude the Tenderer/Service Provider /Contractor from future tendering processes. The imposition and duration of the exclusion will be determined by the severity of the transgression. The severity will be determined by the circumstances of the case, which will include amongst others the number of transgressions, the position of the transgressors within the company hierarchy of the Tenderer/Service Provider/Contractor and the amount of the damage. The exclusion will be imposed for up to a maximum of 10 (ten) years. However, Transnet reserves the right to impose a longer period of exclusion, depending on the gravity of the misconduct.

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- 7.3 If the Tenderer/Service Provider/Contractor can prove that it has restored the damage caused by it and has installed a suitable corruption prevention system, or taken other remedial measures as the circumstances of the case may require, Transnet may at its own discretion revoke the exclusion or suspend the imposed penalty.

8 TRANSNET'S LIST OF EXCLUDED TENDERERS (BLACKLIST)

- 8.1 The process of restriction is used to exclude a company/person from conducting future business with Transnet and other organs of state for a specified period. No Tender shall be awarded to a Tenderer whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. Transnet reserves the right to withdraw an award, or cancel a contract concluded with a Tenderer should it be established, at any time, that a tenderer has been restricted with National Treasury by another government institution.
- 8.2 All the stipulations on Transnet's restriction process as laid down in Transnet's Supply Chain Policy and Procurement Procedures Manual (CPM included) are included herein by way of reference. Below follows a condensed summary of this restriction procedure.
- 8.3 On completion of the restriction procedure, Transnet will submit the restricted entity's details (including the identity number of the individuals and registration number of the entity) to National Treasury for placement on National Treasury's Database of Restricted Suppliers for the specified period of exclusion. National Treasury will make the final decision on whether to restrict an entity from doing business with any organ of state for a period not exceeding 10 years and place the entity concerned on the Database of Restricted Suppliers published on its official website.
- 8.4 The decision to restrict is based on one of the grounds for restriction. The standard of proof to commence the restriction process is whether a "*prima facie*" (i.e. on the face of it) case has been established.
- 8.5 Depending on the seriousness of the misconduct and the strategic importance of the Goods/Services, in addition to restricting a company/person from future business, Transnet may decide to terminate some or all existing contracts with the company/person as well.
- 8.6 A Service Provider or Contractor to Transnet may not subcontract any portion of the contract to a blacklisted company.
- 8.7 Grounds for blacklisting include: If any person/Enterprise which has submitted a Tender, concluded a contract, or, in the capacity of agent or subcontractor, has been associated with such Tender or contract:
- Has, in bad faith, withdrawn such Tender after the advertised closing date and time for the receipt of Tenders;
 - has, after being notified of the acceptance of his Tender, failed or refused to sign a contract when called upon to do so in terms of any condition forming part of the Tender documents;
 - has carried out any contract resulting from such Tender in an unsatisfactory manner or has breached any condition of the contract;

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- d) has offered, promised or given a bribe in relation to the obtaining or execution of the contract;
 - e) has acted in a fraudulent or improper manner or in bad faith towards Transnet or any Government Department or towards any public body, Enterprise or person;
 - f) has made any incorrect statement in a certificate or other communication with regard to the Local Content of his Goods or his B-BBEE status and is unable to prove to the satisfaction of Transnet that:
 - (i) he made the statement in good faith honestly believing it to be correct; and
 - (ii) before making such statement he took all reasonable steps to satisfy himself of its correctness;
 - g) caused Transnet damage, or to incur costs in order to meet the contractor's requirements and which could not be recovered from the contractor;
 - h) has litigated against Transnet in bad faith.
- 8.8 Grounds for blacklisting include a company/person recorded as being a company or person prohibited from doing business with the public sector on National Treasury's database of Restricted Service Providers or Register of Tender Defaulters.
- 8.9 Companies associated with the person/s guilty of misconduct (i.e. entities owned, controlled or managed by such persons), any companies subsequently formed by the person(s) guilty of the misconduct and/or an existing company where such person(s) acquires a controlling stake may be considered for blacklisting. The decision to extend the blacklist to associated companies will be at the sole discretion of Transnet.

9 PREVIOUS TRANSGRESSIONS

- 9.1 The Tenderer/Service Provider/Contractor hereby declares that no previous transgressions resulting in a serious breach of any law, including but not limited to, corruption, fraud, theft, extortion and contraventions of the Competition Act 89 of 1998, which occurred in the last 5 (five) years with any other public sector undertaking, government department or private sector company that could justify its exclusion from its registration on the Tenderer's/Service Provider's/Contractor's database or any tendering process.
- 9.2 If it is found to be that the Tenderer/Service Provider/Contractor made an incorrect statement on this subject, the Tenderer/Service Provider/Contractor can be rejected from the registration process or removed from the Tenderer/Service Provider/Contractor database, if already registered, for such reason (refer to the Breach of Law Returnable Form contained in the document.)

10 SANCTIONS FOR VIOLATIONS

- 10.1 Transnet shall also take all or any one of the following actions, wherever required to:
- a) Immediately exclude the Tenderer/Service Provider/Contractor from the tendering process or call off the pre-contract negotiations without giving any compensation the Tenderer/Service Provider/Contractor. However, the proceedings with the other Tenderer/Service Provider/Contractor may continue;

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- b) Immediately cancel the contract, if already awarded or signed, without giving any compensation to the Tenderer/Service Provider/Contractor;
- c) Recover all sums already paid by Transnet;
- d) Encash the advance bank guarantee and performance bond or warranty bond, if furnished by the Tenderer/Service Provider/Contractor, in order to recover the payments, already made by Transnet, along with interest;
- e) Cancel all or any other contracts with the Tenderer/Service Provider/Contractor; and
- f) Exclude the Tenderer/ Service Provider/Contractor from entering into any Tender with Transnet in future.

11 CONFLICTS OF INTEREST

11.1 A conflict of interest includes, inter alia, a situation in which:

- a) A Transnet employee has a personal financial interest in a tendering / supplying entity; and
- b) A Transnet employee has private interests or personal considerations or has an affiliation or a relationship which affects, or may affect, or may be perceived to affect his / her judgment in action in the best interest of Transnet, or could affect the employee's motivations for acting in a particular manner, or which could result in, or be perceived as favouritism or nepotism.

11.2 A Transnet employee uses his / her position, or privileges or information obtained while acting in the capacity as an employee for:

- a) Private gain or advancement; or
- b) The expectation of private gain, or advancement, or any other advantage accruing to the employee must be declared in a prescribed form.

Thus, conflicts of interest of any Tender committee member or any person involved in the sourcing process must be declared in a prescribed form.

11.3 If a Tenderer/Service Provider/Contractor has or becomes aware of a conflict of interest i.e. a family, business and / or social relationship between its owner(s)/ member(s)/director(s)/partner(s)/shareholder(s) and a Transnet employee/ member of Transnet's Board of Directors in respect of a Tender which will be considered for the Tender process, the Tenderer/Service Provider/ Contractor:

- a) must disclose the interest and its general nature, in the Request for Proposal ("RFX") declaration form; or
- b) must notify Transnet immediately in writing once the circumstances has arisen.

11.4 The Tenderer/Service Provider/Contractor shall not lend to or borrow any money from or enter into any monetary dealings or transactions, directly or indirectly, with any committee member or any person involved in the sourcing process, where this is done, Transnet shall be entitled forthwith to rescind the contract and all other contracts with the Tenderer/Service Provider/Contractor.

12 DISPUTE RESOLUTION

12.1 Transnet recognises that trust and good faith are pivotal to its relationship with its Tenderer / Service Provider / Contractor. When a dispute arises between Transnet and its Tenderer / Service Provider / Contractor, the parties should use their best endeavours to resolve the dispute in an amicable manner, whenever possible. Litigation in bad faith negates the principles of trust and good faith on which commercial relationships are based. Accordingly, following a blacklisting process as mentioned in

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paragraph 8 above, Transnet will not do business with a company that litigates against it in bad faith or is involved in any action that reflects bad faith on its part. Litigation in bad faith includes, but is not limited to the following instances:

- a) **Vexatious proceedings:** these are frivolous proceedings which have been instituted without proper grounds;
- b) **Perjury:** where a Tenderer / Service Provider / Contractor make a false statement either in giving evidence or on an affidavit;
- c) **Scurrilous allegations:** where a Tenderer / Service Provider / Contractor makes allegations regarding a senior Transnet employee which are without proper foundation, scandalous, abusive or defamatory; and
- d) **Abuse of court process:** when a Tenderer / Service Provider / Contractor abuses the court process in order to gain a competitive advantage during a Tender process.

13 GENERAL

- 13.1 This Integrity Pact is governed by and interpreted in accordance with the laws of the Republic of South Africa.
- 13.2 The actions stipulated in this Integrity Pact are without prejudice to any other legal action that may follow in accordance with the provisions of the law relating to any civil or criminal proceedings.
- 13.3 The validity of this Integrity Pact shall cover all the tendering processes and will be valid for an indefinite period unless cancelled by either Party.
- 13.4 Should one or several provisions of this Integrity Pact turn out to be invalid the remainder of this Integrity Pact remains valid.
- 13.5 Should a Tenderer/Service Provider/Contractor be confronted with dishonest, fraudulent or corruptive behaviour of one or more Transnet employees, Transnet expects its Tenderer/Service Provider/Contractor to report this behaviour directly to a senior Transnet official/employee or alternatively by using Transnet's "Tip-Off Anonymous" hotline number 0800 003 056, whereby your confidentiality is guaranteed.

The Parties hereby declare that each of them has read and understood the clauses of this Integrity Pact and shall abide by it. To the best of the Parties' knowledge and belief, the information provided in this Integrity Pact is true and correct.

I duly authorised by the tendering entity, hereby certify that the tendering entity are **fully acquainted** with the contents of the Integrity Pact and further **agree to abide by it** in full.

Signature

Date

T2.2-25: Supplier Code of Conduct

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Transnet SOC Limited aims to achieve the best value for money when buying or selling goods and obtaining services. This however must be done in an open and fair manner that supports and drives a competitive economy. Underpinning our process are several acts and policies that any supplier dealing with Transnet must understand and support. These are:

- The Transnet Procurement Policy – A guide for Tenderers.
- Section 217 of the Constitution - the five pillars of Public PSCM (Procurement and Supply Chain Management): fair, equitable, transparent, competitive and cost effective;
- The Public Finance Management Act (PFMA);
- The Broad Based Black Economic Empowerment Act (BBBEE)
- The Prevention and Combating of Corrupt Activities Act (PRECCA); and
- The Construction Industry Development Board Act (CIDB Act).

This code of conduct has been included in this contract to formally appraise Transnet Suppliers of Transnet's expectations regarding behaviour and conduct of its Suppliers.

Prohibition of Bribes, Kickbacks, Unlawful Payments, and Other Corrupt Practices

Transnet is in the process of transforming itself into a self-sustaining State Owned Enterprise, actively competing in the logistics industry. Our aim is to become a world class, profitable, logistics organisation. As such, our transformation is focused on adopting a performance culture and to adopt behaviours that will enable this transformation.

1. Transnet SOC Limited will not participate in corrupt practices. Therefore, it expects its suppliers to act in a similar manner.

- Transnet and its employees will follow the laws of this country and keep accurate business records that reflect actual transactions with, and payments to, our suppliers.
- Employees must not accept or request money or anything of value, directly or indirectly, from suppliers.
- Employees may not receive anything that is calculated to:
 - Illegally influence their judgement or conduct or to ensure the desired outcome of a sourcing activity;
 - Win or retain business or to influence any act or decision of any person involved in sourcing decisions;
 - or
 - Gain an improper advantage.

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- There may be times when a supplier is confronted with fraudulent or corrupt behaviour of Transnet employees. We expect our Suppliers to use our "Tip-offs Anonymous" Hot line to report these acts. (0800 003 056).
- 2. *Transnet SOC Limited is firmly committed to the ideas of free and competitive enterprise.***
- Suppliers are expected to comply with all applicable laws and regulations regarding fair competition and antitrust practices.
 - Transnet does not engage with non-value adding agents or representatives solely for the purpose of increasing BBBEE spend (fronting).
- 3. *Transnet's relationship with suppliers requires us to clearly define requirements, to exchange information and share mutual benefits.***
- Generally, suppliers have their own business standards and regulations. Although Transnet cannot control the actions of our suppliers, we will not tolerate any illegal activities. These include, but are not limited to:
 - Misrepresentation of their product (origin of manufacture, specifications, intellectual property rights, etc);
 - Collusion;
 - Failure to disclose accurate information required during the sourcing activity (ownership, financial situation, BBBEE status, etc.);
 - Corrupt activities listed above; and
 - Harassment, intimidation or other aggressive actions towards Transnet employees.
 - Suppliers must be evaluated and approved before any materials, components, products or services are purchased from them. Rigorous due diligence is conducted and the supplier is expected to participate in an honest and straight forward manner.

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- Suppliers must record and report facts accurately, honestly and objectively. Financial records must be accurate in all material respects. ***Conflicts of Interest***

A conflict of interest arises when personal interests or activities influence (or appear to influence) the ability to act in the best interests of Transnet SOC Limited.

- Doing business with family members.
- Having a financial interest in another company in our industry

Where possible, contracts will be negotiated to include the above in the terms of such contracts. To the extent such terms are not included in contractual obligations and any of the above code is breached, then Transnet reserves its right to review doing business with these suppliers.

I, _____ of _____
(insert name of Director or as per Authority Resolution from Board of Directors) *(insert name of Company)*

hereby acknowledge having read, understood and agree to the terms and conditions set out in the "Transnet Supplier Code of Conduct."

Signed this on day _____ at _____

 Signature

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T2.2-26 Agreement in terms of Protection of Personal Information Act, 4 of 2013 ("POPIA")

1. PREAMBLE AND INTRODUCTION

- 1.1. The rights and obligation of the Parties in terms of the Protection of Personal Information Act, 4 of 2013 ("POPIA") are included as forming part of the terms and conditions of this contract.

2. PROTECTION OF PERSONAL INFORMATION

- 2.1. The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Person information act, No. 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.
- 2.2. The Operator will process all information by the Transnet 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.
- 2.3. The Parties acknowledge and agree that, in relation to personal information of Transnet and the information of a third party that will be processed pursuant to this Agreement , the Operator is (insert name of Tenderer/Contractor) hereinafter Operator and the Data subject is "Transnet". Operator will process personal information only with the knowledge and authorisation of Transnet and will treat personal information and the information of a third party 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.
- 2.4. Transnet reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this Agreement and the Operator is required to comply with all prescripts as detailed in the POPIA relating to all information concerning Transnet.
- 2.5. In terms of this Agreement, the Operator acknowledges that it will obtain and have access to personal information of Transnet and the information of a third party and agrees that it shall only process the information disclosed by Transnet in terms of this Agreement and only for the purposes as detailed in this Agreement and in accordance with any applicable law.

