



TRANSNET FREIGHT RAIL

an Operating Division of **TRANSNET SOC LTD**

[hereinafter referred to as **Transnet**]

[Registration No. 1990/000900/30]

REQUEST FOR PROPOSAL [RFP] [SERVICES]

FOR THE PROVISION OF REMOTELY PILOTED AIRCRAFT SYSTEM (RPAS) / UNMANNED AERIAL VEHICLE (UAV) SERVICES WHICH INCLUDE ALL RELATED INFRASTRUCTURE, RESOURCES, CREW, RPAS/UAV OPERATION, HARDWARE AND SOFTWARE, CCTV SURVEILLANCE AND RELATED AUXILIARY SUPPORT REQUIRED TO PROVIDE THE RPAS/UAV SERVICES NATIONALLY ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 1 YEAR (12 MONTHS)

RFP NUMBER	HOAC HO 30274
ISSUE DATE:	16 FEBRUARY 2022
CLOSING DATE:	17 MARCH 2022
CLOSING TIME:	10:00 AM
BID VALIDITY PERIOD:	180 Business Days from Closing Date (24 NOVEMBER 2022)

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

- RESPONDENTS WITH A MINIMUM B-BBEE STATUS LEVEL OF 4 OR BETTER THAT ARE EME's/QSE's**

Respondents are to note that Transnet is utilising a two-envelope system for the purposes of receiving this bid. As such, Respondents are required to submit their technical and financial proposals in two separate envelopes. Failure to comply will result in disqualification.

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Respondent's Signature

Date & Company Stamp

FOR THE PROVISION OF REMOTELY PILOTED AIRCRAFT SYSTEM (RPAS) / UNMANNED AERIAL VEHICLE (UAV) SERVICES WHICH INCLUDE ALL RELATED INFRASTRUCTURE, RESOURCES, CREW, RPAS/UAV OPERATION, HARDWARE AND SOFTWARE, CCTV SURVEILLANCE AND RELATED AUXILIARY SUPPORT REQUIRED TO PROVIDE THE RPAS/UAV SERVICES NATIONALLY ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 1 YEAR (12 MONTHS)

SECTION 1: SBD1 FORM

PART A

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET FREIGHT RAIL, A DIVISION TRANSNET SOC LTD							
BID NUMBER:	HOAC 30274	ISSUE DATE:	16 FEBRUARY 2022	CLOSING DATE:	17 MARCH 2022	CLOSING TIME:	10:00 AM
DESCRIPTION	FOR THE PROVISION OF REMOTELY PILOTED AIRCRAFT SYSTEM (RPAS) / UNMANNED AERIAL VEHICLE (UAV) SERVICES WHICH INCLUDE ALL RELATED INFRASTRUCTURE, RESOURCES, CREW, RPAS/UAV OPERATION, HARDWARE AND SOFTWARE, CCTV SURVEILLANCE AND RELATED AUXILIARY SUPPORT REQUIRED TO PROVIDE THE RPAS/UAV SERVICES NATIONALLY ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 1 YEAR (12 MONTHS)						
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)							
GROUND FLOOR							
INYANDA HOUSE 1							
21 WELLINGTON ROAD							
PARKTOWN, JOHANNESBURG							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	RUTH SPRINGBOK			CONTACT PERSON	RUTH SPRINGBOK		
TELEPHONE NUMBER	011 584 0703			TELEPHONE NUMBER	011 584 0703		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	Ruth.Springbok@Transnet.net			E-MAIL ADDRESS	Ruth.Springbok@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] ☐ Yes ☐ No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No	

Respondent's Signature

Date & Company Stamp

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]			
1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?		☐ YES ☐ NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?		☐ YES ☐ NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?		☐ YES ☐ NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?		☐ YES ☐ NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?		☐ YES ☐ NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.			

PART B**TERMS AND CONDITIONS FOR BIDDING**

1. TAX COMPLIANCE REQUIREMENTS
1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 1.5 IN BIDS WHERE UNINCORPORATED 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:_____

Respondent's Signature_____
Date & Company Stamp

SECTION 2: NOTICE TO BIDDERS**1 INVITATION TO BID**

Responses to this RFP [hereinafter referred to as a **Bid** or a **Proposal**] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as an **entity**, **Respondent** or **Bidder**].

DESCRIPTION	FOR THE PROVISION OF REMOTELY PILOTED AIRCRAFT SYSTEM (RPAS) / UNMANNED AERIAL VEHICLE (UAV) SERVICES WHICH INCLUDE ALL RELATED INFRASTRUCTURE, RESOURCES, CREW, RPAS/UAV OPERATION, HARDWARE AND SOFTWARE, CCTV SURVEILLANCE AND RELATED AUXILIARY SUPPORT REQUIRED TO PROVIDE THE RPAS/UAV SERVICES NATIONALLY ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 1 YEAR (12 MONTHS) [the Services]
TENDER ADVERT	All Transnet tenders are advertised on the National Treasury's e-Tender Publication Portal and the Transnet website. Should one of these media (i.e. National Treasury's e-Tender Publication Portal or Transnet website) not be available, bidders are advised to check on the other media for advertised tenders.
RFP DOWNLOADING	This RFP may be downloaded directly from National Treasury's e-Tender Publication Portal at www.etenders.gov.za free of charge. To download RFP and Annexures: • Click on "Tender Opportunities"; • Select "Advertised Tenders"; • In the "Department" box, select Transnet SOC Ltd. Once the tender has been located in the list, click on the 'Tender documents' tab and process to download all uploaded documents. The RFP may also be downloaded from the Transnet website at www.transnet.net free of charge. To access the Transnet eTender portal, please click here. To download RFP and Annexures, • Scroll towards the bottom right hand side of the page, • On the blue window click on 'Transnet SOC Ltd' or Select Operating Division.
COMMUNICATION	Any addenda to the RFP or clarifications will be published on the e-tender portal and Transnet website. Bidders are required to check the e-tender portal or Transnet website prior to finalising their bid submissions for any changes or clarifications to the RFP. Transnet will not be held liable if Bidders do not receive the latest information regarding this RFP with the possible consequence of either being disadvantaged or disqualified as a result thereof.
ISSUE AND COLLECTION DATE DEADLINE	Bidders are to note that the RFP documents will be available for download from 16 February 2022 or may be collected between 09:00am and 03:00pm from 16 February 2022 until 17 March 2022. Bidders wishing to collect a CD, or hard copy of such RFP documents from the Transnet issuing office, are required to inform that office at the contact details indicated below on the day before collection in order to allow for timeous reproduction of the documentation. Name: Lerato Morailane Email address: Lerato.Morailane@Transnet.net

	Room: Tender Advice Centre Ground Floor Inyanda House 1 Wellington Road Parktown
BRIEFING SESSION	Yes , Non-compulsory (Microsoft Teams) Refer to paragraph 2 for details.
CLOSING DATE	10:00 am on Thursday 17 March 2022 Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.
BID OPENING	A public opening will not be held for this bid, however Respondents will be provided with a copy of the opening register indicating the names of the Respondents, upon request.
VALIDITY PERIOD	180 Business Days from Closing Date (24 November 2022) Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded. With regard to the validity period of next highest ranked bidders, please refer to Section 2, paragraph 11.12

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

2 FORMAL BRIEFING

A non-compulsory pre-proposal RFP briefing will be conducted on Microsoft Teams on **25 February 2022**, at 10:00 am for a period of ± 2hours. The briefing session will start punctually and information will not be repeated for the benefit of Respondents arriving late.