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- 2.6. Should there be a need for the Operator to process the personal information and the information of a third party in a way that is not agreed to in this Agreement, the Operator must request consent from Transnet to the processing of its personal information or and the information of a third party in a manner other than that it was collected for, which consent cannot be unreasonably withheld.
- 2.7. Furthermore, the Operator will not otherwise modify, amend or alter any personal information and the information of a third party submitted by Transnet or disclose or permit the disclosure of any personal information and the information of a third party to any third party without prior written consent from Transnet.
- 2.8. The Operator 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 the services offered to Transnet in terms of this Agreement (physically, through a computer or any other form of electronic communication).
- 2.9. The Operator shall notify Transnet in writing of any unauthorised access to personal information and the information of a third party , 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 Operator must inform Transnet of the breach as soon as it has occurred to allow Transnet to take all necessary remedial steps to mitigate the extent of the loss or compromise of personal information and the information of a third party and to restore the integrity of the affected personal information as quickly as is possible.
- 2.10. Transnet may, in writing, request the Operator to confirm and/or make available any personal information and the information of a third party in its possession in relation to Transnet and if such personal information has been accessed by third parties and the identity thereof in terms of the POPIA.
- 2.11. Transnet may further request that the Operator correct, delete, destroy, withdraw consent or object to the processing of any personal information and the information of a third party relating to the Transnet or a third party in the Operator's s possession in terms of the provision of the POPIA and utilizing Form 2 of the POPIA Regulations .
- 2.12. In signing this addendum that is in terms of the POPIA, the Operator hereby agrees that it has adequate measures in place to provide protection of the personal information and the information of a third party given to it by Transnet in line with the 8 conditions of the POPIA and that it will

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provide to Transnet satisfactory evidence of these measures whenever called upon to do so by Transnet.

The Operator is required to provide confirmation that all measures in terms of the POPIA are in place when processing personal information and the information of a third party received from Transnet:

YES		NO	
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2.13. Further, the Operator acknowledges that it will be held liable by Transnet should it fail to process personal information in line with the requirements of the POPIA. The Operator will be subject to 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 Transnet submitted to it.

2.14. Should a Tenderer have any complaints or objections to processing of its personal information, by Transnet, the Tenderer 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

3. SOLE AGREEMENT

3.1. The Agreement, constitute the sole agreement between the parties relating to the subject matter referred to in paragraph 1.1 of this and no amendment/variation/change shall be of any force and effect unless reduced to writing and signed by or on behalf of both parties.

Signed at _____ on this _____ day of _____ 2022

Name: _____

Title: _____

Signature: _____

.....(Name of Company)

(Operator)

Authorised signatory for and on behalf of

(Name of Company) who warrants that he/she is duly authorised to sign this Agreement.

AS WITNESSES:

1. Name: _____ Signature: _____

2. Name: _____ Signature: _____

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T2.2-27: Insurance provided by the *Contractor*

Clause 84.1 in NEC3 Engineering & Construction Contract (June 2005)(amended June 2006 and April 2013) requires that the *Contractor* provides the insurance stated in the insurance table except any insurance which the *Employer* is to provide as stated in the Contract Data.

Please provide the following details for insurance which the *Contractor* is still to provide. Notwithstanding this information all costs related to insurance are deemed included in the tenderer's rates and prices.

The Service Provider must provide a letter as confirmation to comply with all the clauses of sub section 3: Service Provider to provide insurance cover and attached to the returnable addressing the following

Insurance against (See clause 84.2 of the ECC)	Name of Insurance Company	Cover	Premium
General liability insurance public liability with a minimum limit of R10 million.			
Professional indemnity cover. This will be covering the legal liability as a result of neglect, error or omission of the insured in the execution of their professional activities.			
Asset's policy to cover their equipment, motor vehicles that will be utilized for onsite activities general liability insurance public and professional indemnity.			



Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

T2.2-28: Two (2) years audited financial statements

Attached to this schedule is the last two (2) years audited financial statements of the single tenderer/members of the Joint Venture.

NAME OF COMPANY/IES and INDEX OF ATTACHMENTS:

.....

.....

.....

.....

.....

.....

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

T2.2-29 Supplier Declaration Form

Please Note: This Supplier Declaration Form is only to be completed by the successful bidder who is awarded the contract.

Transnet Vendor Management has received a request to load / change your company details onto the Transnet vendor master database. Please return the completed Supplier Declaration Form (SDF) together with the required supporting documents as per Appendix V to the Transnet Official who is intending to procure your company's services / products, to enable us to process this request. Please only submit the documentation relevant to your request.

Please Note: Effective **1 April 2016** all organisations, institutions and individuals who wish to provide goods and/or services to organs of the State must be registered on the National Treasury's Central Supplier Database (CSD). This needs to be done via their portal at <https://secure.csd.gov.za/> **before applying to Transnet.**

General Terms and Conditions:

Please Note: Failure to submit the relevant documentation will delay the vendor creation / change process.

Where applicable, the respective Transnet Operating Division processing your application may request further or additional information from your company.

The Service Provider warrants that the details of its bank account ("the nominated account") provided herein, are correct and acknowledges that payments due to the Supplier will be made into the nominated account. If details of the nominated account should change, the Service Provider must notify Transnet in writing of such change, failing which any payments made by Transnet into the nominated account will constitute a full discharge of the indebtedness of Transnet to the Supplier in respect of the payment so made. Transnet will incur no liability for any payments made to the incorrect account or any costs associated therewith. In such an event, the Service Provider indemnifies and holds Transnet harmless in respect of any payments made to an incorrect bank account and will, on demand, pay Transnet any costs associated herewith.

Transnet expects its suppliers to timeously renew their Tax Clearance and B-BBEE certificates (where applicable), as EMEs and QSEs (QSE's with more than 51% ownership) are only expected to supply an affidavit as per (Appendix D and E). These affidavits must be resubmitted on an annual basis as failure to do so may result in the supplier's account being temporarily suspended.

In addition, please note of the following very important information:

1. If your annual turnover is less than R10 million, then in terms of the DTI codes, you are classified as an Exempted Micro Enterprise (EME). If your company is classified as an EME, please include in your submission, a certified signed letter from your Auditor / Accountant confirming your company's most recent annual turnover is less than R10 million and percentage of black ownership and black female ownership in the company AND / OR B-BBEE certificate and detailed scorecard from an accredited rating agency (e.g. permanent SANAS Member), or a sworn Affidavit should you feel you will be able to attain a better B-BBEE score. (Appendix D).

2. If your annual turnover is between R10 million and R50 million, then in terms of the DTI codes, you are classified as a Qualifying Small Enterprise (QSE) and you claim a specific B-BBEE level based on any 4 of the 7 elements of the B-BBEE score-card, please include your B-BBEE certificate in your submission as confirmation of your status. Or if the Supplier is a QSE with More than 51% black owned, they can submit a sworn affidavit (Appendix E).

Please Note: B-BBEE certificate and detailed scorecard should be obtained from an accredited rating agency (e.g. permanent SANAS Member).

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3. If your annual turnover exceeds R50 million, then in terms of the DTI codes, you are classified as a Large Enterprise and you claim a specific B-BBEE level based on all seven elements of the B-BBEE generic score-card. Please include your B-BBEE certificate in your submission as confirmation of your status.

Please Note: B-BBEE certificate and detailed scorecard should be obtained from an accredited rating agency (e.g. permanent SANAS Member).

4. The supplier to furnish proof to the procurement department as required in the Fourth Schedule of the Income Tax Act. 58 of 1962 whether a supplier of service is to be classified as an "employee", "personal service provider" or "labour broker". Failure to do so will result in the supplier being subject to employee's tax.

5. No payments can be made to a vendor until the vendor has been registered / updated, and no vendor can be registered / updated until the vendor application form, together with its supporting documentation, has been received and processed. No payments can be made to a vendor until the vendor has met / comply with the procurement requirements.

6. From 01 May 2015 only B-BBEE certificates issued by SANAS accredited verification agencies will be valid.

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

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Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

APPENDIX A

Supplier Declaration Form

Important Notice: Effective 1 April 2016 all organisations, institutions and individuals who wish to provide goods and/or services to organs of the State must be registered on the National Treasury Central Supplier Database (CSD). This needs to be done via their portal at <https://secure.csd.gov.za/> before applying to Transnet.

CSD Number (MAAA xxxxxx):

Company Trading Name						
Company Registered Name						
Company Registration No Or ID No If a Sole Proprietor						
Company Income Tax Number						
Form of Entity	CC	Trust	Pty Ltd	Limited	Partnership	Sole Proprietor
	Non-profit (NPO's or NPC)	Personal Liability Co	State Owned Co	National Govt	Provincial Govt	Local Govt
	Educational Institution	Specialised Profession	Financial Institution	Foreign International	Foreign Branch Office	

Did your company previously operate under another name?

Yes

No

If **YES** state the previous details below:

Trading Name						
Registered Name						
Company Registration No Or ID No If a Sole Proprietor						
Form of Entity	CC	Trust	Pty Ltd	Limited	Partnership	Sole Proprietor
	Non-profit	Personal Liability Co	State Owned Co	National Govt	Provincial Govt	Local Govt
	Educational Institution	Specialised Profession	Financial Institution	Foreign International	Foreign Branch Office	

Your Current Company's VAT Registration Status

VAT Registration Number

If **Exempted from VAT registration**, state reason and submit proof from SARS in confirming the exemption status

If your business entity is not VAT Registered, please submit a current original sworn affidavit (see example in Appendix I). Your Non VAT Registration must be confirmed annually.

Company Banking Details		Bank Name	
Universal Branch Code		Bank Account Number	

Company Physical Address			Code	
			Code	
Company Postal Address			Code	
			Code	
Company Telephone number				
Company Fax Number				
Company E-Mail Address				
Company Website Address				

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Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Company Contact Person Name	
Designation	
Telephone	
Email	

Is your company a Labour Broker?	Yes		No	
Main Product / Service Supplied e.g. Stationery / Consulting / Labour etc.				
How many personnel does the business employ?	Full Time		Part Time	
Please Note: Should your business employ more than 2 full time employees who are not connected persons as defined in the Income Tax Act, please submit a sworn affidavit, as per Appendix II.				

Most recent Financial Year's Annual Turnover	<R10Million		>R10Million <R50Million		>R50Million	
--	-------------	--	----------------------------	--	-------------	--

Does your company have a valid B-BBEE certificate?				Yes		No	
What is your Broad Based BEE status (Level 1 to 9)							
Majority Race of Ownership							
% Black Ownership		% Black Women ownership		% Black Disabled person(s) ownership		% Black Youth ownership	
Please Note: Please provide proof of B-BBEE status as per Appendix V. If you qualify as an EME or QSE then provide an affidavit following the examples provided in Appendix III and IV respectively. If you have indicated Black Disabled person(s) ownership, then provide a certified letter signed by a physician, on the physician's letterhead, confirming the disability.							

By signing below, I hereby verify that I am duly authorised to sign for and on behalf of firm / organisation and that all information contained herein and attached herewith are true and correct			
Name		Designation	
Signature		Date	

Stamp And Signature Of Commissioner Of Oaths			
Name		Date	
Signature		Telephone No	

Tender Number: ICLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

APPENDIX B

Example of an Affidavit or Solemn Declaration as to VAT registration status

Affidavit or Solemn Declaration

I, _____ solemnly swear/declare
that _____ is not a registered VAT
vendor and is not required to register as a VAT vendor because the combined value of taxable supplies made
by the provider in any 12 month period has not exceeded or is not expected to exceed R1million threshold, as
required in terms of the Value Added Tax Act.

Signature: _____

Designation: _____

Date: _____

Commissioner of Oaths

Thus signed and sworn to before me at _____ on this the _____ day
of _____ 20_____,

the Deponent having knowledge that he/she knows and understands the contents of this Affidavit, and that
he/she has no objection to taking the prescribed oath, which he/she regards binding on his/her conscience
and that the allegations herein contained are all true and correct.

Commissioner of Oaths

Tender Number: ICLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

APPENDIX C

Example of an Affidavit or Solemn Declaration as to number of employees

Affidavit or Solemn Declaration

I, _____ solemnly swear/declare
that _____ employs three or more full time employees, which
employees are engaged in the business of rendering the services of the 97rganization and are not connected
persons as defined in the Income Tax Act.

Signature: _____

Designation: _____

Date: _____

Commissioner of Oaths

Thus signed and sworn to before me at _____ on this the _____ day of _
_____, 20____,

the Deponent having knowledge that he/she knows and understands the contents of this Affidavit, and that he/she has no objection to taking the prescribed oath, which he/she regards binding on his/her conscience and that the allegations herein contained are all true and correct.

Commissioner of Oaths

Tender Number: ICLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

APPENDIX D

Example of an Affidavit or Solemn Declaration as to EME B-BBEE Status

SWORN AFFIDAVIT – B-BBEE EXEMPTED MICRO ENTERPRISE

I, the undersigned,

Full Name & Surname	
Identity Number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf.

Enterprise Name	
Trading Name	
Registration Number	
Enterprise Address	

3. I hereby declare under oath that:

- The enterprise is _____ % black owned;
- The enterprise is _____ % black woman owned;
- The enterprise is _____ % black youth owned;
- The enterprise is _____ % black disabled owned;
- Based on the management accounts and other information available for the _____ financial year, the income did not exceed R10,000,000.00 (ten million rand).

Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

100% black owned	Level One (135% B-BBEE procurement recognition)	
More than 51% black Owned	Level Two (125% B-BBEE procurement recognition)	
Less than 51% black Owned	Level Four (100% B-BBEE procurement recognition)	

4. The entity is an empowering supplier in terms of the **DTI** Codes of Good Practice.

5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.

6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____**Date:** _____

Commissioner of Oaths
Signature & stamp

Tender Number: ICLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

APPENDIX E

Example of an Affidavit or Solemn Declaration as to QSE B-BBEE Status

SWORN AFFIDAVIT – B-BBEE QUALIFYING SMALL ENTERPRISE

I, the undersigned,

Full Name & Surname	
Identity Number	

Hereby declare under oath as follows:

1. The contents of this statement are to the best of my knowledge a true reflection of the facts.
2. I am a member / director / owner of the following enterprise and am duly authorised to act on its behalf.

Enterprise Name	
Trading Name	
Registration Number	
Enterprise Address	

3. I hereby declare under oath that:

- The enterprise is _____ % black owned;
- The enterprise is _____ % black woman owned;
- The enterprise is _____ % black youth owned;
- The enterprise is _____ % black disabled owned;
- Based on the management accounts and other information available for the _____ financial year, the income did not exceed R50,000,000.00 (fifty million rand);
- The entity is an empowering supplier in terms of Clause 3.3 (a) or (b) or (c) or (d) or as amended 3.3 (e) of the DTI Codes of Good Practice. **(Tick appropriate box in table below).**

(a) At least 25% of cost of sales, (excluding labour costs and depreciation) must be procurement from local producers or suppliers in South Africa; for the services industry include labour costs but capped at 15%		(b) Job Creation – 50% of jobs created are for black people, provided that the number of black employees in the immediate prior verified B-BBEE measurement is maintained	
(c) At least 25% transformation of raw material / beneficiation which include local manufacturing, production and /or assembly, and / or packaging		(d) At least 12 days per annum of productivity deployed in assisting QSE and EME beneficiaries to increase their operation or financial capacity	
(e) At least 85% of labour costs should be paid to South African employees by service industry entities			

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Please confirm on the table below the B-BBEE level contributor, **by ticking the applicable box.**

100% black owned	Level One (135% B-BBEE procurement recognition)	
More than 51% black owned	Level Two (125% B-BBEE procurement recognition)	

5. I know and understand the contents of this affidavit and I have no objection to take the prescribed oath and consider the oath binding on my conscience and on the owners of the enterprise which I represent in this matter.

6. The sworn affidavit will be valid for a period of 12 months from the date signed by commissioner.

Deponent Signature: _____

Date: _____

Commissioner of Oaths
Signature & stamp

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

C1.1: Form of Offer & Acceptance

Offer

The Employer, identified in the Acceptance signature block, has solicited offers to enter into a contract for the procurement of:

Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase

The tenderer, identified in the Offer signature block, has

examined the documents listed in the Tender Data and addenda thereto as listed in the Returnable Schedules, and by submitting this Offer has accepted the Conditions of Tender.

By the representative of the tenderer, deemed to be duly authorised, signing this part of this Form of Offer and Acceptance the tenderer offers to perform all of the obligations and liabilities of the *Contractor* under the contract including compliance with all its terms and conditions according to their true intent and meaning for an amount to be determined in accordance with the *conditions of contract* identified in the Contract Data.

The offered total of the Prices exclusive of VAT is	R
Value Added Tax @ 15% is	R
The offered total of the Prices inclusive of VAT is	R
(in words)	

This Offer may be accepted by the Employer by signing the Acceptance part of this Form of Offer and Acceptance and returning one copy of this document including the Schedule of Deviations (if any) to the tenderer before the end of the period of validity stated in the Tender Data, or other period as agreed, whereupon the tenderer becomes the party named as the *Contractor* in the *conditions of contract* identified in the Contract Data.

Signature(s)

Name(s)

Capacity

**For the
tenderer:**

Name &
signature of
witness

(Insert name and address of
organisation)

Date

Tenderer's CIDB registration number:

Tender Number: ICLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

1. Acceptance

By signing this part of this Form of Offer and Acceptance, the *Employer* identified below accepts the tenderer's Offer. In consideration thereof, the *Employer* shall pay the *Contractor* the amount due in accordance with the *conditions of contract* identified in the Contract Data. Acceptance of the tenderer's Offer shall form an agreement between the *Employer* and the tenderer upon the terms and conditions contained in this agreement and in the contract that is the subject of this agreement.

The terms of the contract, are contained in:

Part C1	Agreements and Contract Data, (which includes this Form of Offer and Acceptance)
Part C2	Pricing Data
Part C3	Scope of Work: Works Information
Part C4	Site Information

and drawings and documents (or parts thereof), which may be incorporated by reference into the above listed Parts.

Deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Returnable Schedules as well as any changes to the terms of the Offer agreed by the tenderer and the Employer during this process of offer and acceptance, are contained in the Schedule of Deviations attached to and forming part of this Form of Offer and Acceptance. No amendments to or deviations from said documents are valid unless contained in this Schedule.

The tenderer shall within two weeks of receiving a completed copy of this agreement, including the Schedule of Deviations (if any), contact the Employer's agent (whose details are given in the Contract Data) to arrange the delivery of any securities, bonds, guarantees, proof of insurance and any other documentation to be provided in terms of the *conditions of contract* identified in the Contract Data at, or just after, the date this agreement comes into effect. Failure to fulfil any of these obligations in accordance with those terms shall constitute a repudiation of this agreement.

Notwithstanding anything contained herein, this agreement comes into effect on the date when the tenderer receives one fully completed original copy of this document, including the Schedule of Deviations (if any).

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Unless the tenderer (now *Contractor*) within five working days of the date of such receipt notifies the Employer in writing of any reason why he cannot accept the contents of this agreement, this agreement shall constitute a binding contract between the Parties.

Signature(s)

Name(s)

Capacity

**for the
Employer**

Transnet SOC Ltd

*(Insert name and address of organisation)*Name &
signature of
witness

Date

Tender Number: ICLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Schedule of Deviations

Note:

1. To be completed by the Employer prior to award of contract. This part of the Offer & Acceptance would not be required if the contract has been developed by negotiation between the Parties and is not the result of a process of competitive tendering.
2. The extent of deviations from the tender documents issued by the Employer prior to the tender closing date is limited to those permitted in terms of the Conditions of Tender.
3. A tenderer's covering letter must not be included in the final contract document. Should any matter in such letter, which constitutes a deviation as aforesaid be the subject of agreement reached during the process of Offer and Acceptance, the outcome of such agreement shall be recorded here and the final draft of the contract documents shall be revised to incorporate the effect of it.

No.	Subject	Details
1		
2		
3		
4		
5		

By the duly authorised representatives signing this Schedule of Deviations below, the Employer and the tenderer agree to and accept this Schedule of Deviations as the only deviations from and amendments to the documents listed in the Tender Data and any addenda thereto listed in the Tender Schedules, as well as any confirmation, clarification or changes to the terms of the Offer agreed by the tenderer and the Employer during this process of Offer and Acceptance.

It is expressly agreed that no other matter whether in writing, oral communication or implied during the period between the issue of the tender documents and the receipt by the tenderer of a completed signed copy of this Form shall have any meaning or effect in the contract between the parties arising from this Agreement.

3. For the tenderer:

Signature _____

Name _____

Capacity _____

On behalf of *(Insert name and address of organisation)* _____

Name & signature of witness _____

4. For the Employer

Transnet SOC Ltd

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Date _____

C1.2 Contract Data

Part one - Data provided by the *Employer*

Clause	Statement	Data
1	General The <i>conditions of contract</i> are the core clauses and the clauses for main Option	A: Priced contract with activity schedule
	dispute resolution Option	W1: Dispute resolution procedure
	and secondary Options	X1: Price adjustment for inflation X2: Changes in the law X5: Sectional Completion X7: Delay damages X13: Performance Bond X16: Retention X18: Limitation of liability X20: Key performance indicators Z: Additional conditions of contract
	of the NEC3 Engineering and Construction Contract June 2005 (amended June 2006 and April 2013)	
10.1	The <i>Employer</i> is:	Transnet SOC Ltd (Registration No. 1990/000900/30)

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

	Address	Registered address: Transnet Corporate Centre 138 Eloff Street Braamfontein Johannesburg 2000
	Having elected its Contractual Address for the purposes of this contract as:	Transnet Port Terminals <i>Supply Chain Office,</i> <i>1st Floor, NRE Building,</i> <i>Green Street,</i> <i>Port of Port Elizabeth</i>
10.1	The <i>Project Manager</i> is: (Name)	Khulisa Mbenya
	Address	Straddle Carrier Garage, Green Street, Port of Port Elizabeth
	Tel	041 507 1656
	e-mail	Khulisa.Mbenya@transnet.net
10.1	The <i>Supervisor</i> is: (Name)	Riyaadh Man Lee
	Address	Straddle Carrier Garage, Green Street, Port of Port Elizabeth
	Tel No.	041 507 1514
	e-mail	Riyaadh.ManLee@transnet.net
11.2(13)	The <i>works</i> are	Provision for the back slipping of the IMPSA (crane 2)
11.2(14)	The following matters will be included in the Risk Register	Safety Incidents: <ul style="list-style-type: none"> • Collapsing of the crane leading to increase in incidents • Increase in safety incidents during project execution Falling of objects: <ul style="list-style-type: none"> • Falling of the foreign objects onto the key side and stacking area while moving of the crane to 172 and 142 area

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Damage to quay structure /Delaying Operations (berthing):

- The terminal berthing capacity might be reduced to a one berth operation during project execution

Damages to infrastructure:

- Crane over travelling to the fenced area

Project delays:

- Project Timelines can be exceeded

Access Control:

- External contractors and workers moving around the terminal in restricted area

Non-award or delay in appointing contractor of the tender leading to delayed project start Environment Risk:

- Oil spillages to the stormwater

Working at height:

- Risk of a contract worker falling when working at height

Collapse of the crane whilst moving

11.2(15)	The <i>boundaries of the site</i> are	As stated in Part C4.1. "Description of the Site and it surroundings"
11.2(16)	The Site Information is in	Part C4
11.2(19)	The Works Information is in	Part C3
12.2	The <i>law of the contract</i> is the law of	the Republic of South Africa subject to the jurisdiction of the Courts of South Africa.
13.1	The <i>language of this contract</i> is	English
13.3	The <i>period for reply</i> is	1 week
5. 2	The <i>Contractor's</i> main responsibilities	No additional data is required for this section of the <i>conditions of contract</i>.

3. Time

11.2(3)	The <i>completion date</i> for the whole of the <i>works</i> is	TBA
---------	---	------------

Tender Number: ICLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

11.2(9)	The <i>key dates</i> and the <i>conditions</i> to be met are:	Condition to be met	key date: TBA
		1. TBA	
30.1	The <i>access dates</i> are	Part of the Site	Date: TBA
		1 TBA	
31.1	The <i>Contractor</i> is to submit a first programme for acceptance within	2 weeks of the Contract Date.	
31.2	The <i>starting date</i> is	TBA	
32.2	The <i>Contractor</i> submits revised programmes at intervals no longer than	TBA	
4.	Testing and Defects		
tba42.2	The <i>defects date</i> is	2 (two) weeks after Completion of the whole of the works.	
43.2	The <i>defect correction period</i> is	1 week	
50.1	The <i>assessment interval</i> is monthly on the	25th (twenty fifth) day of each successive month.	
51.1	The <i>currency of this contract</i> is the	South African Rand.	
51.2	The period within which payments are made is	Payment will be effected on or before the last day of the month following the month during which a valid Tax Invoice and Statement were received.	
51.4	The <i>interest rate</i> is	the prime lending rate of Standard Bank of South Africa.	
5	Payment		
50.1	The assessment interval is monthly on the	25th of each month.	
51.1	The currency of this contract is the	South African Rand.	
51.4	The interest rate is	the prime lending rate of Standard Bank of South Africa	

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Compensation events

- 60.1(13) The *weather measurements* to be recorded for each calendar month are,
- the cumulative rainfall (mm)**
 - the number of days with rainfall more than 10 mm**
 - the number of days with minimum air temperature less than 0 degrees Celsius**
 - the number of days with snow lying at 08:00 hours South African Time**
 - and these measurements:**
- The place where weather is to be recorded (on the Site) is: **The *Contractor's* Site establishment area**
- The *weather data* are the records of past *weather measurements* for each calendar month which were recorded at: **Dawid Stuurman Airport in Port Elisabeth**
- and which are available from: **South African Weather Service 012 367 6023 or info3@weathersa.co.za.**

7	Title	No additional data is required for this section of the <i>conditions of contract</i>.
8	Risks and insurance	
80.1	These are additional <i>Employer's</i> risks	Damages to existing services
84.1	The <i>Employer</i> provides these insurances from the Insurance Table	
	1 Insurance against:	Loss of or damage to the <i>works</i>, Plant and Materials is as stated in the Insurance policy for Contract Works/ Public Liability.
	Cover / indemnity:	to the extent as stated in the insurance policy for Contract Works / Public Liability

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The deductibles are:		as stated in the insurance policy for Contract Works / Public Liability
2	Insurance against:	Loss of or damage to property (except the <i>works</i>, Plant and Materials & Equipment) and liability for bodily injury to or death of a person (not an employee of the <i>Contractor</i>) arising out of or in connection with the performance of the Contract as stated in the insurance policy for Contract Works / Public Liability
	Cover / indemnity	Is to the extent as stated in the insurance policy for Contract Works / Public Liability
	The deductibles are	as stated in the insurance policy for Contract Works / Public Liability
3	Insurance against:	Loss of or damage to Equipment (Temporary Works only) as stated in the insurance policy for contract Works and Public Liability
	Cover / indemnity	Is to the extent as stated in the insurance policy for Contract Works / Public Liability
	The deductibles are:	As stated in the insurance policy for Contract Works / Public Liability
4	Insurance against:	Contract Works SASRIA insurance subject to the terms, exceptions and conditions of the SASRIA coupon
	Cover / indemnity	Cover / indemnity is to the extent provided by the SASRIA coupon
	The deductibles are	The deductibles are, in respect of each and every theft claim, 0,1% of the contract value subject to a minimum of R2,500 and a maximum of R25,000.
	Note:	The deductibles for the insurance as stated above are listed in the document titled

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"Certificate of Insurance: Transnet (SOC) Limited Principal Controlled Insurance."

84.1 The minimum limit of indemnity for insurance in respect of death of or bodily injury to employees of the *Contractor* arising out of and in the course of their employment in connection with this contract for any one event is

The *Contractor* provides these additional Insurances

The *Contractor* must comply at a minimum with the provisions of the Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 as amended.

- 1 Where the contract requires that the design of any part of the *works* shall be provided by the *Contractor* the *Contractor* shall satisfy the *Employer* that professional indemnity insurance cover in connection therewith has been affected**
- 2 Where the contract involves manufacture, and/or fabrication of Plant & Materials, components or other goods to be incorporated into the *works* at premises other than the site, the *Contractor* shall satisfy the *Employer* that such plant & materials, components or other goods for incorporation in the *works* are adequately insured during manufacture and/or fabrication and transportation to the site.**
- 3 Should the *Employer* have an insurable interest in such items during manufacture, and/or fabrication, such interest shall be noted by endorsement to the *Contractor's* policies of insurance as well as those of any sub-contractor**
- 4 Motor Vehicle Liability Insurance comprising (as a minimum) "Balance of Third Party" Risks including Passenger and Unauthorised Passenger Liability indemnity with a minimum indemnity limit of R10 000 000.**

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<p>5 The insurance coverage referred to in 1, 2, 3 and 4 above shall be obtained from an insurer(s) in terms of an insurance policy approved by the <i>Employer</i>. The <i>Contractor</i> shall arrange with the insurer to submit to the <i>Project Manager</i> the original and the duplicate original of the policy or policies of insurance and the receipts for payment of current premiums, together with a certificate from the insurer or insurance broker concerned, confirming that the policy or policies provide the full coverage as required. The original policy will be returned to the <i>Contractor</i>.</p>		
84.2	The minimum limit of indemnity for insurance in respect of loss of or damage to property (except the works, Plant, Materials and Equipment) and liability for bodily injury to or death of a person (not an employee of the <i>Contractor</i>) caused by activity in connection with this contract for any one event is	Whatever the <i>Contractor</i> requires in addition to the amount of insurance taken out by the <i>Employer</i> for the same risk.
84.2	The insurance against loss of or damage to the works, Plant and Materials as stated in the insurance policy for contract works and public liability selected from:	Principal Controlled Insurance policy for Contract OR Project Specific Insurance for the contract
6. 9	7. Termination	There is no additional Contract Data required for this section of the <i>conditions of contract</i>.
8. 10	9. Data for main Option clause	
A	Priced contract with Activity Schedule	No additional data is required for this Option.