- 2.1 Despite the briefing session being non-compulsory, Transnet nevertheless encourages all Respondents to attend. Transnet will not be held responsible if any Respondent who did not attend the **non-compulsory** session subsequently feels disadvantaged as a result thereof.
- 2.2 Bidders are required to confirm their attendance and to send their contact details including the number of representatives (where applicable) to the following address: Ruth.Springbok@Transnet.net for Teams link to be send.
- 2.3 This is to ensure that Transnet may make the necessary arrangements for the briefing session.

3 PROPOSAL SUBMISSION

Proposals must be addressed on the cover as follows:

The Secretariat, Divisional Bid Adjudication Committee
RFP No: HOAC HO 30274

Description: FOR THE PROVISION OF REMOTELY PILOTED AIRCRAFT SYSTEM (RPAS) / UNMANNED AERIAL VEHICLE (UAV) SERVICES WHICH INCLUDE ALL RELATED INFRASTRUCTURE, RESOURCES, CREW, RPAS/UAV OPERATION, HARDWARE AND SOFTWARE, CCTV SURVEILLANCE AND RELATED AUXILIARY SUPPORT REQUIRED TO PROVIDE THE RPAS/UAV SERVICES NATIONALLY ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF 1 YEAR (12 MONTHS)

Closing date and time: Thursday, 17 March 2022 – 10:00 am
Closing address: THE SECRETARIAT
TRANSNET FREIGHT RAIL ACQUISITION COUNCIL
GROUND FLOOR TENDER BOX
INYANDA HOUSE 1
21 WELLINGTON ROAD
PARKTOW 2193

4 RFP INSTRUCTIONS

- 4.1 The measurements of the "tender slot" are 480mm wide x 100mm high. Bid responses which are larger than the dimensions mentioned must be split into two or more files and clearly marked. **Transnet will not be held responsible if bid documents do not comply with the mentioned dimensions and Respondents experience difficulty in submitting their bids as a result.**
- 4.2 Respondents are to note that Transnet is utilising a two-envelope system for the purposes of receiving this bid. As such, Respondents are required to submit their technical and financial proposals in two separate envelopes. Respondents are required to place and seal the returnable documents listed in the Bid in an envelope marked "financial proposal" and place the remaining returnable documents in an envelope marked "technical proposal". Failure to comply with these requirements will lead to disqualification of the Bid.
- 4.3 Proposals must be submitted in duplicate hard copies [1 original and 1 copy] and must be bound.
- 4.4 Sign one set of original documents [sign, stamp and date the bottom of each page]. This set will serve as the legal and binding copy. A duplicate set of documents is also required. This second set must be a copy of the original signed Proposal.
- 4.5 Both sets of documents are to be submitted to the address specified, and Respondents must ensure that the original and copies (where applicable) are identical in all respects.
- 4.6 A CD copy of the RFP Proposal must be submitted. Please provide files in MS Word / Excel format, not PDF versions, noting that the signed original set will be legally binding.
- 4.7 **All returnable documents tabled in the Proposal Form [Section 5] must be returned with proposals.**
- 4.8 Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 4.9 Any additional conditions must be embodied in an accompanying letter. Subject only to clause 15 [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions, paragraph 13 below

(Legal Review) and Section 6 of the RFP, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.

5 JOINT VENTURES OR CONSORTIUMS

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

Respondents are to note that for the purpose of Evaluation, a JV will be evaluated based on one consolidated B-BBEE score card as per the B-BBEE Preferential Procurement Regulations, 2017 preference point scoring.

6 COMMUNICATION

- 6.1 For specific queries relating to this RFP, an RFP Clarification Request Form should be submitted to [Ruth Springbok] before **16:00 pm on 10 March 2022**, substantially in the form set out in Section 8 hereto. In the interest of fairness and transparency, Transnet's response to such a query will be published on the e-tender portal and Transnet website.
- 6.2 After the closing date of the RFP, a Respondent may only communicate with the Secretariat of the Transnet Freight Rail Acquisition Council, at telephone number at telephone number 011 584 0821, email Prudence.Nkabinde@Transnet.net on any matter relating to its RFP Proposal. Respondents are to note that changes to its submission will not be considered after the closing date.
- 6.3 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in respect of this RFP between the closing date and the date of the award of the business.
- 6.4 Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.

7 CONFIDENTIALITY

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

8 COMPLIANCE

The successful Respondent [hereinafter referred to as the [**Service provider**]] shall be in full and complete compliance with any and all applicable laws and regulations.

9 EMPLOYMENT EQUITY ACT

Respondents must comply with the requirements of the Employment Equity Act 55 of 1998 applicable to it including (but not limited to) Section 53 of the Employment Equity Act.

10 DISCLAIMERS

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

- 10.1 modify the RFP's Goods/Services and request Respondents to re-bid on any such changes;
- 10.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 10.3 disqualify Proposals submitted after the stated submission deadline [closing date];
- 10.4 award a contract in connection with this Proposal at any time after the RFP's closing date;
- 10.5 award a contract for only a portion of the proposed Goods/Services which are reflected in the scope of this RFP;
- 10.6 split the award of the contract between more than one Supplier/Service provider, should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations;
- 10.7 cancel the bid process;
- 10.8 validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Transnet to do so;
- 10.9 request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 10.10 not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it;
- 10.11 to cancel the contract and/request that National Treasury place the Respondent on its Database of Restricted Suppliers for a period not exceeding 10 years, on the basis that a contract was awarded on the strength of incorrect information furnished by the Respondent or on any other basis recognised in law;
- 10.12 Transnet will provide 48 hours to bidders appointed in a particular province to provide a certain quantity of drones based on crime trends.
- 10.13 If all bidders appointed in a particular province are unable to meet the demands of Transnet in terms of number of drones required at a particular time, Transnet reserves the right to request additional drones from bidders appointed in other provinces on the same contract (Drones).
- 10.14 to award the business to the next ranked bidder, provided that he/she is still prepared to provide the required Goods/Services at the quoted price, should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to provide the required Goods/Services at their quoted price, even after they have been issued with a Letter of Regret.
- 10.15 Transnet reserves the right to terminate the contract before the end of its duration period of 12 months should the need arise.

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

11 LEGAL REVIEW

A Proposal submitted by a Respondent will be subjected to review and acceptance or rejection of its proposed contractual terms and conditions by Transnet's Legal Counsel, prior to consideration for an award of business. A material deviation from the Standard terms or conditions could result in disqualification.

12 SECURITY CLEARANCE

Acceptance of this bid will be subject to the condition that the Successful Respondent, its personnel providing the Services must be subjected to a positive security clearance from the State Security Agency. Acceptance of the bid is also subject to the condition that the Successful Respondent will implement all such security measures as the safe performance of the contract may require.

13 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Respondents must register on the CSD prior to submitting their bids. Business may not be awarded to a Respondent who has failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD.

For this purpose, the attached SBD 1 form must be completed and submitted as a mandatory returnable document by the closing date and time of the bid.

14 TAX COMPLIANCE

Respondents must be compliant when submitting a proposal to Transnet and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).

It is a condition of this bid that the tax matters of the successful Respondents be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Respondents tax obligations.

The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids.

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

**Transnet urges its clients, suppliers and the general public to report any fraud or corruption to
TIP-OFFS ANONYMOUS:**

**Ethics Helpdesk**
Integrity Management System

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



AI Voice BoT "Jack"
Speak to our AI Voice Chat Bot "JACK", you converse with him like chatting to a human, with the option to record a message and speak to an agent at anytime.