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60.6	The <i>method of measurement</i> is	No additional data is required for this Option.
10.11	11.Data for Option W1	
W1.1	The <i>Adjudicator</i> is	Both parties will agree as and when a dispute arises. If the parties cannot reach an agreement on the <i>Adjudicator</i>, the Chairman of the Association of Arbitrators will appoint an <i>Adjudicator</i>.
W1.2(3)	The <i>Adjudicator nominating body</i> is: If no <i>Adjudicator nominating body</i> is entered, it is:	The Chairman of the Association of Arbitrators (Southern Africa) the Association of Arbitrators (Southern Africa)
W1.4(2)	The <i>tribunal</i> is:	Arbitration
W1.4(5)	The <i>arbitration procedure</i> is	The Rules for the Conduct of Arbitrations of the Association of Arbitrators (Southern Africa)
	The place where arbitration is to be held is	Port Elizabeth, South Africa
	The person or organisation who will choose an arbitrator - if the Parties cannot agree a choice or - if the arbitration procedure does not state who selects an arbitrator, is	The Chairman of the Association of Arbitrators (Southern Africa)
12.12	13.Data for secondary Option 14. clauses	
X1	Price adjustment for inflation	No escalation adjustment is applicable as the estimated contract period is not more than 12 months.
X2	Changes in the law	No additional data is required for this Option
X3	Multiple Currencies (used only with Option A)	
X4	Parent company guarantee	No additional data is required for this Option

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X7	Delay damages (but not if Option X5 is also used)	
X7.1	Delay damages for Completion of the whole of the <i>works</i> are	R266,700 per day
X13	Performance bond	
X13.1	The amount of the performance bond is	10% of the total of the Prices
X16	Retention	
X16.1	The retention free amount is	Nil
	The retention percentage is	10% on all payments certified.
X18	Limitation of liability	
X18.1	The <i>Contractor's</i> liability to the <i>Employer</i> for indirect or consequential loss is limited to:	Nil (this is the default position depending on a risk assessment; therefore this can go up to Total of the Prices)
X18.2	For any one event, the <i>Contractor's</i> liability to the <i>Employer</i> for loss of or damage to the <i>Employer's</i> property is limited to:	The deductible of the relevant insurance policy
X18.3	The <i>Contractor's</i> liability for Defects due to his design which are not listed on the Defects Certificate is limited to:	The cost of correcting the Defect
X18.4	The <i>Contractor's</i> total liability to the <i>Employer</i> for all matters arising under or in connection	The Total of the Prices

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X18.5	<p>with this contract, other than excluded matters, is limited to:</p> <p>The <i>end of liability date</i> is</p>	<p>2 months after Completion of the whole of the works</p>
Z	<p><i>Additional conditions of contract are:</i></p>	
Z4	<p>Additional clause relating to Performance Bonds and/or guarantees</p>	
Z4.1		<p>The Performance Guarantee under X13 above shall be an irrevocable, on-demand performance guarantee, to be issued exactly in the form of the Pro Forma documents provided for this purpose under C1.3 (Forms of Securities), in favour of the <i>Employer</i> by a financial institution reasonably acceptable to the <i>Employer</i>.</p>
Z5	<p>Additional clauses relating to Joint Venture</p>	
Z5.1		<p>Insert the additional core clause 27.5</p>
		<p>27.5. In the instance that the <i>Contractor</i> is a joint venture, the <i>Contractor</i> shall provide the <i>Employer</i> with a certified copy of its signed joint venture agreement, and in the instance that the joint venture is an 'Incorporated Joint Venture,' the Memorandum of Incorporation, within 4 (four) weeks of the Contract Date. The Joint Venture agreement shall contain but not be limited to the following:</p> <ul style="list-style-type: none"> • A brief description of the Contract and the Deliverables; • The name, physical address, communications addresses and

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domicilium citandi et executandi of each of the constituents and of the Joint Venture;

- **The constituent's interests;**
- **A schedule of the insurance policies, sureties, indemnities and guarantees which must be taken out by the Joint Venture and by the individual constituents;**
- **Details of an internal dispute resolution procedure;**
- **Written confirmation by all of the constituents:**
 - i. **of their joint and several liabilities to the *Employer* to Provide the Works;**
 - ii. **identification of the lead partner in the joint venture confirming the authority of the lead partner to bind the joint venture through the *Contractor's* representative.**
 - iii. **Identification of the roles and responsibilities of the constituents to provide the Works.**
- **Financial requirements for the Joint Venture:**
 - iv. **the working capital requirements for the Joint Venture and the extent to which and manner whereby this will be provided and/or guaranteed by the constituents from time to time;**
 - v. **the names of the auditors and others, if any, who will provide auditing and accounting services to the Joint Venture.**

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27.6. The *Contractor* shall not alter its composition or legal status of the Joint Venture without the prior approval of the *Employer*.

Z6 Additional obligations in respect of Termination

Z6.1

The following will be included under core clause 91.1:

In the second main bullet, after the word 'partnership' add 'joint venture whether incorporate or otherwise (including any constituent of the joint venture)' and

Under the second main bullet, insert the following additional bullets after the last sub-bullet:

- commenced business rescue proceedings (R22)
- repudiated this Contract (R23)

Z6.2 Termination Table

The following will be included under core clause 90.2 Termination Table as follows:

Amend "A reason other than R1 – R21" to "A reason other than R1 – R23"

Z6.3

Amend "R1 – R15 or R18" to "R1 – R15, R18, R22 or R23."

Z7 Right Reserved by the *Employer* to Conduct Vetting through SSA

Z7.1

The *Employer* reserves the right to conduct vetting through State Security Agency (SSA) for security clearances of any *Contractor* who has access to National Key Points for the following without limitations:

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1. **Confidential – this clearance is based on any information which may be used by malicious, opposing or hostile elements to harm the objectives and functions of an organ of state.**
2. **Secret – clearance is based on any information which may be used by malicious, opposing or hostile elements to disrupt the objectives and functions of an organ of state.**
3. **Top Secret – this clearance is based on information which may be used by malicious, opposing or hostile elements to neutralise the objectives and functions of an organ of state.**

Z8 Additional Clause Relating to Collusion in the Construction Industry

Z8.1 The contract award is made without prejudice to any rights the *Employer* may have to take appropriate action later with regard to any declared tender rigging including blacklisting.

Z9 Protection of Personal Information Act

Z9.1 The *Employer* and the *Contractor* are required to process information obtained for the duration of the Agreement in a manner that is aligned to the Protection of Personal Information Act.

Z10 BBEE Clauses

Z10.1 Insert additional clause 27.7.
27.7.1. The *Employer* encourages its *Contractors* to constantly strive to improve their B-BBEE Contributor Status Levels.

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C1.2 Contract Data

Part two - Data provided by the *Contractor*

The tendering *Contractor* is advised to read both the NEC3 Engineering and Construction Contract - June 2005 (with amendments June 2006 and April 2013) and the relevant parts of its Guidance Notes (ECC3-GN) in order to understand the implications of this Data which the tenderer is required to complete. An example of the completed Data is provided on pages 156 to 158 of the ECC3 Guidance Notes.

Completion of the data in full, according to Options chosen, is essential to create a complete contract.

Clause	Statement	Data
10.1	The <i>Contractor</i> is (Name):	
	Address	
	Tel No.	
	Fax No.	
11.2(8)	The <i>direct fee percentage</i> is	%
	The <i>subcontracted fee percentage</i> is	%
11.2(18)	The <i>working areas</i> are the Site and	
24.1	The <i>Contractor's</i> key persons are:	
	1 Name:	
	Job:	
	Responsibilities:	
	Qualifications:	
	Experience:	
	2 Name:	
	Job	
	Responsibilities:	

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	Qualifications:	
	Experience:	
		CV's (and further key persons data including CVs) are appended to Tender Schedule entitled .
11.2(14)	The following matters will be included in the Risk Register	
31.1	The programme identified in the Contract Data is	
A	Priced contract with activity schedule	
11.2(20)	The <i>activity schedule</i> is in	
11.2(30)	The tendered total of the Prices is	(in figures) (in words), excluding VAT
	15.Data for Schedules of Cost Components	<i>Note "SCC" means Schedule of Cost Components starting on page 60 of ECC, and "SSCC" means Shorter Schedule of Cost Components starting on page 63 of ECC.</i>
A	Priced contract with activity schedule	Data for the Shorter Schedule of Cost Components
41 in SSCC	The percentage for people overheads is:	%
21 in SSCC	The published list of Equipment is the last edition of the list published by	
	The percentage for adjustment for Equipment in the published list is	% (state plus or minus)
22 in SSCC	The rates of other Equipment are:	Equipment
		Size or capacity
		Rate

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61	in	The hourly rates for Defined Cost of design outside the Working Areas are	Category of employee	Hourly rate
62	in	The percentage for design overheads is	%	
63	in	The categories of design employees whose travelling expenses to and from the Working Areas are included in Defined Cost are:		

--

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PART C 2: PRICING DATA

Document reference	Title	No of pages
C2.1	Pricing instructions	2
C2.2	Activity Schedule	1

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

C2.1 Pricing Instructions:

16. The *conditions of contract*

16.1. How the contract prices work and assesses it for progress payments

Clause 11 in NEC3 Engineering and Construction Contract, June 2005, (with amendments June 2006 and April 2013) (ECC) Option A states:

Identified and defined terms

11.2 (20) The Activity Schedule is the *activity schedule* unless later changed in accordance with this contract.

(22) Defined Cost is the cost of the components in the Shorter Schedule of Cost Components whether work is subcontracted or not excluding the cost of preparing quotations for compensation events.

(27) The Price for Work Done to Date is the total of the Prices for

- each group of completed activities and
- each completed activity which is not in a group

A completed activity is one which is without Defects which would either delay or be covered by immediately following work.

(30) The Prices are the lump sums for each of the activities on the Activity Schedule unless later changed in accordance with this contract.

16.2. Measurement and Payment

1.2.1 The Activity Schedule provides the basis of all valuations of the Price for Work Done to Date, payments in multiple currencies, price adjustments for inflation and general progress monitoring.

1.2.2 The amount due at each assessment date is based on **completed activities and/or milestones** as indicated on the Activity Schedule.

1.2.3 The Activity Schedule work breakdown structure provided by the *Contractor* is based on the Activity Schedule provided by the *Employer*. The activities listed by the *Employer* are the minimum activities acceptable and identify the specific activities which are required to achieve Completion. The activity schedule work breakdown structure is compiled to the satisfaction of the *Project Manager* with any additions and/or amendments deemed necessary.

1.2.4 The *Contractor's* detailed Activity Schedule summates back to the Activity Schedule provided by the *Employer* and is in sufficient detail to monitor completion of activities related to the Accepted Programme in order that payment of completed activities may be assessed.

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- 1.2.5 The short descriptions in the Activity Schedule are for identification purposes only. All work described in the Works Information is deemed included in the activities.
- 1.2.6 The Activity Schedule is integrated with the Prices, Accepted Programme and where required the forecast rate of payment schedule.
- 1.2.7 Activities in multiple currencies are separately identified on both the Activity Schedule and the Accepted Programme for each currency.
- 1.2.8 The tendered total of the prices as stated in the Contract Data is obtained from the Activity Schedule summary. The tendered total of the prices includes for all direct and indirect costs, overheads, profits, risks, liabilities and obligations relative to the Contract.

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C2.2 Activity Schedule

The Tenderer details his Activity Schedule below or makes reference to his Activity Schedule and attaches it to this schedule.

Activity No.	Activity Description	Unit	Quantity	Rate	Price of each activity
1	Site Establishment	Sum	1		
2	Back slipping for the IMPSA Crane as per scope of works	Sum	1		
3	Site De-Establishment	Sum	1		
Total Price to be carried over to the C 1.1: Form of Offer & Acceptance					

Notes to Pricing:

- a) Bidder is required to price each and every line item, failure to do so will result in disqualification.
- b) Prices must be quoted in South African Rand, exclusive of VAT
- c) Please note that all overheads (bridges, fencing, equipment, method statement etc.) must be included in your costs above and no additional costs will be considered.

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PART C3: SCOPE OF WORK

Document reference	Title	No of page
C3.1	This cover page	1
	<i>Employer's Works Information</i>	121
	Total number of pages	9

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

C3.1: Works Information

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1.2 <i>Employer's</i> objectives	128
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Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

SECTION 1: SCOPE OF WORK

Description of the *works*

1. Executive overview

The *works* comprise of all the work necessary for the safe backslipping of STS Crane 2 from berth 102 rails at the quayside to a designated area between block 142 and 172.

The contractor shall undertake a survey of the crane to check all elements of fatigue and corrosion of the crane as well as the structural integrity. This shall be taken into account when it comes to the planning of back slipping of the IMPSA crane.

2. Employer's objectives

The *Employer's* objectives are back slip IMPSA crane (crane 2) from berth 102 into the stack area to block 142 and 172 as per the below route.



Figure 1: Terminal overview and back slipping route.

3. Scope of Work

- The contractor to note that the crane does not have power also their access platforms, staircase (access portal) and boom platforms are rusted also unsafe. Please also refer to the attached Annexure F Conditional Assessment of the crane.
- The contractor shall execute all the all-engineering works required for the movement of the crane.
- This shall encompass of all the load checks stability checks that are required to ensure that the crane is moved in a safe manner to the designated area.
- The crane must be back slipped in such a manner that its boom does not intersect with the booms of the other operating cranes. There must be sufficient clearance when it is travelling past the front of the operating cranes.

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- The contractor must provide all the necessary machinery & equipment required to move the crane and to avoid damage of any existing equipment and electrical systems.
- The contractor shall submit all the test certificates of all the equipment.
- The contractor shall supply and install mesh fence including an access gate on the designated area block 142 and 172 estimation area size 130X 80 m.
- The crane specifications please refer to the below table and Annexure G for the crane GA drawing.

Make and Mode	IMPSA STS Crane 2
Commissioning date	2004
Years in service (from commission to the year it stopped working)	14 years
Wheel drive	16 Wheel Drive
Last date of examination/inspection	2015/03/03
Stopped machine	March 2019
Crane outreach	34 m
Crane height	45m
Estimated weight*	883 475 kg

- The contractor shall undertake a survey of the crane to check all elements when it comes to fatigue and corrosion also crane structure integrity. This shall be undertaken into account when it comes to the planning of back slipping the IMPSA crane.
- The contractor shall ensure there is no environmental disturbance and pollution are minimized.
- The contractor must also provide bridges to pass the water and cable trenches without damages to infrastructure.
- The contractor shall identify all risks and put mitigation plans to ensure no harm to TPT employees and property.
- The contractor shall provide all the equipment and electricity required to execute the works information e.g. jack, welding equipment, slides and not limited to the listed.
- The contractor shall demonstrate experience in similar projects executed in slipping of STS Cranes in the past. The contractor is to submit a list of references and a minimum of three projects previous executed. This shall comprise of the following: name of the company, contract person, telephone, and year which project was executed.
- The contractor shall be required to provide a detailed method statement to enable Transnet Port terminal and Transnet National Port Authority to clearly understand the proposed method of back slipping. This shall be required to be submitted to both parties for approval.
- The method statement shall demonstrate the following requirement but limited to the listed:
 - The method statement is required to cover all aspects of the back slipping activities, quality, safety, risk and environment.
 - Additional to that it shall include timelines and milestones of the project.
 - The method statement to provide specific information for the following points
 - Inspection of all equipment

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- Installation of the fence
- Jacking down of the crane
- Slide slipping of the crane
- Back slipping of the crane
- The contractor shall provide a CV of the site safety officer or supervisor who have a minimum experience of five years in the field.
- The contractor shall provide a CV of the project manager who have a minimum experience of five years in the field.
- The contractor shall submit the CV's of the on-site team having a minimum experience of two or more in the same field.
- The contractor shall note that the terminal will be operational during the execution of the works information.
- The contractor shall be required to execute all site activities in a manner that they do not interfere with the terminal operations.
- The contractor shall backward slip the crane within 2 days from the berth 102 to minimize operation disruptions. The contractor shall submit a letter of confirmation on a company letterhead confirming the lead-time for back slipping activities.
- The contractor shall submit a project plan demonstrating all activities from - start date, access date, planned completion, key dates/Sectional completion dates & completion date. In addition. The programmed shall clearly demonstrates adequate provisions for Time Risk Allowance (TRA) and time risk allowances are not float.
- The contractor shall comply with all applicable safety laws and regulations including instructions received from TPT Management and TPT Supervisory Personnel.
- The contractor shall have a general liability insurance and professional indemnity cover. This will cover the following:
 - General liability insurance public liability with a minimum limit of R10 million
 - Professional indemnity cover. This will be covering the legal liability as a result of neglect, error or omission of the insured in the execution of their professional activities.
 - Letter of Good standing (COID)
 - Asset's policy to cover their equipment, motor vehicles that will be utilised for onsite activities.
- The contractor shall submit a letter of confirmation to the scope of work on a company letterhead.