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



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



Telegram
Speak to an Agent via Telegram

**0800 003 056**

**086 551 4153**

**reportit@ethicshelpdesk.com**

***120*0785980808#**

Respondent's Signature

Date & Company Stamp

SECTION 3: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS

1 BACKGROUND

Transnet Freight Rail (TFR), the largest freight logistics solution in Africa is experiencing the brunt of the socio-economic landscape we find in South Africa. Extremely high levels of poverty urbanisation and unemployment has contributed to significant high levels of crime affecting the rail network.

The availability of an unmanageable scrap metal market and porous borders make it easy for criminals to dispose of their stolen copper cables and products. The openness and vastness of our environment creates a suitable scene for criminals to operate.

Transnet has made use of security service providers to safeguard our network and require the Remotely Piloted Aircraft Systems (RPAS) / Unmanned Aerial Vehicle (UAV) service to complement our existing interventions.

The dense vegetation and the conditions of the service roads make it difficult for our security services to respond to incidents. That is compounded by the fact that most of our rail network traverses through desolate areas and farms make finding these criminals very difficult.

To get an added advantage over the criminal element, TFR, like many other local and international companies decided to make use of aerial surveillance in hot spot areas to effectively arrest perpetrators.

2 EXECUTIVE OVERVIEW

Whereas Transnet is seeking a partner(s) to provide solutions for its remotely piloted aircraft systems (RPAS) / unmanned aerial vehicle (UAV) services which include related infrastructure, resources, operation, and software required to provide the services nationally, it also seeks to improve its current processes for providing these Services to its end user community throughout its locations.

The selected Service provider(s) must share in the mission and business objectives of Transnet. These mutual goals will be met by meeting contractual requirements and new challenges in an environment of teamwork, joint participation, flexibility, innovation and open communications. In this spirit of partnership, Transnet and its Service provider(s) will study the current ways they do business to enhance current practices and support processes and systems. Such a partnership will allow Transnet to reach higher levels of quality, service and profitability.

Specifically, Transnet seeks to benefit from this partnership in the following ways:

- 2.1 Transnet must receive reduced cost of acquisition and improved service benefits resulting from the Service provider's economies of scale and streamlined service processes.
- 2.2 Transnet must achieve appropriate availability that meets user needs while reducing costs for both Transnet and the chosen Service provider(s).
- 2.3 Transnet must receive proactive improvements from the Service provider with respect to provision of Services and related processes.
- 2.4 Transnet's overall competitive advantage must be strengthened by the chosen Service provider's leading edge technology and service delivery systems.
- 2.5 Transnet end users must be able to rely on the chosen Service provider's personnel for service enquiries, recommendations and substitutions.
- 2.6 Transnet must reduce costs by streamlining its acquisition of Services, including managed service processes on a Group basis.

3 SCOPE OF REQUIREMENTS

- 3.1 The intention is to procure the RPAS/UAV services which include all related infrastructure, resources, crew, RPAS/UAV operation, hardware and software, CCTV Surveillance, and related auxiliary support required to provide the services at 9 x provinces nationally (Northern Cape, Free State, North West, Mpumalanga, Limpopo, Eastern Cape, Western Cape, KwaZulu-Natal, Gauteng) on an as and when required basis for a period of 1 year (12 months).

Transnet intends to split award the tender. Bidders must be able to provide the services at areas that they will be deployed to, while adhering to the SACAA and Independent Communications Authority of South Africa (ICASA) regulations. TFR will redeploy the RPAS/UAV to any Transnet facility within the province based on crime trends and patterns as well Transnet's specific requirements.

3.2 OPERATIONAL TEAM COMPOSITION AND BROAD SCOPE OF REQUIREMENTS

The bidder shall deploy and operate the number of RPAS/UAV and associated operational teams as per TFR's security requirements from time to time. The RPAS/UAV service must be provided with teams that are responsible for:

- Deployment and all related activities (Example: Operational deployment plan)
- Flying the RPAS/UAV
- Conducting active surveillance during the flight of the RPAS/UAV and;
- Communicating with the corridor Security representatives, rapid response teams Emergency Response Centre.

3.2.1 For purposes of this tender, the services will require a team and a vehicle with the following capabilities :

- Off-road travel and high clearance (4 x 4 is a requirement) to ensure that the teams are highly mobile during operations. Teams will be requested to relocate from one place to another during a shift for tracking and tracing of suspects and operational reasons;
- The bidding company must propose a vehicle that has the capability to allow for monitoring of the surveillance camera during the RPAS /UAV Operation;
- The cost of the vehicle must include travelling of average 5000 kilometres (km) per month. Excess kilometres will be averaged with other vehicles. Reconciliation of the overruns and underruns will be done on a quarterly basis. Vehicles must be rotated in a relevant geographical area to limit excess kilometres.
- The engine, generator, electronics and charging system of the RPAS/UAV proposed must be fully integrated into the body of the vehicle.

3.2.2 Compliant RPAS/UAV with capabilities below:

- RPAS that complies with the stipulated specification;
- ICASA and SACAA approved;
- Rapid deployment;
- Charging station;
- Charging facilities for the RPAS/UAV and;
- Mobile charging station fitted in the vehicle.

3.2.3 Qualified RPAS/UAV pilot

- Pilot included as a team member;
- Proficient in flying the RPAS/UAV and;
- Standard qualifications or accreditations to operate the RPAS/UAV.

3.2.4 Spotter with responsibilities below:

- Responsible for monitoring the CCTV surveillance equipment during the flight and should be experienced and proficient in surveillance operations and;
- Responsible for communication with the Corridor Security representatives, Rapid Response teams and Emergency Response Centre.

3.3 FUNCTIONAL REQUIREMENTS

TFR expects to achieve the following key high-level service objectives from the services required:

- meet TFR's business needs for highly available, reliable, scalable, and secure RPAS surveillance services;
- maintains compliance with best practices, government regulations, applicable legislations, and International obligations;
- TFR may request the service provider to fly a day or night shift. Flight time will be informed by the crime trends and patterns. It is envisaged that most flying will occur during the night as currently crime is more likely to occur during the night;
- The service provider must ensure that 100% of the services required are always available for the duration of the contract;
- The service provider needs to provide own security to secure their RPAS / UAV and operators in and around the TFR environment. TFR will not be held responsible or accountable for any injury/death or loss that may be incurred due to criminal incidents;
- The successful bidder must facilitate contact with the response teams to be deployed whenever malicious incidents are identified. All these activities need to be aligned with the ground security teams to ensure a safe working environment;
- The bidder will strive to provide a continuous live or real time surveillance video footage length to the Transnet Control Centre for the duration of flight (minimum actual flight time of 6 hours) in a day (24 hours).
- The RPAS / UAV system must be able to be controlled via remote control and all communications must be ICASA approved;
- The RPAS / UAV must be able to operate in day and night conditions. During the night the RPAS/UAV must have a camera with thermal imaging capabilities detecting heat emitted from objects to track and trace the suspects and during the day it must have an optical camera mode that is ideal to capture good quality images in day/light conditions;
- The RPAS/UAV must be battery operated. Transnet will not accepted fuel operated RPAS/UAV.
- Due to great distances that need to be covered, TFR wants to deploy Fixed wing RPAS/UAV. However, due to operational specific requirements, a Multi rotor will be required from time to time. Considering this the bidders are required to provide proposals and quotations for both Fixed wing and Multi rotor drones. In a case where there is a price difference between the two types of RPAS/UAV (Fixed wing and Multi rotor), Transnet will reimburse the bidders based on the type of RPAS/UAVs deployed between the two per month.
- The RPAS / UAV system must have a Global Positioning System (GPS) system built in;
- The RPAS/UAV must have a tool to measure the wind speed and indicate whether the RPAS/UAV can fly or not.
- The service provider must ensure that 100% of the services required are always available for the duration of the contract.
- The RPAS/UAV must be able to operate a minimum distance of 10 km beyond visual line of sight meaning they should cover a minimum operational radius of 20 km.
- The bidder will be responsible for any harm or damages that their equipment caused by their operations. Transnet will not be held accountable for damages caused by the bidder's equipment during operations.
- An 8-hour flight is expected in a day (24 hours). Based on the 8-hour shift, TFR would require a minimum actual flight time of 6 x hours. The flight time lost to issues beyond TFR and bidder's control (E.g., Industrial strike, adverse weather conditions etc.) will be banked daily and the bidder will have to reimburse TFR by flying extra hours to make up for lost flight time monthly. Flight hours beyond the minimum expected 6 hours may not be offset against shortages where less than the minimum flight time of 6 hours occurred, as the supplier is expected to fly 8-hour shifts.
- RPAS used must be able to operate without runway.
- The RPAS/UAV must have the capacity to be airborne continuously for a minimum sixty minutes in normal Conditions before battery change is required.