4 SAFETY AND COMPLIANCE

- 4.1. After contract award the following documents must be submitted with a comprehensive, SHE file for TPT SHERQ approval before any work commences:
 - Annexure C: Section 37 Mandatary Agreement
 - T2.2-14 Contractor Compliance File Assessment Checklist
 - T2.2-15 Contractor Health and Safety Questionnaire
- 4.2. The contractor shall comply with all applicable safety laws and regulations including all instructions received from TPT Management and TPT Supervisory Personnel.

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- 4.3. The contractor shall comply with the Terminal Safety, Health, Environment and Quality Standard Operating Procedures (SOP) as required by the TPT (SHEQ) manager.
- 4.4. The contractor shall be required to undergo TPT's safety induction training programme prior to commencing work on TPT site.
- 4.5. The contractor must ensure compliance to TPT's Security and emergency policies, procedures and regulations.
- 4.6. Contractor and/or its employees shall be required to submit to random drug and alcohol testing.
- 4.7. The contractor shall ensure that any artisan dispatched to TPT does not have a criminal record. (TPT reserves the right to verify this).
- 4.8. The contractor shall ensure that its employees present on the TPT site are furnished with safety clothing or personal protective equipment. (E.g., reflective jackets, safety boots, hard hats etc.)
- 4.9. The contractor shall ensure that its employees present on the TPT site are furnished with COVID -19 protective equipment.
- 4.10. The contractor shall ensure compliance to COVID 19 regulations.

5. SECURITY REQUIREMENTS

- The contractor will need to comply with the following security requirements once she file has been approved and find attached Annexure F application form to completed:
 - Copy of Identification Document (SAPS Certified)
 - Duration of permit required
 - Name list of persons and list of vehicles
 - Copy of Safety Induction Register
 - Copy of Medical fitness certificates
 - Driver's licenses for all vehicles drivers (SAPS Certified)
 - Valid roadworthy certificate for all vehicles / copy of latest license renewal
 - Hired vehicle – Proof of Lease agreement

6. RETURNABLES

- 6.1. The contractor must provide a letter of confirmation on a company letterhead that they shall comply with all the clauses detailed in section 3 of the Scope of work: Scope of Requirement. (Essential Returnable T2.2 -18)
- 6.2. The contractor to provide insurance cover addressing the following (Essential Returnable 2):
 - General liability insurance public liability with a minimum limit of R10 million
 - Professional indemnity cover. This will be covering the legal liability as a result of neglect, error or omission of the insured in the execution of their professional activities.
 - Letter of Good standing (COID)

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

- Asset's policy to cover their equipment, motor vehicles that will be utilised for onsite activities general liability insurance public and professional indemnity cover.
- 6.3. The contractor shall submit a project plan in Microsoft Project format demonstrating all activities from - start date, access date, planned completion, key dates/Sectional completion dates & completion date. In addition. The programmed shall clearly demonstrates adequate provisions for Time Risk Allowance (TRA) and time risk allowances are not float. The contractor shall also submit a letter of confirmation on a company letterhead confirming the lead-time for back slipping activities (Returnable T2.2-03)
- 6.4. The contractor shall submit a list of references and a minimum of three projects previous executed. This shall comprise of the following: name of the company, contract person, telephone, value and year which project was executed. (Returnable T2.2-04)
- 6.5. The contractor shall submit a detailed method statement which demonstrate the following requirement but limited to the listed below (Returnable T2.2-05):
 - The method statement is required to cover all aspects of the back slipping activities, quality, safety, risk and environment.
 - Additional to that it shall include timelines and milestones of the project.
 - The method statement to provide specific information for the following points
 - Inspection of all equipment
 - Installation of the fence
 - Jacking down of the crane
 - Slide slipping of the crane
 - Back slipping of the crane
- 6.7. The contractor shall submit all CVs for the following onsite team:
 - Project Manager
 - Site supervisor or she officer
 - Onsite Technical Team

7. ANNEXURES

- Annexure B: TIMS Policy Commitment Statement
- Annexure C: Section 37 Mandatary Agreement
- Annexure D: Drawing no. PEH51C0946-03-00
- Annexure E: Port of PE Detailed port survey
- Annexure F: Conditional Assessment of the crane
- Annexure G Crane GA Drawing
- Annexure H Security Application Form

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Interpretation and terminology

The following abbreviations are used in this Works Information:

Abbreviation	Meaning given to the abbreviation
AIA	Authorised Inspection Authority
BBBEE	Broad Based Black Economic Empowerment
CEMP	Construction Environmental Management Plan
CD	Compact Disc
CDR	Contractor Documentation Register
CDS	Contractor Documentation Schedule
CRL	Contractor Review Label
CSHEO	Contractor's Safety, Health and Environmental Officer
CM	Construction Manager
DTI	Department of Trade and Industry
DWG	Drawings
EO	Environmental Officer
HAW	Hazard Assessment Workshop
HAZOP	Hazard and Operability Study
HSSP	Health and Safety Surveillance Plan
INC	Independent Nominated Consultant
IP	Industrial Participation
IR	Industrial Relations
IPP	Industrial Participation Policy
IPO	Industrial Participation Obligation
IPS	Industrial Participation Secretariat
IRCC	Industrial Relations Co-ordinating Committee
JSA	Job Safety Analysis
CIRP	Contractor's Industrial Relations Practitioner
Native	Original electronic file format of documentation
PES	Project Environmental Specifications

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

PHA	Preliminary Hazard Assessment
PIRM	Project Industrial Relations Manager
PIRPMP	Project Industrial Relations Policy and Management Plan
PLA	Project Labour Agreements
PSIRM	Project Site Industrial Relations Manager
PSPM	Project Safety Program Manager
PSSM	Project Site Safety Manager
ProgEM	Programme Environmental Manager
ProjEM	Project Environmental Manager
QA	Quality Assurance
R&D	Research and Development
SANS	South African National Standards
SASRIA	South African Special Risks Insurance Association
SES	Standard Environmental Specification
SHE	Safety, Health and Environment
SHEC	Safety, Health and Environment Co-ordinator
SIP	Site Induction Programme
SMP	Safety Management Plan
SSRC	Site Safety Review Committee

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PART C4: SITE INFORMATION

Core clause 11.2(16) states

"Site Information is information which

describes the Site and its surroundings and is in the documents which the Contract Data states it is in."

In Contract Data, reference has been made to this Part 4 of the contract for the location of Site Information.

1. Description of the Site and its surroundings

1.1. General description

The Port of Port Elizabeth is located on the east coast of South Africa. The Port Elizabeth Container Terminal (PECT) was opened in 1976 with the purpose of handling containerised cargo. The terminal operates in ship tainer and container operations.



Figure 1: Aerial view of Port Elizabeth Container Terminal

1.2. Existing buildings, structures, and plant & machinery on the Site

The following building and facilities presently exist on the Site:

- Administration Buildings

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

- Domestic water pipeline
- 5 Substations
- Storm water system
- Sewer system
- 2 ship to shore cranes
- 1 mobile harbour cranes
- 820 reefer plugs
- 19 straddle carriers
- 3 haulers/ mafi
- 13 bathtub trailers
- 1 sweeper machine
- 3 forklift
- 1 cherry picker

As-built drawings for most of these buildings or facilities are available by prior arrangement from the *Employer*, via requests submitted to the *Employer's Agent*.

1.2. Hidden services

The following (hidden) existing services are expected to be present on Site:

- Storm water
- Sewers
- Fibre-optic telecommunications line(s),
- Electrical supply (LV and MV) for equipment and facilities.

While every effort has been made to provide a fairly comprehensive list, it cannot be assumed that the existing services are limited to this list. Confirmation of existing services shall be done in accordance with the relevant section of Part C.3 – Works Information.

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1.4. Other reports and publicly available information

1.4.1 Climate and Weather

The values are retained from the monthly weather forecast for the Port of Port Elizabeth / Gqeberha as listed below:

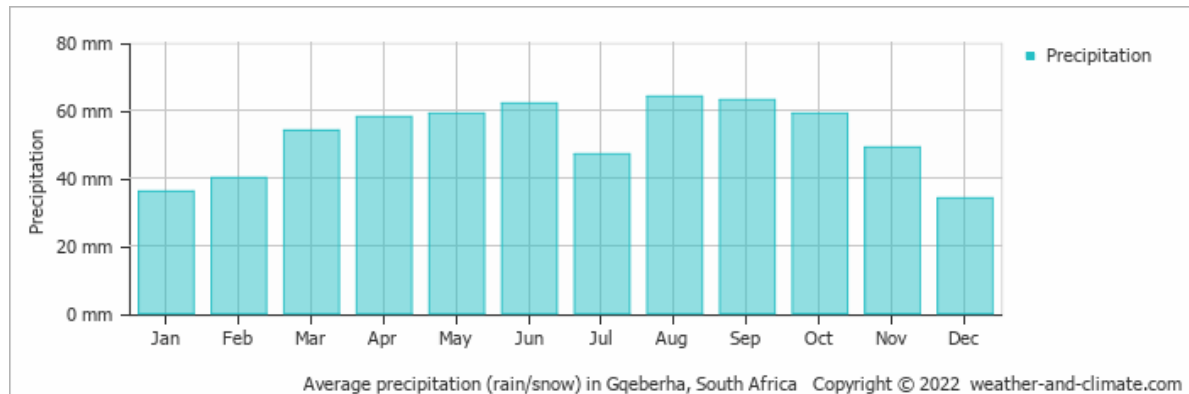


Figure 2: Cumulative rainfall per month

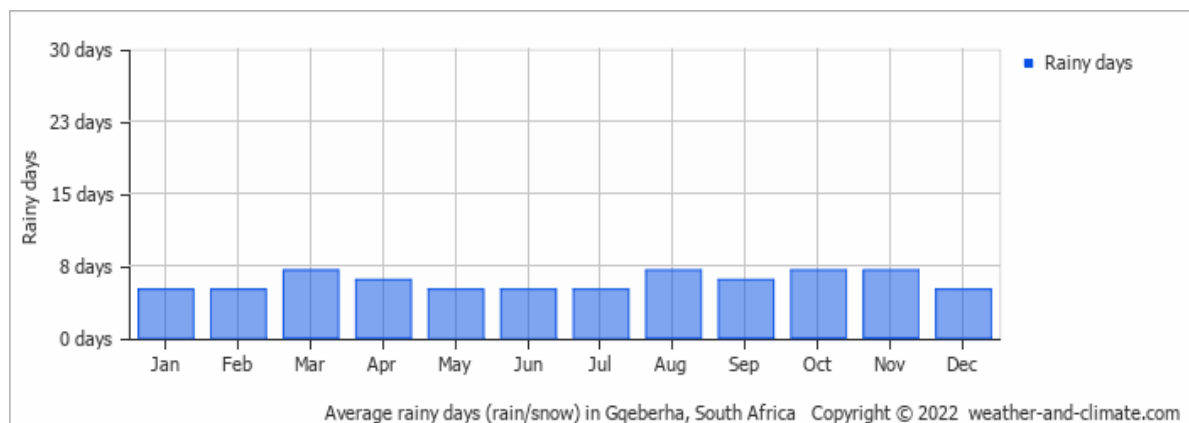


Figure 3: Average number of days per month with rainfall

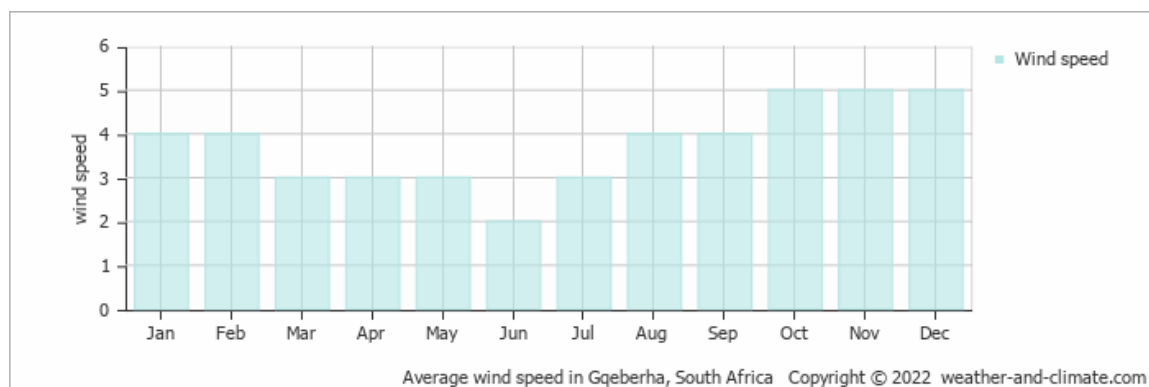


Figure 4: Average wind speed per month



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Annexure B:

Transnet Integrated Management System (TIMS) POLICY COMMITMENT STATEMENT

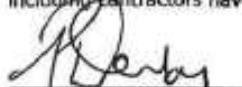
Transnet is a State-Owned Company that operates as an integrated freight transport company, formed around six core operating division namely Transnet Freight Rail (TFR), Transnet Engineering (TE), Transnet National Ports Authority (TNPA), Transnet Port Terminals (TPT) and Transnet Pipelines (TPL) and Transnet Property (TP) that complement each other.

Transnet has developed and implemented a TIMS that forms an integral part of the core business. We are committed to **transporting freight, passengers, and provide excellent service** to our customers along key transport corridors. This is done in order to **competitively grow our business**, enhance efficiency of South Africa's logistics system and thereby contribute to economic vibrancy.

TIMS is established, implemented and maintained in accordance with recognised best practices that will enable us to:

- Incorporate and comply with applicable **legislation, regulations, codes, standards, protocols, best practices and customer requirements** to which we subscribe in order to achieve our business objectives;
- Set and achieve **objectives and targets** that address significant enterprise-wide **strategic, tactical and operational risks, opportunities and mitigate the consequences** thereof;
- Proactively implement **waste and pollution prevention strategies** to prevent **environmental degradation**;
- Continually promote the prudent and **sustainable use of energy and natural resources**;
- Provide **quality products and services** in order to meet our customers' requirements;
- Provide **safe and secure environment** for our employees and stakeholder;
- Carry out our business in a manner which **protects our assets and information** and **prevents injuries and ill health** to our employees and stakeholders;
- Promote **safe operational principles** during operations to minimize occurrences of safety incidents;
- Strategically **source our contractors** through fair, equitable and transparent processes;
- Provide **soc-economic development** as a good corporate citizen;
- Promote **food safety practices** in our food preparation and handling environments;
- Ensure **proficiency and preparedness** to deal with and **effectively recover** from any **emergency situations**;
- **Develop, train and manage our employees** through inspirational leadership, provide the necessary **organizational information, knowledge and resources** to achieve the intention of this policy statement;
- **Communicate, engage and provide support and appropriate information** to relevant stakeholders in order to build relationships based on care, openness, mutual trust and involvement as well as promote a TIMS risks awareness culture;
- Allocate **responsibilities and accountabilities** for meeting the requirements of the TIMS policy statement.
- Drive an **integrated assurance management programme** to ensure **continual improvement** of TIMS.

The TIMS Policy Commitment Statement shall be **reviewed every three years or as circumstances dictate** to ensure that it remains **current and relevant**. Our progress on the achievement of the policy statement commitments shall be reported in the respective Governance Structures. Transnet recognises its accountability for TIMS; all employees including contractors have a role to play in delivering on the commitment set out in this policy statement.