3.4 THE TENDER REQUIREMENTS

- The Bidder must comply with the requirements stated in Annexure C, Technical Specifications of the tender.
- The roles and responsibilities of each party should be clearly outlined in the tender / bid documents to ensure that liability is properly assigned and the submitted bid price has regard to this.
- Transnet intends to split award this tender. If the bidder does not perform according to the agreed contract and the Service Level Agreement (SLA), Transnet will refer to the termination clause as per performance agreement.
- The bidder shall ensure that the latest released versions of the service required is provided.
- TFR will rely on the bidder's advice, skills, expertise, and experience on RPAS / UAV services.
- Bidders must submit a complete pricing schedule and delivery times for RPAS/UAV services to be provided monthly (Refer to scope of requirements on clause 3 above). The price schedule must include monthly RPAS/UAV operating costs, Project Management fees, Licence fees (Monthly/annually), travel, meals and accommodation, Pilot fees, support staff and crew fees, vehicle/base station fees, CCTV Surveillance cost, Video footage storage costs, communication costs, monthly rental costs per RPAS/UAV (Fixed wing and Multi rotor), and related auxiliary support costs. All costs of functions required for a RPAS/UAV service must be included. Transnet will not accept any additional costs once the contract is awarded.
- Bidders must provide all parameters put in place to secure the safety of their operational teams.
- The bidder will be expected to sign a non-disclosure agreement and must always treat operational plans as confidential.
- The bidder will be expected to testify in court in the event where arrests were effected as a result of RPAS/UAV operation.

3.5 LICENCING AND ACCREDITATION REQUIREMENTS

- The bidding company and its Directors must be accredited with Private Security Industry Regulatory Authority (PSIRA) to provide the services required. Only active and valid PSIRA certificates of a bidding company and its Directors would be accepted.
- The bidder must comply with all SACAA requirements for commercial operation of RPAS.
- The bidder must adhere to SACAA and Independent Communications Authority of South Africa (ICASA) regulations.
- Bidding companies must comply with all SACAA regulations below for commercial operation of RPAS/UAV. Proof of compliance in a form of copies of certificates and letters with logos and contactable references of SACAA and other relevant authorities must be provided with the bids. Information provided will be subject to verification with SACAA and other relevant authorities.
 - Valid bidding company's proof of registration of RPAS from SACAA;
 - Valid bidding company's Remote Piloting License (RPL) from SACAA (Pilot licence);
 - Valid bidding company's RPAS/UAV Letter of Approval (RLA) from SACAA;
 - Valid bidding company's RPAS/UAV Operator Certificate (ROC) – including line item allowing night operations from SACAA
 - Valid bidding company's Air Service License (ASL) issued by the Air Service License Council (which resides at the Department of Transport)
 - Any other operational requirements as listed by the SACAA and;
 - Valid bidding company's ICASA certificate for air band radio in operation.
- The bidder must have pilots that can operate RPAS/UAV and/or show capacity to provide them. All pilots must have Remote Pilot Licenses and the expertise of 6 months or more to operate a RPAS/UAV. Provide pilot licencing from SACAA to prove the pilot expertise

3.6 AREAS OF DEPLOYMENT

- The RPAS/UAV services will be deployed in 9 x provinces (Northern Cape, Free State, North West, Mpumalanga, Limpopo, Eastern Cape, Western Cape, KwaZulu-Natal, Gauteng) for a period of 1 year (12 months) on an as and when required basis.
- TFR will redeploy the RPAS/UAV to any Transnet facility based on crime trends and patterns as well Transnet's specific requirements. TFR will provide a 48 hours' notice (Or less as agreed between the parties) to the service provider for such deployment changes at no additional cost to TFR.
- All RPAS/UAV teams should be highly flexible and mobile to ensure capability to operate in different areas during operations and within shifts.
- The bidder must be certified by SACAA and able to provide the service at areas that they will be deployed to.

3.7 SERVICE DEPLOYMENT

- The deployment of services will be conducted through operational planning sessions that will be managed and controlled by Transnet.
- The bidder is required to appoint a permanent dedicated Project Manager (PM) for the duration of the project.
- The bidder shall be responsible for maintaining log sheets of RPAS/UAV and personnel deployment per site on a shift basis.
- The bidder will be required to submit copies of the log sheets to TFR monthly as supporting documents to the invoices.
- The bidder will be required to keep the original log sheets for a complete shift during of the contract.

3.8 DESCRIPTION OF THE WORKS

- TFR shall instruct the bidder to provide the services at the required sites based on the operational needs and planning.
- The RPAS solution proposed must spot suspicious vehicles and persons on or nearby the TFR premises during the RPAS/UAV operation.
- The Pilot and supporting teams deployed must spot potential intruders before an intrusion occurs (Real time). When the intrusion does occur, the teams must alert the response teams.
- During intrusion, continuous and effective communications must occur between the RPAS/UAV teams and TFR. The RPAS/UAV teams will direct the response teams to locations of criminals.
- The RPAS/UAV operators will be required to track and trace the intruders, thereby delaying them, while the response teams are activated and dispatched.
- TFR requires the services of bidders who specialize in RPAS/UAV and understand how to use them effectively.
- Except where otherwise stated in this specification, all equipment, installation must conform to the latest recommended National and International Standards below:
 - South African Bureau of Standards (SABS)
 - ISO 9001 Quality Management Systems
- All standards and requirements in this document must be adhered to.
- The bidder will own and/or be able to supply the entire RPAS/UAV, infrastructure, and staff. Proof of ownership of RPAS/UAV is to be provided with bid submission in the event where the service provider owns the RPAS/UAV. In the event where the service provider does not own the RPAS/UAV, a signed and stamped commitment letter from the OEM/owner of RPAS/UAV confirming that the OEM/owner will lease/sell the RPAS/UAV to the service provider. The commitment letter must be in an OEM/owner letter head with contactable references.
- TFR will not take responsibility for the service provider's equipment, infrastructure, and staff, while executing their services to TFR. The service provider must provide own security for their teams.

- The bidder will take responsibility for any penalties due to infringement on the operational capacities.
- Bidders must certify that they are familiar with the requirements as stated in the technical compliance sheet and must state all instances where their equipment offered is unable to comply.
- Technical datasheets (Software and hardware), brochures, and specifications of items/services offered must be submitted with the bids. The information on these supporting documents would be used by TFR Cross Functional Evaluation Team (CFET) to prove compliance to the tender requirements. The information required will be used to proof compliance to technical specifications (Part 1 – Technical Compliance to specifications).
- Bidder must be able to source/supply additional RPAS/UAV and teams should an adhoc service be required.
- The bidder must have capacity for the operation of the RPAS/UAV surveillance service at areas that they are bidding for (Northern Cape, Free State, North West, Mpumalanga, Limpopo, Eastern Cape, Western Cape, KwaZulu-Natal, Gauteng).
- TFR will provide a response team to be used to attend to malicious events in the area of monitoring.
- All video footage and photos that would be recorded would belong to TFR.
- The bidder must provide full details of the solution proposed and be able to demonstrate the capability of the entire solution that is being proposed to detect intruders during both day and the night times at TFR sites and environments. Transnet will conduct a site visit and evaluate performance of the solution proposed. This will be in part 3: Site Visit (Due diligence) of the technical evaluation (See Annexure P).

3.9 CAMERA AND SURVEILLANCE

- The RPAS/UAV camera must have the capability to capture and record good quality surveillance video footage during flight time on day and night shifts as well as and when intruders are detected.
- The video footage stored shall be date, time, and GPS stamped.
- The camera must have the capability to perform surveillance, inspect, capture, and record video footage at the range / distance of the area under surveillance.
- The cameras proposed must have variable visual, thermal, and infrared capabilities. The thermal camera resolution shall be a minimum of 640 x 512 at 30 frames per second.
- The optic/normal camera resolution shall be a minimum of 4k at 30 frames per second.
- The cameras offered must have electronic stabilization and scene tracking capabilities, follow people, vehicles, or any moving object of interest.
- The cameras offered must be resistant to harsh outdoor and weather conditions such as temperatures ranging from -10 degrees Celsius to +40 degrees Celsius, heavily polluted atmospheric environment (Salt laden, industrial, and locomotive fumes, and severe dust conditions).
- The surveillance system shall support SD cards.
- The surveillance system shall be able to provide GPS coordinates to operational response teams to observed irregularities to quicken the response process.
- The surveillance equipment should have the ability to automatically detect changes in interest and alert the RPAS/UAV team (Example, changes in areas of interest could be on the first flight 2 x cars were detected and on the second flight no cars were detected).

3.10 DETAILED TECHNICAL SPECIFICATIONS OF THE RPAS/UAV

- Due to great distances that need to be covered, TFR wants to deploy Fixed wing RPAS/UAV. However, due to operational specific requirements, a Multi rotor will be required from time to time. Considering this the bidders are required to provide proposals and quotations for both Fixed wing and Multi rotor drones. In a case where there is a price difference between the two types of RPAS/UAV (Fixed wing and Multi rotor), Transnet will reimburse the bidders based on the type of RPAS/UAVs deployed between the two per month.
- The RPAS/UAV proposed must have the capability to be airborne continuously in a single flight for 60 minutes or more in normal conditions.

- The RPAS/Drone proposed must be resistant to temperatures ranging from -10 degrees Celsius to +40 degrees Celsius, IP rating at minimum IP45, heavily polluted atmospheric environment (Salt laden, industrial, and locomotive fumes, and severe dust conditions).
- The RPAS/UAV must have the capability to fly during daytime and night-time (day shift and night shift) for the duration of the shift.
- The ground control and flight control software of the RPAS/UAV proposed must include full engine control, health monitoring, and error handling to enable proactive intervention if required.
- The engine of the RPAS/UAV proposed must be fully automated and have the capability to be unboxed, assembled, and launched rapidly.
- The RPAS/UAV proposed must be licenced to operate with ICASA and SACAA.
- The RPAS/Drone offered must be able to be controlled by means of a remote control.
- The RPAS/UAV shall have the capability to rapidly change the battery to ensure quick turnaround times- hot swappable batteries.
- The RPAS/UAV intelligence should allow for pre-configured way points for regular inspection/patrol routes.
- The RPAS/UAV must be fitted with a GPS tracking device and have the capability to rapidly share the GPS coordinates with the response teams in the event of a detected intrusion.
- To avoid interruptible surveillance and capturing of images during intrusions, the RPAS/UAV must have the capability to be recharged and launched within 5 minutes.
- The RPAS/UAV proposed must have a laser pointer capability that can be turn on and off as and when required.
- The RPAS proposed must have the capability to operate in an environment where there are no runways. Therefore, all RPAS proposed to provide the services that TFR require will not require a road as a pre-requisite for take-off and landing.

3.11 IT REQUIREMENTS

- The section below discusses the IT requirements that the service provider must comply with as far as the desktop application/client access application that allows for the remote monitoring and access of the RPAS/UAV Surveillance system.
 - The bidder will be required to upload all surveillance footage for each shift onto an online or cloud-based storage system that can be accessed by TFR through a secure authentication.
 - The video footage will be required to be available for viewing and downloaded through secure authentication on the webpage application for a period of 31 days or more.
 - Client Access to the application must be browser based.
 - Minimum compatibility is Microsoft Internet Explorer 9 and higher as well as Microsoft Edge. Compatible with Google Chrome must be enabled.
 - No plug-ins are to be used a part of the RPAS/UAV application.
 - Application must use secure authentication and access must be controlled by profiles for each user types.
 - Full system recovery capabilities must be supplied should vendor no longer be in a position to supply services or TFR ends contract.
 - Data links and storage devices offered must be encrypted for security purposes.

The strategy is to award the requirements either nationally or provincially based on the geographical locations as per the main sites/depots. Bidders to indicate below which province/s they are bidding for:

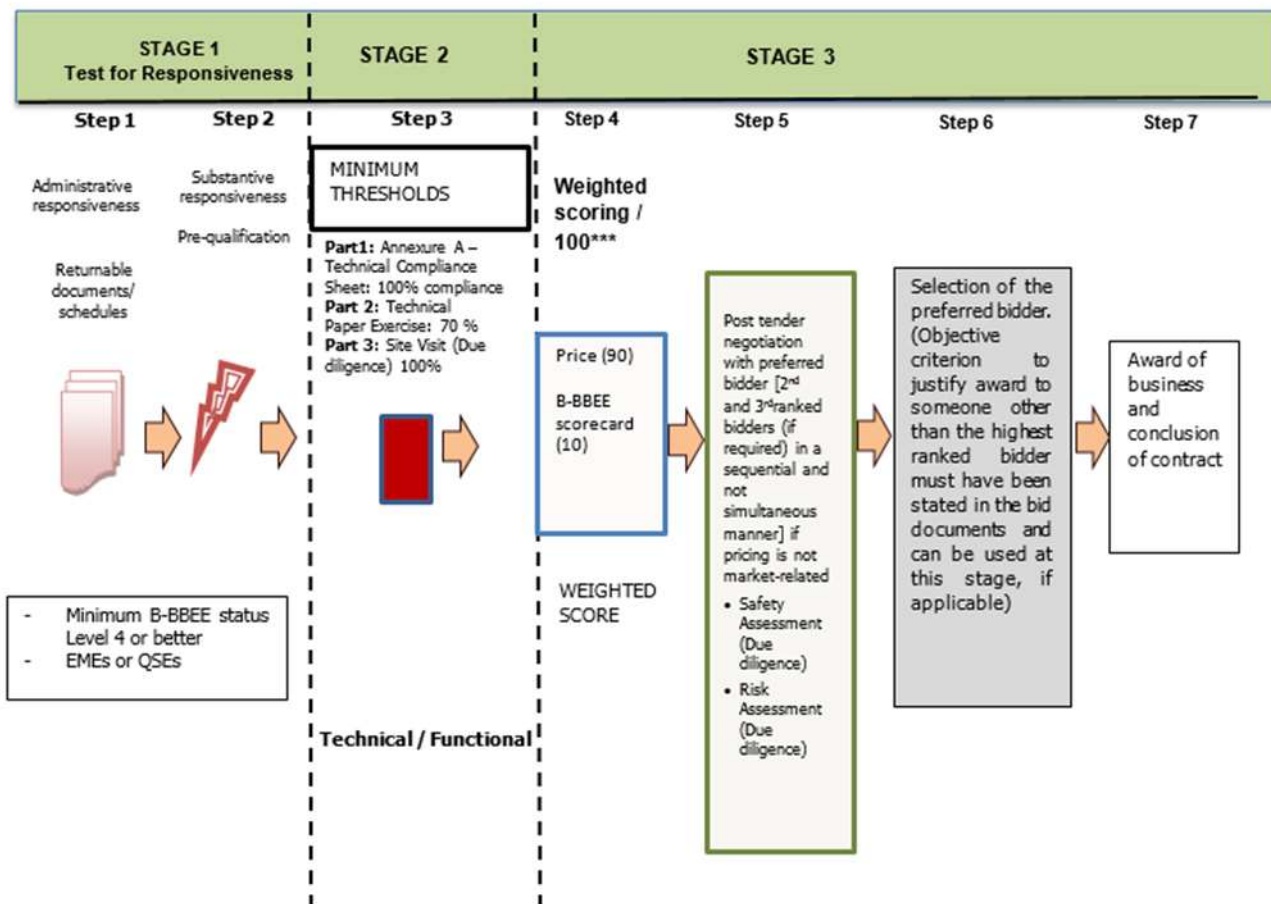
PROVINCES	INDICATE BY TICKING (√)
Gauteng	
Free state	
Kwa Zulu Natal	
Mpumalanga	
North West	
Eastern Cape	
Northern Cape	
Western Cape	
Limpopo	

4 GREEN ECONOMY / CARBON FOOTPRINT

Transnet wishes to have an understanding of your company's position with regard to environmental commitments, including key environmental characteristics such as waste disposal, recycling and energy conservation. *Please submit details of your entity's policies in this regard.*

5 GENERAL SERVICE PROVIDER OBLIGATIONS

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

6 EVALUATION METHODOLOGY

NB: Evaluation of the various stages will normally take place in a sequential manner. However, in order to expedite the process, Transnet reserves the right to conduct the different stages of the evaluation process in parallel. In such instances the evaluation of bidders at any given stage must not be interpreted to mean that bidders have necessarily passed any previous stage(s).

6.1 STEP ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check	RFP Reference
• Whether the Bid has been lodged on time	<i>Section 1 paragraph 3</i>
• Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time	<i>Section 5</i>
• Verify the validity of all returnable documents	<i>Section 5</i>
• Verify if the Bid document has been duly signed by the authorised respondent	<i>All sections</i>

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

6.2 STEP TWO: Test for Substantive Responsiveness to RFP

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

Check for substantive responsiveness
- Whether any general pre-qualification criteria set by Transnet, have been met - Proof of BBBEE Status Level 4 or better in the form of a valid BBBEE Certificate or Sworn Affidavit
Whether the Bid contains a priced offer; Section 4 of RFP/ Pricing Schedule Annexure B
Annexure A: Compliance to Technical Specifications
Bidding companies to check and ensure that their proposals meet or exceed the requirements of TFR as per Annexure A (Technical compliance sheet). Bidders must provide detailed technical specifications of RPAS/UAV proposed in a form of brochures, data sheets, etc. To proof that the solutions comply with TFR's requirements, specifications of both hardware and software must be submitted.
- The bidder will own and/or be able to supply the entire RPAS/UAV, infrastructure, and staff. - Proof of ownership of RPAS/UAV is to be provided with bid submission in the event where the service provider owns the RPAS/UAV. - In the event where the service provider does not own the RPAS/UAV, a signed and stamped commitment letter from the OEM/owner of RPAS/UAV confirming that the OEM/owner will lease/sell the RPAS/UAV to the service provider. The commitment letter must be in an OEM/owner letter head with contactable references.
Bidding Companies must comply with the following: - Valid PSIRA Registration documents of bidding company - Valid PSIRA Registration documents of bidding company's directors - Valid Letter of Good Standing from PSIRA - Valid letter of Good Standing from the Private Security Industry Provident Fund - Bidding company's pilots must have valid Remote Piloting License (RPL) from SACAA - Valid bidding company's RPAS/UAV Letter of Approval (RLA) from SACAA - Valid bidding company's Air Service License (ASL) issued by the Air Service License Council (which resides at the Department of Transport) - Valid bidding company's RPAS/UAV Operator Certificate (ROC) – including line item allowing night operations from SACAA - Valid bidding company's ICASA certificate for air band radio in operation - Valid Letter of Good Standing from the Compensation Fund (COID) - Valid bidding company's proof of registered RPAS's (Remotely Piloted Aircraft Systems) from SACAA

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

Respondent's Signature

Date & Company Stamp

6.3 STEP THREE: STEP THREE: Technical Evaluation

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

Part 1: Technical Compliance Document: 100% Threshold

Annexure A: 100% Technical Compliance to Specification attached as Annexure A

Respondents are to note the following: Annexure A (Technical Compliance Document – 100% compliance to mandatory clauses) should be fully completed and signed – Failure to complete, comply and submit will result in disqualification.

The test for Technical Compliance must be passed for a Respondent's Proposal to progress to the next part of the technical evaluation

Part 2: Paper Exercise (Technical Questionnaire 70% threshold)

The Technical Criteria consists of the criteria in the following document:

Annexure O: Technical Questionnaire

Failure to achieve the **70%** threshold will lead to disqualification.

Respondents are to note that Transnet will round off final technical scores to the nearest 2 (two) decimal places for the purposes of determining whether the technical threshold has been met.

The minimum threshold for technical/functionality [Step 3, Part 2] must be met or exceeded for a Respondent's Proposal to progress to Step 4 for further evaluation

Part 3: Site Visit (Due diligence): 100% - RFP Annexure P

The Site Visit (Verification) will be conducted in accordance with the Site Visit Questionnaire derived from the Technical Compliance Document. (Annexure A)

During this stage all bidders who complied 100% to the Technical Compliance Document and met or exceeded the technical functionality threshold, their sites will be visited for verification of equipment and staff as per the Technical compliance Document and proof provided that was submitted with their RFP response.

All technical scores will be rounded off to the nearest 2 (two) decimal places for the purposes of determining whether the technical threshold has been met.

100% Compliance to the Site visit, Due diligence [Step 3, Part 3] is the requirement to be met for a Respondent's Proposal to progress to Step 4 for further Evaluation

6.4 STEP FOUR: Evaluation and Final Weighted Scoring**a) Price Criteria** [Weighted score 90 points]:

Evaluation Criteria	RFP Reference
• Commercial offer	<i>Section 4</i>

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

$$PS = 90 \left(1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where:

Ps = Score for the Bid under consideration

Pt = Price of Bid under consideration

$Pmin$ = Price of lowest acceptable Bid

Respondents will be required to complete the attached Pricing Schedule (Annexure B) for pricing.