Group Chief Executive

Date: 29/07/2020
Next Review Date: 29/06/2023

Copies of the approved TIMS Policy Commitment Statement can be made available to external Stakeholders on request.

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Annexure C:

Mandatory Agreement

OCCUPATIONAL HEALTH AND SAFETY ACT 85 of 1993 (AS AMENDED)

AGREEMENT WITH MANDATORY

In terms of Section 37(1) & (2)

WRITTEN AGREEMENT ENTERED INTO AND BETWEEN

Transnet SOC Ltd

(Hereinafter referred to as the Employer)

AND

(Hereinafter referred to as Mandatory (Principal Contractor))

COMPENSATION FUND NUMBER :

PROJECT NAME :

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

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Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

PREAMBLE

WHEREAS section 37(1) & (2) of the Occupational Health and Safety Act No 85 of 1993 ("the Act") requires that parties have an agreement in writing to ensure compliance by a mandatory in line with the provisions of the Act.

AND WHEREAS Transnet SOC Ltd requires the services of the Contractors to execute certain projects within its workshops.

AND WHEREAS TRANSNET SOC LTD can be better served by Contractors who have the infrastructure, specialist employees and expertise to execute such projects at the highest level of efficiency on short notice.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS;

1. DEFINITIONS

For the purpose of this agreement, unless the context indicates otherwise, the following definitions are set out for the terms indicated:

- 1.1 **"Act"** means the Occupational Health and Safety Act No 85 of 1993;
- 1.2 **"Agreement"** means this Mandatory agreement;
- 1.3 **"Contractor "** means the Mandatory;
- 1.4 **"COID Act"** means the Compensation for Occupational Injuries and Diseases Act No 130 of 1993.
- 1.5 **"Effective Date"** means the date of signature of this Agreement by the last party signing hereto;
- 1.6 **"Employer"** refers to TRANSNET SOC LTD;
- 1.7 **"Mandatory"** means an agent, Contractor or sub-contractor for work, but without derogating from the status in his own right as an employer or user;
- 1.8 **"Parties"** means TRANSNET SOC LTD and the Contractor, and **"Party"** shall mean either one of them, as the context indicates;
- 1.9 **"Principal Contract"** means the appointed contractor whereby such contractor has to provide goods and/or services to TRANSNET SOC LTD.
- 1.10 **"Regulations"** means regulations promulgated in terms of the relevant legislation.
- 1.11 **"Section"** means the relevant section of the Occupational Health and Safety Act No 85 of 1993
- 1.12 **"Services"** means the services to be provided by the Contractor to TRANSNET SOC LTD.
- 1.13 **"TRANSNET SOC LTD"** means Transnet Group and all its operating divisions and Specialist units with (Registration No. **1990/000900/06**), a public company incorporated in accordance with the company laws of the Republic of South Africa;

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INTERPRETATION

- 1.14 Clause headings in this Agreement are included for ease of reference only and do not form part of this Agreement for the purposes of interpretation or for any other purpose. No provision shall be construed against or interpreted to the disadvantage of either Party hereto by reason of such Party having or being deemed to have structured or drafted such provision.
- 1.15 Any term, word or phrase used in this Agreement, other than those defined under the clause heading "Definitions" shall be given its plain English meaning, and those terms, words, acronyms, and phrases used in this Agreement will be interpreted in accordance with the generally accepted meanings accorded thereto.
- 1.16 A reference to the singular incorporates a reference to the plural and vice versa.
- 1.17 A reference to natural persons incorporates a reference to legal persons and vice versa.
- 1.18 A reference to a particular gender incorporates a reference to the other gender.

2. REPORTING

- 2.1 The Mandatary and/or his designated person appointed in terms of Section 16(2) of the Occupational Health and Safety Act 85 of 1993 ("the OHS Act") shall report to the Risk Manager and/or a Project Manager and/or a representative designated by the Employer prior to commencing the work at the premises of the Employer.

3. WARRANTY OF COMPLIANCE

- 3.1 In terms of this Agreement the Mandatary warrants that he agrees to any of the arrangements and procedures as prescribed by the Employer and as provided for in terms of Section 37(2) of the OHS Act for the purposes of compliance with the OHS Act.
- 3.2 The Mandatary further warrants that he and/or his employees undertake to maintain such compliance with the OHS Act. Without derogating from the generality of the above, nor from the provisions of the said Agreement, the Mandatary shall ensure that the clauses as hereunder described are at all times adhered to by himself and his employees.
- 3.3 The Mandatary hereby undertakes to ensure that the health and safety of any other person on the premises is not endangered by the conduct of his activities and that of his employees.

4. APPOINTMENTS AND TRAINING

- 4.1 The Mandatary shall appoint competent persons as per Section 16(2) of the OHS Act. Any such appointed person shall be trained on any occupational health and safety matter and the OHS Act provisions pertinent to the work is to be performed under his responsibility. Copies of any appointments made by the Mandatary shall immediately

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be provided to the Employer.

- 4.2 The Mandatary shall further ensure that all his employees are trained on the health and safety aspects relating to the work to be done on the premises of the Employer and that they understand the hazards associated with such work being carried out on the premises. Without derogating from the foregoing, the Mandatary shall, in particular, ensure that all his users or operators of any materials, machinery or equipment are properly trained in the use of such materials, machinery or equipment.
- 4.3 Notwithstanding the provisions of the above, the Mandatary shall ensure that he, his appointed responsible persons and his employees are at all times familiar with the provisions of the OHS Act, and that they comply with the provisions of the Act.

5. SUPERVISION, DISCIPLINE AND REPORTING

- 5.1 The Mandatary shall ensure that all work performed on the Employer's a premise is done under strict supervision and that no unsafe or unhealthy work practices are permitted. Discipline regarding health and safety matters shall be strictly enforced against any of his employees regarding non-compliance by such employee with any health and safety matters.
- 5.2 The Mandatary shall further ensure that his employees report to him all unsafe or unhealthy work situations immediately after they become aware of such conditions and that he in turn immediately reports these to the Employer and/or his representative.

6. ACCESS TO THE OHS ACT

- 6.1 The Mandatary shall ensure that he has an updated copy of the OHS Act on site at all times and that this is accessible to his appointed responsible persons and employees, save that the parties may make arrangements for the Mandatary and his appointed responsible persons and employees to have access to the Employer's updated copy/copies of the Act.

7. COOPERATION

- 7.1 The Mandatary and/or his responsible persons and employees shall provide full co-operation and information if and when the Employer or his representative inquires into any occupational health and safety issues concerning the Mandatary. It is hereby recorded that the Employer and his representative shall at all times be entitled to make such inquiry.
- 7.2 Without derogating from the generality of the above, the Mandatary and his responsible persons shall make available to the Employer and his representative, on request, all and/or any checklists and inspection registers required to be kept by him in respect of any of his materials, machinery or equipment.

8. WORK PROCEDURES

- 8.1 The Mandatary shall, after having established the dangers associated with the work performed, develop and implement mitigation measures to minimize or eliminate such

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dangers for the purpose of ensuring a healthy and safe working environment. The Mandatary shall then ensure that his responsible persons and employees are familiar with such mitigation measures.

8.2 The Mandatary shall implement any other safe work practices as prescribed by the Employer and shall ensure that his responsible persons and employees are made conversant with such other safe work practices as prescribed by the Employer and that his responsible persons and employees adhere to such safe work practices.

8.3 The Mandatary shall ensure that work for which any permit is required by the Employer is not performed by his employees prior to the Employer obtaining such permit from the Mandatary.

9. HEALTH AND SAFETY MEETINGS

9.1 If required in terms of the OHS Act, the Mandatary shall establish his own health and safety committee(s) and ensure that his employees, being the committee members, provide health and safety representatives to attend the Employer's health and safety committee meetings.

10. COMPENSATION REGISTRATION

10.1 The Mandatary shall ensure that he has a valid proof of registration with the Compensation Commissioner, as required in terms of **COID Act**, and that all payments owing to the Commissioner are discharged. The Mandatary shall further ensure that the cover remain in force while any such employee is present on the premises.

11. MEDICAL EXAMINATIONS

11.1 The Mandatary shall ensure that all his employees undergo routine medical examinations and that they are medically fit for the purposes of the work they are to perform.

12. INCIDENT REPORTING AND INVESTIGATION

12.1 All incidents referred to in Section 24 of the OHS Act shall be reported by the Mandatary to the Department of Labour and to the Employer. The Employer shall further be provided with copies of any written documentation relating to any incident.

12.2 The Employer retains an interest in the reporting of any incident as described above as well as in any formal investigation and/or inquiry conducted in terms of section 32 of the OHS-Act into such incident.

13. SUBCONTRACTORS

13.1 The Mandatary shall notify the Employer of any subcontractor he may wish to perform work on his behalf on the Employer's premises. It is hereby recorded that all the terms and provisions contained in this clause shall be equally binding upon the subcontractor prior to the subcontractor commencing with the work. Without

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derogating from the generality of this paragraph:

- 13.1.1 The Mandatary shall ensure that training as discussed under appointments and training, is provided prior to the subcontractor commencing work on the Employer's premises.
- 13.1.2 The Mandatary shall ensure that work performed by the subcontractor is done under his strict supervision, discipline and reporting.
- 13.1.3 The Mandatary shall inform the Employer of any health and safety hazards and/or issue that the subcontractor may have brought to his attention.
- 13.1.4 The Mandatary shall inform the Employer of any difficulty encountered regarding compliance by the subcontractor with any health and safety instruction, procedure and/or legal provision applicable to the work the subcontractor performs on the Employer's premises.

14. SECURITY AND ACCESS

- 14.1 The Mandatary and his employees shall enter and leave the premises only through the main gate(s) and/or checkpoint(s) designated by the Employer. The Mandatary shall ensure that employees observe the security rules of the Employer at all times and shall not permit any person who is not directly associated with the work from entering the premises.
- 14.2 The Mandatary and his employees shall not enter any area of the premises that is not directly associated with their work.
- 14.3 The Mandatary shall ensure that all materials, machinery or equipment brought by him onto the premises are recorded at the main gate(s) and/or checkpoint(s). Failure to do this may result in a refusal by the Employer to allow the materials, machinery or equipment to be removed from the Employer's premises.

15. FIRE PRECAUTIONS AND FACILITIES

- 15.1 The Mandatary shall ensure that an adequate supply of fire-protection and first-aid facilities are provided for the work to be performed on the Employer's premises, save that the Parties may mutually make arrangements for the provision of such facilities.
- 15.2 The Mandatary shall further ensure that all his employees are familiar with fire precautions at the premises, which includes fire-alarm signals and emergency exits, and that such precautions are adhered to.

16. ABLUTION FACILITIES

- 16.1 The Mandatary shall ensure that an adequate supply of ablution facilities are provided for his employees performing work on the Employer's premises, save that the parties may mutually make arrangements for the provision of such facilities.

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17. HYGIENE AND CLEANLINESS

- 17.1 The Mandatary shall ensure that the work site and surround area is at all times maintained to the reasonably practicable level of hygiene and cleanliness. In this regard, no loose materials shall be left lying about unnecessarily and the work site shall be cleared of waste material regularly and on completion of the work.

18. NO NUISANCE

- 18.1 The Mandatary shall ensure that neither he nor his employees undertake any activity that may cause environmental impairment or constitute any form of nuisance to the Employer and/or his surroundings.
- 18.2 The Mandatary shall ensure that no hindrance, hazard, annoyance or inconvenience is inflicted on the Employer, another Mandatary or any tenants. Where such situations are unavoidable, the Mandatary shall give prior notice to the Employer.

19. INTOXICATION NOT ALLOWED

- 19.1 No intoxicating substance of any form shall be allowed on site. Any person suspected of being intoxicated shall not be allowed on the site. Any person required to take medication shall notify the relevant responsible person thereof, as well as the potential side effects of the medication.

20. PERSONAL PROTECTIVE EQUIPMENT

- 20.1 The Mandatary shall ensure that his responsible persons and employees are provided with adequate personal protective equipment (PPE) for the work they may perform and in accordance with the requirements of General Safety Regulation 2 (1) of the OHS Act. The Mandatary shall further ensure that his responsible persons and employees wear the PPE issued to them at all material times.

21. PLANT, MACHINERY AND EQUIPMENT

- 21.1 The Mandatary shall ensure that all the plant, machinery, equipment and/or vehicles he may wish to utilize on the Employer's premises is/are at all times of sound order and fit for the purpose for which it/they is/are attended to, and that it/they complies/comply with the requirements of Section 10 of the OHS Act.
- 21.2 In accordance with the provisions of Section 10(4) of the OHS Act, the Mandatary hereby assumes the liability for taking the necessary steps to ensure that any article or substance that it erects or installs at the premises, or manufactures, sells or supplies to or for the Employer, complies with all the prescribed requirements and will be safe and without risks in terms of health and safety when properly used.

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22. NO USAGE OF THE EMPLOYER'S EQUIPMENT

- 22.1 The Mandatary hereby acknowledges that his employees are not permitted to use any materials, machinery or equipment of the Employer unless the prior written consent of the Employer has been obtained, in which case the Mandatary shall ensure that only those persons authorized to make use of such materials, machinery or equipment, have access thereto.

23. TRANSPORT

- 23.1 The Mandatary shall ensure that all road vehicles used on the premises are in a roadworthy condition and are licensed and insured. The Mandatary shall ensure that all drivers shall have relevant and valid driving licenses and the Mandatary shall ensure that no vehicle/s shall carry passengers unless it is specifically designed to do and that all drivers shall adhere to the speed limits and road signs on the premises at all times.
- 23.2 In the event that any hazardous substances are to be transported on the premises, the Mandatary shall ensure that the requirements of the Hazardous Substances Act 15 of 1973 are complied with fully all times.

24. CLARIFICATION

- 24.1 In the event that the Mandatary requires clarification of any of the terms or provisions of this Agreement, he should take the necessary steps to contact the Risk Manager of the Employer to obtain such clarification.

25. DURATION OF AGREEMENT

- 25.1 This Agreement shall remain in force for the duration of the work to be performed by the Mandatary and/or while any of the Mandatary's employees are present on the Employer's premises.

26. NON COMPLIANCE WITH THE AGREEMENT

- 26.1 If the Mandatary fails to comply with any provisions of this Agreement, the Employer shall be entitled to give the mandatory 7 (seven) days written notice to remedy such non-compliance and if the Mandatary fails to comply with such notice, then the Employer shall forthwith be entitled but not obliged, without prejudice to any other rights or remedies which the mandatory may have in law,

271.1 to suspend the main Agreement; or

27.1.2 To claim immediate performance and/or payment of such obligations.

- 27.2 Should mandatory continue to breach the contract on three occasions, then the Employer is authorised to suspend the main contract without complying with the condition stated in the clause above.

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

27. HEADINGS

The headings as contained in this Agreement are for reference purposes only and shall not be construed as having any interpretative value in them or as giving any indication as to the meaning of the contents of the paragraphs contained in this Agreement.