Final Price scores will be rounded off to the nearest 2 (two) decimal places.

b) Broad-Based Black Economic Empowerment criteria [Weighted score 10 points]

- B-BBEE - current scorecard / B-BBEE Preference Points Claims Form
- Preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table indicated below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
Non-compliant contributor	0

6.5 SUMMARY: Applicable Thresholds and Final Evaluated Weightings

Thresholds	Minimum Threshold
Part 1: Technical Compliance document [Annexure A]	100
Part 2: Technical Paper Exercise (Functionality)	70
Part 3: Site Visit (due diligence)	100

Evaluation Criteria	Final Weighted Scores
Price	90
B-BBEE - Scorecard	10
TOTAL SCORE:	100

6.6 STEP FIVE: Post Tender Negotiations

Respondents are to note that Transnet may not award a contract if the price offered is not market-related. In this regard, Transnet reserves the right to engage in PTN with the view to achieving a market-related price or to cancel the tender. Negotiations will be done in a sequential manner i.e.:

1. first negotiate with the highest ranked bidder or cancel the bid, should such negotiations fail,
2. negotiate with the 2nd and 3rd ranked bidders (if required) in a sequential manner.

In the event of any Respondent being notified of such short-listed/preferred bidder status, his/her bid, as well as any subsequent negotiated best and final offers (BAFO), will automatically be deemed to remain valid during the negotiation period and until the ultimate award of business.

Should Transnet conduct post tender negotiations, Respondents will be requested to provide their best and final offers to Transnet based on such negotiations. A final evaluation will be conducted in terms of 90/10 and the contract will be negotiated and awarded to the successful Respondent(s).

Health and Safety Assessment

A Health and Safety assessment will be conducted on the preferred bidder(s) based on the information submitted on the SHE Management Questionnaire as completed with supporting documents as per Annexure I of the RFP. This will be returned as essential returnable documents.

Risk Assessment

A Risk assessment will be conducted on the preferred bidder(s) by the Transnet Freight Rail Risk department. This evaluation will be done as per the Risk Evaluation criteria that will be issued with the tender document as Annexure J of the RFP. Bidders are to note that all required documents should be submitted with the tender document on the closing date of the tender. This will be returned as essential returnable documents.

6.7 STEP SIX: Objective Criteria

Transnet reserves the right to award the business to the highest scoring bidder(s) unless objective criteria justify the award to another bidder. The RFP will state that Transnet may apply the following objective criteria to the bid process:

Probity Check

A Probity Check will be conducted on the preferred bidder before Transnet enters into negotiations in terms of the final terms and conditions of the contract with the successful Respondent(s).

- all Risks identified during a risk assessment exercise/probity check (which may be conducted by an authorised third party) that would be done to assess all risks, including but not limited to:
 - the financial stability of the bidder based on key ratio analysis, which would include, but not be limited to Efficiency, Profitability, Financial Risk, Liquidity, Acid Test, and Solvency;
 - A commercial relationship with a Domestic Prominent Influential Person (DPIP) or Foreign Prominent Public Official (FPPO) or an entity of which such person or official is the beneficial owner; and

- Reputational and Brand risks

6.8 STEP SEVEN: Award of business and conclusion of contract

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

Respondent's Signature

Date & Company Stamp

SECTION 4: PRICING AND DELIVERY SCHEDULE

*The pricing proposal is to be completed in the format provided for in **Annexure B**. The completed pricing proposal must be signed by the Respondent's delegated representative and be dated and stamped. Respondents are to note that Transnet will round off final pricing scores to the nearest 2 (two) decimal places.*

Notes to Pricing:

- a) Respondents are to note that if the price offered by the highest scoring bidder is not market-related, Transnet may not award the contract to that Respondent. Transnet may-
 - (i) negotiate a market-related price with the Respondent scoring the highest points or cancel the RFP;
 - (ii) if that Respondent does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the second highest points or cancel the RFP;
 - (iii) if the Respondent scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the third highest points or cancel the RFP.

If a market-related price is not agreed with the Respondent scoring the third highest points, Transnet must cancel the RFP.
- b) Prices must be quoted in South African Rand inclusive of VAT.
- c) Any disbursement not specifically priced for will not be considered/accepted by Transnet.
- d) To facilitate like-for-like comparison bidders must submit pricing strictly in accordance with **(Annexure B)** this pricing schedule and not utilise a different format. Deviation from this pricing schedule could result in a bid being declared non-responsive.
- e) Quantities given are estimates only. Any orders resulting from this RFP will be on an "as and when required" basis.
- f) Please note that should you have offered a discounted price(s), Transnet will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.
- g) Respondents, if awarded the contract, are required to indicate that their prices quoted would be kept firm and fixed for the contract duration. [Not to be confused with bid validity period Section 1, clause 1]

YES	
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1. DISCLOSURE OF CONTRACT INFORMATION**PRICES TENDERED**

Respondents are to note that, on award of business, Transnet is required to publish the tendered prices and preferences claimed of the successful and unsuccessful Respondents *inter alia* on the National Treasury e-Tender Publication Portal, (www.etenders.gov.za), as required per National Treasury Instruction Note 01 of 2015/2016.

Johannesburg Stock Exchange Debt Listing Requirements

Transnet may also be required to disclose information relating to the subsequent contract i.e. the name of the company, goods/services provided by the company, the value and duration of the contract, etc. in compliance with the Johannesburg Stock Exchange (JSE) Debt Listing Requirements.

Domestic Prominent Influential Persons (DPIP) OR Foreign Prominent Public Officials (FPPO)

Transnet is free to procure the services of any person within or outside the Republic of South Africa in accordance with applicable legislation. Transnet shall not conduct or conclude business transactions, with any Respondents without having:

- Considered relevant governance protocols;
- Determined the DPIP or FPPO status of that counterparty; and
- Conducted a risk assessment and due diligence to assess the potential risks that may be posed by the business relationship.

As per the Transnet Domestic Prominent Influential Persons (DPIP) and Foreign Prominent Public Officials (FPPO) and Related Individuals Policy available on Transnet website <https://www.transnet.net/search/pages/results.aspx?k=FPIDP#k=DPIP>, Respondents are required to disclose any commercial relationship with a DPIP or FPPO (as defined in the Policy) by completing the following section:

The below form contains personal information as defined in the Protection of Personal Information Act, 2013 (the "Act"). By completing the form, the signatory consents to the processing of her/his personal information in accordance with the requirements of the Act. Consent cannot unreasonably be withheld.						
Is the Respondent (Complete with a "Yes" or "No")						
A DPIP/FPPO		Closely Related to a DPIP/FPPO		Closely Associated to a DPIP/FPPO		
List all known business interests, in which a DPIP/FPPO may have a direct/indirect interest or significant participation or involvement.						
No	Name of Entity / Business	Role in the Entity / Business (Nature of interest/ Participation)	Shareholding %	Registration Number	Status (Mark the applicable option with an X)	
					Active	Non-Active
1						
2						
3						

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

2. "AS AND WHEN REQUIRED" CONTRACTS

- a. Purchase orders will be placed on the Service provider(s) from time to time as and when Services are required.
- b. Transnet reserves the right to place purchase orders until the last day of the contract for deliveries to be effected, within the delivery period / lead time specified, beyond the expiry date of the contract under the same terms and conditions as agreed upon.