THUS DONE AND SIGNED

at _____ on the ____ day of _____ 2022

FOR AND ON BEHALF OF THE EMPLOYER

Witnesses:

1. _____

2. _____

AT _____ ON THE ____ DAY OF _____ 2022

for and on behalf of the

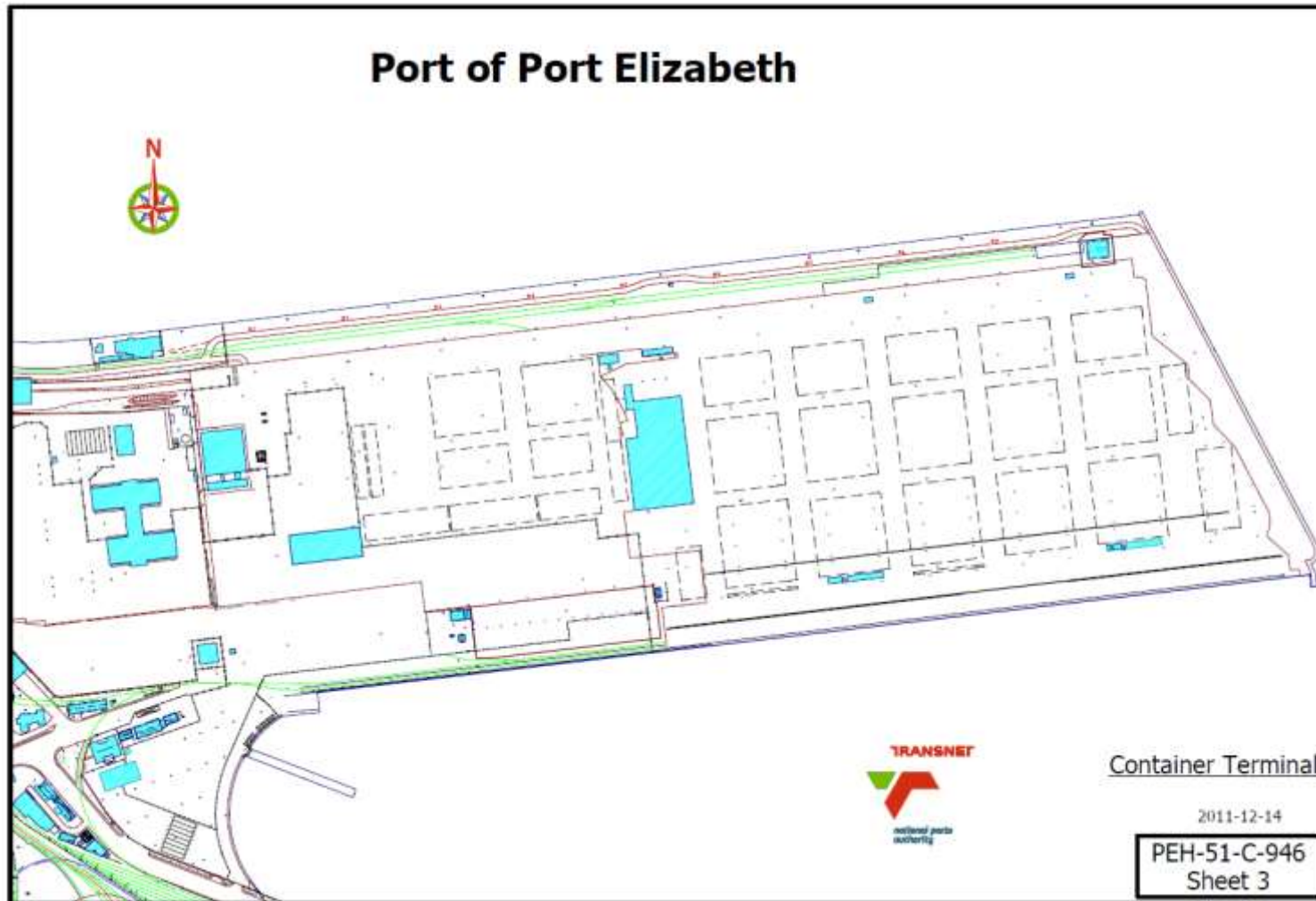
Mandatory Witnesses:

3. _____

4. _____

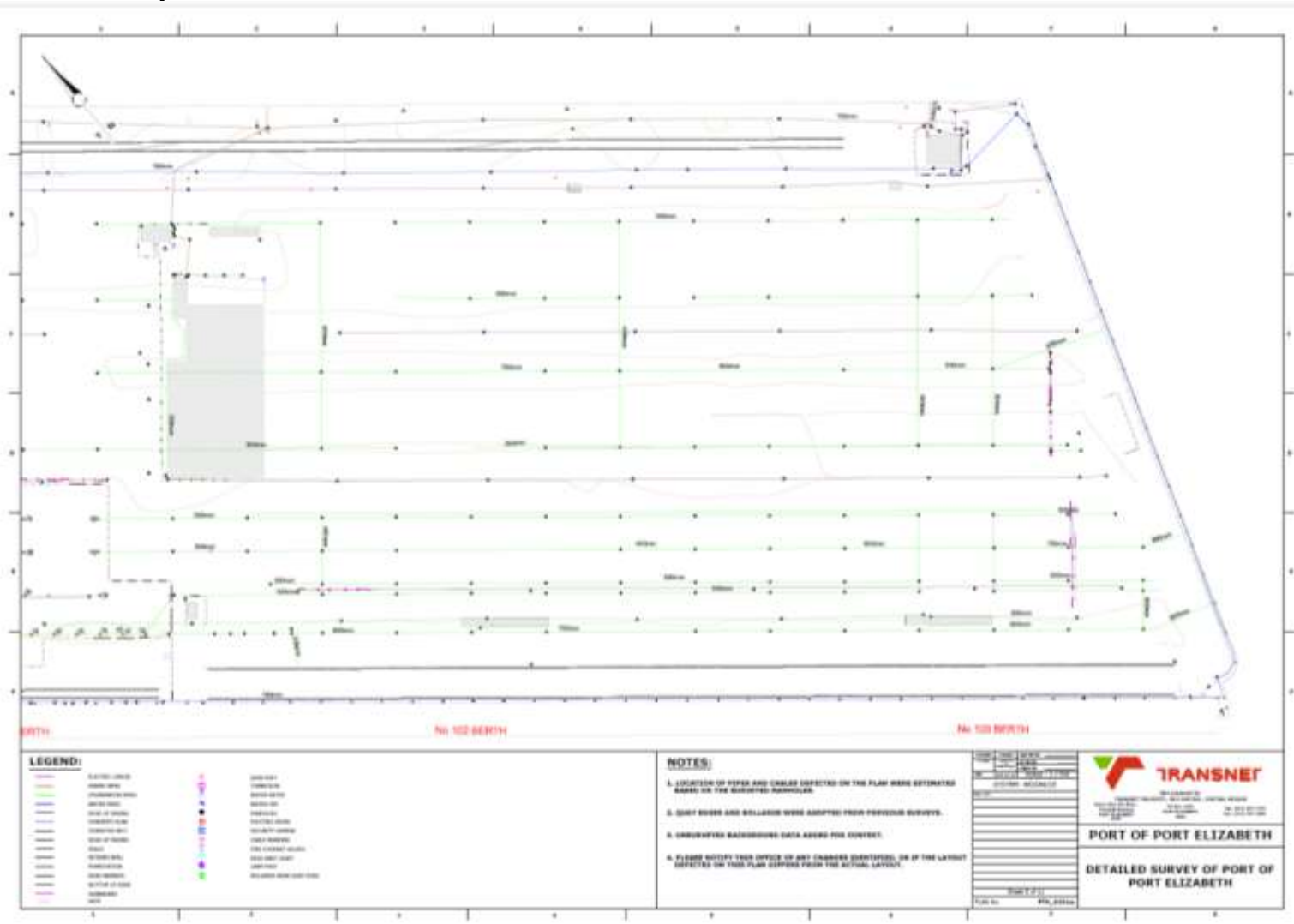
Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Annexure D: Drawing PEH-51-C-946



Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Annexure E: Detailed Survey of Port of Port Elizabeth



Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

Annexure F: Condition Assessment

TÜV Rheinland Inspection Services (Pty) Ltd (Reg. No. 2000/005599/07)
Government Approved Inspection Authority



PORT ELIZABETH PORT TERMINAL CRANE 2 (IMPSA Crane)

INSPECTION MONTH: 03/2019



Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	<u>52068526</u>	Date of Inspection:	<u>05-18/03/2019</u>
Site location:	<u>Port Elizabeth Terminal</u>	Unit No:	<u>Crane 2 (IMPSA Crane)</u>

TUV JOB NO:	52068526
Date:	05 to 18/03/2019
Client:	Transnet Port Terminals - PE Containers
Title:	Crane 2 (IMPSA Crane) Inspection
Date:	18/03/2019
Author:	M. Carneson
Contact Person:	Khulisa Mbenya
Client reference:	Container IMPSA Crane 2
Project Scope:	Internal, external and ultrasonic thickness inspection on Crane 2

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: 52068526

Site location: Port Elizabeth Terminal

Date of Inspection:

05-18/03/2019

Unit No:

Crane 2 (IMPSA Crane)





Gantry Traveling System



Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TUV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		No major material thickness loss note on the traveling system.
		
		Areas of corrosion noted on the stiffeners and bolting. It is advised that all corroded stiffeners be refurbished (treated with anti-corrosive coating) to prevent further deterioration of the material.
		Areas of corrosion noted on the attachment plates and bolting. It is advised that all corroded stiffeners be refurbished (treated with anti-corrosive coating) to prevent further deterioration of the material.





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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)





PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	   	<p>Severe corrosion noted on the end stoppers, the bolting attachment plates severely corroded. It is advised that attachment plates be refurbished and end stoppers and all bolting be replaced.</p> <p>The one anchor point (Sea Side) is severely corroded. It is advised that new anchor system be installed.</p>

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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.



TUV Job No.: <u>52068526</u>		Date of Inspection: <u>05-18/03/2019</u>
Site location: <u>Port Elizabeth Terminal</u>		Unit No: <u>Crane 2 (IMPSA Crane)</u>
PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	   	<p>The manhole covers were found to be corroded due to a chemical reaction as a result of using stainless steel bolting. It is advised that the covers be refurbished and carbon steel bolting to be installed.</p> <p>Areas of corrosion (active corrosion, corrosion under the paint, surface corrosion and general corrosion) noted on the traveling system, corroded bolting noted on the traveling system. It is advised that the gantry traveling system be refurbished and all corrosion be removed. All corroded bolting be refurbished or replaced if required. The traveling system to be treated with anti-corrosive coating.</p>
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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	<u>52068526</u>	Date of Inspection:	<u>05-18/03/2019</u>
Site location:	<u>Port Elizabeth Terminal</u>	Unit No:	<u>Crane 2 (IMPSA Crane)</u>





Horizontal, Vertical Leg and Diagonal Columns:**PHOTOS AND REFERENCES OF CONCERNS**

Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		No major material thickness loss noted on the Horizontal, Vertical or Diagonal Columns (random material thickness taken).
		One cover missing from the lower horizontal column. It is advised that a new cover be installed.

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS	
Reference Picture:	Details of Findings, Recommendations / Comments
	<p>General corrosion noted on the splice plates and bolting. It is advised that all corroded splice plates and bolting be refurbished (treated with anti-corrosive coating) to prevent further deterioration of the material.</p>
	
	
	<p>Generally the internal sections that were inspected was found to be in an acceptable condition however one section of corrosion was noted (Horizontal top section Land side). Corroded section must be cleaned and treated with an anti-corrosive coating.</p>





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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: <u>52068526</u>		Date of Inspection: <u>05-18/03/2019</u>
Site location: <u>Port Elizabeth Terminal</u>		Unit No: <u>Crane 2 (IMPSA Crane)</u>

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		The support arms for the A-Frame gussets and bolting noted to be corroded on the front Horizontal section (sea side). Corroded section must be cleaned and treated with an anti-corrosive coating
		The support arms bolting noted to be corroded on the back Horizontal section (land side). Corroded bolting must be cleaned and treated with an anti-corrosive coating.
		Manhole covers found to be corroded due to a chemical reaction from using stainless steel bolting. It is advised that covers be refurbished and carbon steel bolting to be installed.
		General corrosion noted on the attachment lugs. It is advised that all corroded attachment lugs be refurbished (treated with anti-corrosive coating) to prevent further deterioration of the material.





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Tender Number: iCLM PE 576/TPT

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TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	   	<p>Areas of corrosion (active corrosion, corrosion under the paint, surface corrosion and general corrosion) noted on the diagonal, horizontal and vertical columns. Corroded bolting noted on splice joint plates.</p> <p>It is advised that the vertical, diagonal and horizontal columns be refurbished and all corrosion removed. All corroded bolting be refurbished or replaced if required, the section to be treated with anti-corrosive coating.</p>

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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: 52068526 Date of Inspection: 05-18/03/2019
 Site location: Port Elizabeth Terminal Unit No: Crane 2 (IMPSA Crane)

Boom Section**PHOTOS AND REFERENCES OF CONCERNS**

Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		<p>Generally the internal boom section (front section, sea side) was found to be in an acceptable condition.</p>

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	   	<p>General corrosion noted on the boom section (back section, land side). It is advised that all corroded areas be refurbished (treated with anti-corrosive coating) to prevent further deterioration of the material.</p> <p>The support pin and the diagonal supports is corroded. It is advised that all corroded areas of the support pin, bolting and diagonal support be refurbished (treated with anti-corrosive coating) to prevent further deterioration of the material.</p>

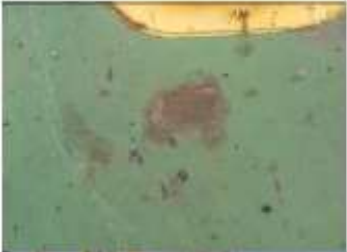



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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		General corrosion noted on the boom section (front section, sea side). It is advised that all corroded sections on the boom be cleaned and treated with anti-corrosive coating to prevent further deterioration of the material.
		Resting supports found corroded. It is advised that all corroded resting supports on the boom be cleaned and treated with anti-corrosive coating to prevent further deterioration of the material.
		The A-Frame supports found corroded. It is advised that the corroded A-Frame support be cleaned and treated with anti-corrosive coating to prevent further deterioration of the material.
		

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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: 52068526 Date of Inspection: 05-18/03/2019
 Site location: Port Elizabeth Terminal Unit No: Crane 2 (IMPSA Crane)




A-Frame**PHOTOS AND REFERENCES OF CONCERNS**

Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		<p>The A-frame could not be accessed, the platforms and walkways are severely corroded and are extremely unsafe to access.</p>
		

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	  	<p>The A-frame could not be accessed, the platforms and walkways are severely corroded and are extremely unsafe to access.</p> <p>It is advised that all platforms and walkways attachment brackets be replaced. All platforms and walkways must be replaced.</p> <p>The A-Frame sections and bolting is corroded. It is advised that corroded A-Frame sections be cleaned and treated with anti-corrosive coating to prevent further deterioration of the material. It is recommended that the bolting to be replaced with new carbon steel bolting with the correct grade.</p>

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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: 52068526 Date of Inspection: 05-18/03/2019
 Site location: Port Elizabeth Terminal Unit No: Crane 2 (IMPSA Crane)





Personnel Lift**PHOTOS AND REFERENCES OF CONCERNS**

Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	 	<p>The main lower attachment welding is severely corroded. Attachment welding to be cleaned and re-inspected and if required re-welded or new gusset plates to be installed.</p>

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	   	<p>The lower steel section of the lift is corroded; corroded steel section must be replaced with a new fabricated section.</p> <p>The attachment bracket and bolting is severely corroded. The corroded attachment bracket must be cleaned and treated with an anti-corrosive coating if possible, if not, a new attachment bracket to be fabricated and installed. All corroded bolting must be replaced with new bolting with the correct grade.</p> <p>The lift is not safe for use due health and safety concerns.</p>

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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: 52068526 Date of Inspection: 05-18/03/2019
 Site location: Port Elizabeth Terminal Unit No: Crane 2 (IMPSA Crane)





Cable Reel**PHOTOS AND REFERENCES OF CONCERNS**

Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		<p>The attachment brackets and attachment welding is severely corroded. The corroded attachment brackets and attachment welds must be cleaned and the attachment welds must be re-inspected/further assessed.</p>

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		<p>The cable attachment brackets are severely corroded. New brackets to be fabricated and installed to replace all corroded attachments brackets.</p>
		
		
		
		<p>The cable reel platform is severely corroded, all corroded sections to be replaced with new fabricated sections.</p>

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Tender Number: iCLM PE 576/TPT

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TÜV Job No.: 52068526 Date of Inspection: 05-18/03/2019
 Site location: Port Elizabeth Terminal Unit No: Crane 2 (IMPSA Crane)


Machinery House (E-House)**PHOTOS AND REFERENCES OF CONCERNS**

Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		<p>The attachment brackets and attachment welding found to be severely corroded. The corroded attachment brackets must be replaced with new fabricated brackets and attachment welds must be cleaned; must be re-inspected/further assessed, if required, re-welded or new gusset plates to be installed.</p>

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		<p>The platforms and walkways (E-House) are severely corroded and is extremely unsafe to access. All corroded sections on the walkways and platforms to be replaced with new fabricated sections.</p>


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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	   	<p>The platforms and walkways (E-House) are severely corroded and are extremely unsafe to access. All corroded sections on the walkways and platforms to be replaced with new fabricated sections.</p>

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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: 52068526 Date of Inspection: 05-18/03/2019
 Site location: Port Elizabeth Terminal Unit No: Crane 2 (IMPSA Crane)





Driver Cab**PHOTOS AND REFERENCES OF CONCERNS**

Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	 	<p>The access to the driver cab is extremely unsafe to access. The platform attachment brackets, platform and walkways are severely corroded.</p>

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: <u>52068526</u>		Date of Inspection: <u>05-18/03/2019</u>
Site location: <u>Port Elizabeth Terminal</u>		Unit No: <u>Crane 2 (IMPSA Crane)</u>

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	   	<p>Severe corrosion noted on the horizontal and diagonal bracing welds that support the platform and walkways. Sections of the horizontal and diagonal bracing noted to be corroded. It is advised that all corroded bracing be replaced with new fabricated bracing.</p> <p>The attachment brackets that secure the walkways and platform are severely corroded. This is a safety risk and extremely unsafe. It is advised that all corroded attachment brackets be replaced with new fabricated bracing. All corroded bolting to be replaced with new carbon steel bolting with the correct grade.</p>

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Tender Number: iCLM PE 576/TPT



Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: 52068526 Date of Inspection: 05-18/03/2019
 Site location: Port Elizabeth Terminal Unit No: Crane 2 (IMPSA Crane)

Top Platforms





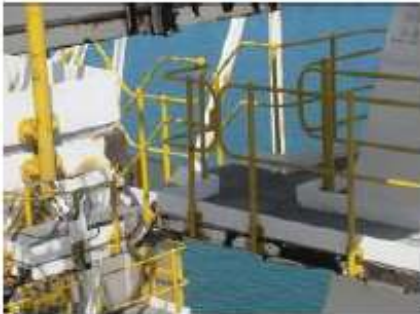
PHOTOS AND REFERENCES OF CONCERNS

Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	 	<p>The access to the top platforms is extremely unsafe; the platform attachment brackets, platform and walkways are severely corroded.</p>

Tender Number: iCLM PE 576/TPT

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TÜV Job No.: Site location:	52068526 Port Elizabeth Terminal	Date of Inspection: Unit No:	05-18/03/2019 Crane 2 (IMPSA Crane)
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PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	  	<p>The platform attachment brackets and platform steel frame is severely corroded; attachment welding is severely corroded. All corroded attachment brackets and steel frames to be replaced with new fabricated sections. The attachment welding to be cleaned and re-inspected/further assessed and if required re-welded or install gusset plates.</p> <p>It is advised that the platforms are not to be used due to the safety risk.</p>

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Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.: 52068526
 Site location: Port Elizabeth Terminal

Date of Inspection: 05-18/03/2019
 Unit No: Crane 2 (IMPSA Crane)

Platforms and Walkways in general







PHOTOS AND REFERENCES OF CONCERNS

Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
	 	<p>In general the platforms, walkways and stairways are unsafe for use; due to the safety factor they should not be used until all corroded sections are replaced with new fabricated sections.</p>

Tender Number: iCLM PE 576/TPT

Description of the Works: Provision for the back slipping of the IMPSA (crane 2) for Transnet SOC Ltd (reg no. 1990/000900/30) operating as Transnet Port Terminals (Hereinafter referred as "TPT") for Port Elizabeth Container Terminal as a once off purchase.

TÜV Job No.:	52068526	Date of Inspection:	05-18/03/2019
Site location:	Port Elizabeth Terminal	Unit No:	Crane 2 (IMPSA Crane)

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		Severe corrosion noted on diagonal sections of the stairway.
		Attachment brackets and platform frame severely corroded.
		Corroded hand, knee rail and kick plates noted. Loose rails noted due to corrosion.
		Corroded attachment brackets, welding and bolting noted.




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TÜV Job No.:	<u>52068526</u>	Date of Inspection:	<u>05-18/03/2019</u>
Site location:	<u>Port Elizabeth Terminal</u>	Unit No:	<u>Crane 2 (IMPSA Crane)</u>

PHOTOS AND REFERENCES OF CONCERNS		
Item No.:	Reference Picture:	Details of Findings, Recommendations / Comments
		Severe corrosion noted on diagonal sections of the stairway.
		It is advised that all severely corroded sections be replaced with new fabricated sections. All attachment welding be cleaned and re-inspected/further assessed. If required welding to be removed and new attachment brackets be welded. The severely corroded stairway and walkway sections to be replaced. All corroded hand and knee rails and kick plates to be replaced.
		

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TÜV Job No.:	<u>52068526</u>	Date of Inspection:	<u>05-18/03/2019</u>
Site location:	<u>Port Elizabeth Terminal</u>	Unit No:	<u>Crane 2 (IMPSA Crane)</u>

CONCLUSION:

A complete inspection was conducted on Crane 2 (IMPSA Crane) it was found that Health and Safety was the major concern pertaining to the various sections of the crane. Access to the A-Frame, Personnel Lift, Machinery House (E-House), Walkways, Platforms and Driver Cab is extremely unsafe and it is recommended that the sections be declared unfit for use.

All Health and Safety concerns must be resolved before maintenance work is carried out on the main structure due to the safety of the persons working on the structure.

Listed below are examples of what should be refurbished, replaced:

Walkways
 Personnel Lift
 Cable Reel Platform
 Machinery House (E-House) Platform
 Driver Cab Platforms and Walkways
 Top Platforms
 Platforms and Walkways in general.

It is advised that once all the above Health and Safety concerns have been addressed, the sections must be inspected to ensure that it is safe to access the structure, only then can maintenance work be carried out.

Listed below are examples of what should be conducted on the main structure:

End Stoppers to be replaced (Gantry Traveling System).
 Anchor Point to be replaced (Gantry Traveling System).
 Gantry Traveling System to be refurbished (treated with anti corrosive coating)
 Horizontal, Vertical Leg and Diagonal Columns to be refurbished (treated with anti corrosive coating)
 Boom Section to be refurbished (treated with anti corrosive coating)
 A-Frame to be refurbished (treated with anti corrosive coating)

It is recommended in accordance with the Occupational Health and Safety Act and Regulations 85 of 1993, Construction Regulations, Structures 11(2)(b) *are carried out at least once every six months for the first two years and thereafter yearly*; this interval at the discretion of the Transnet technical department, Driven Machinery Regulations, Transportation plants 17 and Lifting machines, hand-powered lifting devices and lifting tackle 18; Lift, Escalator and Passenger Conveyor Regulations, Inspections and tests 6(1), the personnel lift is a rack and pinion lift and must be inspected *at intervals not exceeding 24 months thereafter or at shorter intervals according to the in-house risk assessment*. The Responsibilities of the User of Lifts, which explains the Regulations and the Standard applicable to conform is provided as a supporting attachment to this document.

The engineers report is provided as a supporting attachment to this document, confirming and reiterating similar opinions as captured in this report.

It is further recommended that all components of the Crane to be inspected in accordance with the applicable and relevant regulations and standards; similarly all operational cranes to be subjected to the same comprehensive inspection and evaluation.

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TÜV Job No.:	<u>52068526</u>	Date of Inspection:	<u>05-18/03/2019</u>
Site location:	<u>Port Elizabeth Terminal</u>	Unit No:	<u>Crane 2 (IMPSA Crane)</u>

Report compiled by:

Mark Carneson

Technical Signatory:

Wouter Swanepoel



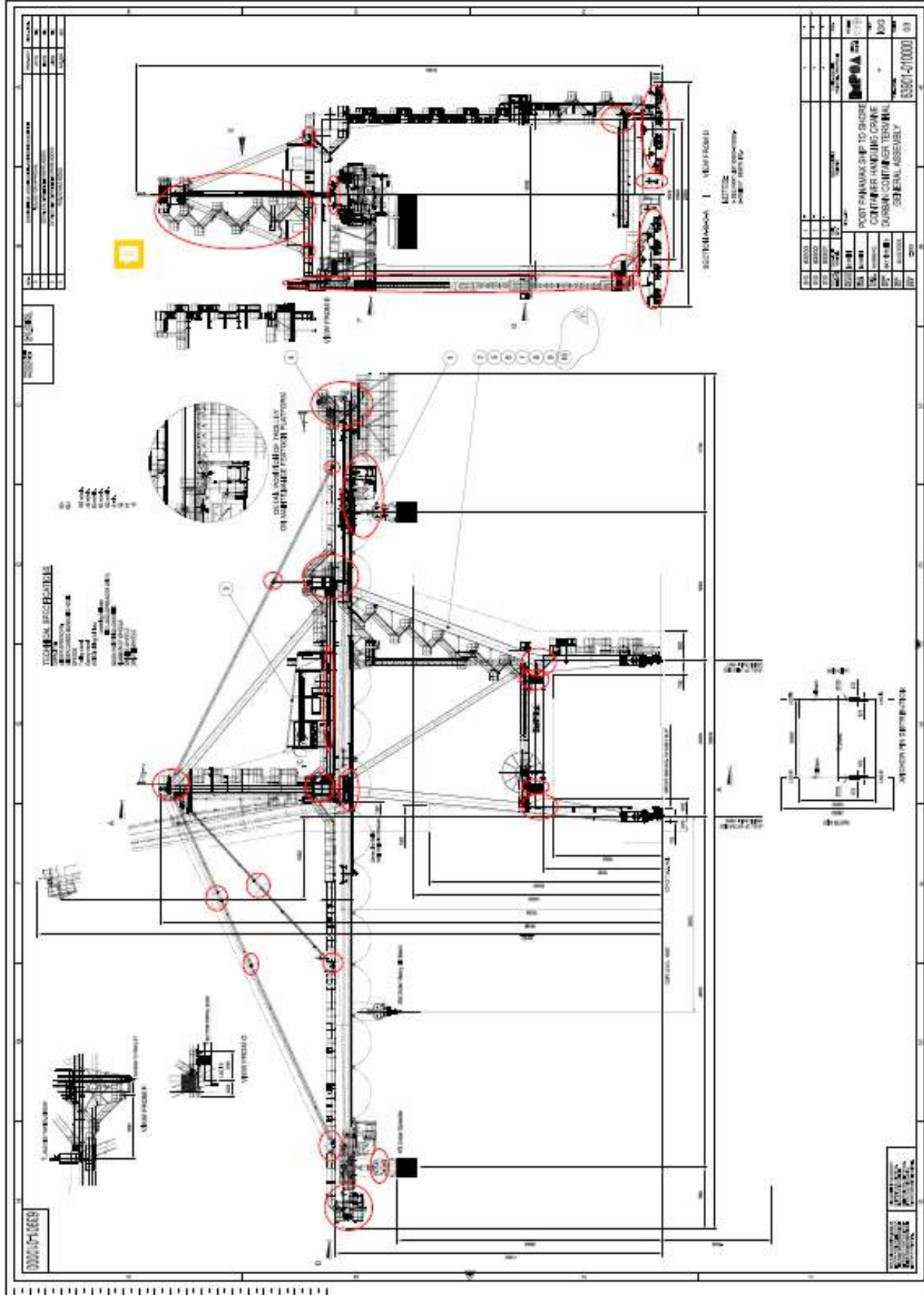
18-03-2019

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Annexure G: GA Drawing indicating areas of concern

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Annexure H:

ACCESS PERMIT APPLICATION FORM

Name & Surname: _____

Identity / Passport No: _____

TPT SAP NO (if applicable): _____

Company Name: _____

Vehicle Registration No: _____

Area of operation:

CONTAINER	CAR	B/Bulk	BULK	ALL
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Application Date: _____ Contact No: _____

1. PERMANANT PERMIT APPLICANTS TO SUBMIT

Motivational letter from End user
Valid roadworthy certificate for all vehicles / copy of latest license renewal
Proof that all vehicles are Clearly marked on (both sides) with permit holder's logo
Driver's licences for all vehicles drivers (SAPS Certified) Copy of Safety
Induction Register
Copy of Identification Document (SAPS Certified) Copy of the medical
fitness certificate
Approved employee name list
Approve name list for utilising the vehicle
Each vehicle must have its own application with supporting documents.

2. TEMPORAL PERMIT APPLICANTS TO SUBMIT

Application letter detailing the following:

Motivation letter from End user (Transnet)
Copy of Identification Document (SAPS Certified) Duration of permit
required
Name list of persons and list of vehicles Copy of Safety
Induction Register
Copy of Medical fitness certificates
Driver's licences for all vehicles drivers (SAPS Certified)
Valid roadworthy certificate for all vehicles / copy of latest license renewal
Hired vehicle – Proof of
Lease agreement

CONDITIONS

This permit is not transferable and is issued subject to the provisions of the regulation of the harbours of the Republic of South Africa and such other relevant regulations as may be published from time to time.

ENTRY CONDITIONS:

- . No firearm or ammunition permitted
- . No drugs &/or alcohol permitted
- . No explosives &/or explosive devices permitted
- . No cameras permitted

GENERAL RULES:

1. Personal protective clothing must be worn at all times.
2. Obey speed limit (30 KPH) & all traffic rules.
3. Do not enter the operational, stacking and cargo areas.
4. ID tags (if applicable) should be worn at all times.
5. All OHS & Environment legislation must be adhered to.
6. Do not walk &/or drive underneath suspended loads.
7. Park in designated areas only.

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-
- 8. No animals allowed in the terminals.
 - 9. No minors allowed in the terminals.
 - 10. No motorcycle/s allowed in the terminals.

An application should be accompanied by a copy of an applicant's ID and/or driver's License.

NB: 1. Failure to comply with the conditions as set out here above will result to immediate withdrawal of this permit by TPT.

For Office Use Only (TPT)

Recommended By (Head of Department)

Init & Surname : _____

Signature : _____ Date: _____

Processed By (Security Supervisor / CCTV Operator)

Init & Surname : _____

Signature : _____ Date: _____

Approved By (Security Manager) / delegated person

Init & Surname : _____

Signature : _____ Date: _____

Permit Valid Period : _____ to _____

I am hereby declare that, the above / attached information given by me (applicant) is true and accurate

RECEIVED BY (PERMIT HOLDER):

INIT & SURNAME: _____

Signature: _____ Date: _____