3. RISK

Respondents must elaborate on the control measures put in place by their entity, which would mitigate the risk to Transnet pertaining to potential non-performance by the Respondent, in relation to:

a. Quality and specification of Services delivered:

b. Compliance with the Occupational Health and Safety Act, 85 of 1993:

c. Compliance with the National Railway Safety Regulator Act, 16 of 2002:

SIGNED at _____ on this ____ day of _____ 20__

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

Respondent's Signature_____
Date & Company Stamp

SECTION 5: PROPOSAL FORM AND LIST OF RETURNABLE DOCUMENTS

I/We _____
 [name of entity, company, close corporation or partnership] of [full address]

carrying on business trading/operating as

represented by _____

in my capacity as _____

being duly authorised thereto by a Resolution of the Board of Directors or Members or Certificate of Partners, dated _____ to enter into, sign execute and complete any documents relating to this proposal and any subsequent Agreement. The following list of persons are hereby authorised to negotiate on behalf of the abovementioned entity, should Transnet decide to enter into Post Tender Negotiations with highest ranked bidder(s).

FULL NAME(S)	CAPACITY	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I/We hereby offer to supply/provide the abovementioned Goods/Services at the prices quoted in the schedule of prices in accordance with the terms set forth in the documents listed in the accompanying schedule of RFP documents.

I/We agree to be bound by those conditions in Transnet's:

- (i) Master Agreement (which may be subject to amendment at Transnet's discretion if applicable);
- (ii) General Bid Conditions; and
- (iii) any other standard or special conditions mentioned and/or embodied in this Request for Proposal.

I/We accept that unless Transnet should otherwise decide and so inform me/us in the letter of award, this Proposal [and, if any, its covering letter and any subsequent exchange of correspondence], together with Transnet's acceptance thereof shall constitute a binding contract between Transnet and me/us.

Should Transnet decide that a formal contract should be signed and so inform me/us in a letter of intent [the **Letter of intent**], this Proposal [and, if any, its covering letter and any subsequent exchange of correspondence] together with Transnet's Letter of intent shall constitute a binding contract between Transnet and me/us until the formal contract is signed.

I/We further agree that if, after I/we have been notified of the acceptance of my/our Proposal, I/we fail to enter into a formal contract if called upon to do so, or fail to commence the supply/provision of Goods/Services within 4 [four weeks] thereafter, Transnet may, without prejudice to any other legal remedy which it may have, recover from me/us

Respondent's Signature

Date & Company Stamp

any expense to which it may have been put in calling for Proposals afresh and/or having to accept any less favourable Proposal.

Furthermore, I/we agree to a penalty clause/s which will allow Transnet to invoke a penalty against us for non-compliance with material terms of this RFP including the delayed delivery of the Goods/Services due to non-performance by ourselves.

I/we agree that non-compliance with any of the material terms of this RFP, including those mentioned above, will constitute a material breach of contract and provide Transnet with cause for cancellation.

ADDRESS FOR NOTICES

The law of the Republic of South Africa shall govern any contract created by the acceptance of this RFP. The *domicilium citandi et executandi* shall be a place in the Republic of South Africa to be specified by the Respondent hereunder, at which all legal documents may be served on the Respondent who shall agree to submit to the jurisdiction of the courts of the Republic of South Africa. Foreign Respondents shall, therefore, state hereunder the name of their authorised representative in the Republic of South Africa who has the power of attorney to sign any contract which may have to be entered into in the event of their Proposal being accepted and to act on their behalf in all matters relating to such contract.

Respondent to indicate the details of its *domicilium citandi et executandi* hereunder:

Name of Entity: _____

Facsimile: _____

Address: _____

NOTIFICATION OF AWARD OF RFP

As soon as possible after approval to award the contract(s), the successful Respondent [**the Service provider**] will be informed of the acceptance of its Proposal. Unsuccessful Respondents will be advised in writing of the name of the successful Supplier/Service provider and the reason as to why their Proposals have been unsuccessful, for example, in the category of price, delivery period, quality, B-BBEE status or for any other reason.

VALIDITY PERIOD

Transnet requires a validity period of 180 Business Days [from closing date] which ends on **24 November 2022** against this RFP, excluding the first day and including the last day.

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

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

- (i) Registration number of company / C.C. _____
- (ii) Registered name of company / C.C. _____
- | (iii) | Full name(s) of director/member(s) | Address/Addresses | ID Number(s) |
|-------|------------------------------------|-------------------|--------------|
|-------|------------------------------------|-------------------|--------------|

Respondent's Signature

Date & Company Stamp

RETURNABLE DOCUMENTS

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

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

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

a) Mandatory Returnable Documents

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

MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Section 1: SBD1 Form	
SECTION 4: Pricing and Delivery Schedule (Annexure B)	
Bidding companies to provide detailed technical specifications of RPAS/UAV proposed in a form of brochures, data sheets, etc. of both hardware and software to prove that their solutions (End to end) comply with TFR's requirements as stated in the Technical compliance sheet.	
The bidder will own and/or be able to supply the entire RPAS/UAV, infrastructure, and staff. - Proof of ownership of RPAS/UAV is to be provided with bid submission in the event where the service provider owns the RPAS/UAV. - In the event where the service provider does not own the RPAS/UAV, a signed and stamped commitment letter from the OEM/owner of RPAS/UAV confirming that the OEM/owner will lease/ sell the RPAS/UAV to the service provider.	
ANNEXURE A: Technical Compliance Document	

Respondent's Signature

Date & Company Stamp

MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Valid PSIRA Registration documents of the bidding company	
Valid PSIRA Registration documents of bidding company's directors	
Valid bidding company's letter of Good Standing from PSIRA	
Valid letter of Good Standing from the Private Security Industry Provident Fund (PSIPF)	
Bidding company's pilots must have valid Remote Piloting License (RPL) from SACAA	
Valid bidding company's Air Service License (ASL) issued by the Air Service License Council (which resides at the Department of Transport)	
Valid bidding company's RPAS/UAV Letter of Approval (RLA) from SACAA	
Valid bidding company's RPAS/UAV Operator Certificate (ROC) – including line item allowing night operations from SACAA	
Valid bidding company's ICASA certificate for air band radio in operation	
Valid Letter of Good Standing from the Compensation Fund (COID)	
Valid bidding company's proof of registered Remotely Piloted Aircraft Systems from SACAA	

b) Returnable Documents Used for Scoring

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

<u>RETURNABLE DOCUMENTS USED FOR SCORING</u>	SUBMITTED [Yes or No]
Valid proof of Respondent's compliance to B-BBEE requirements stipulated in Section 9 of this RFP	
ANNEXURE P: Site visit (Due diligence) (Signed)	
Annexure O: Technical Questionnaire	

c) Essential Returnable Documents:

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

 Respondent's Signature

 Date & Company Stamp

ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
In the case of Joint Ventures, a copy of the Joint Venture Agreement or written confirmation of the intention to enter into a Joint Venture Agreement	
Latest Financial Statements signed by your Accounting Officer or latest Audited Financial Statements plus 2 previous years	
SECTION 5 : Proposal Form and List of Returnable documents	
SECTION 6 : Certificate Of Acquaintance with RFP, Terms & Conditions & Applicable Documents	
SECTION 7 : RFP Declaration and Breach of Law Form	
SECTION 9 : B-BBEE Preference Claim Form	
SECTION 11 : SBD 9 - Certificate Of Independent Bid Determination	
SECTION 12: Job-Creation Schedule [Note that this undertaking is not required if a NIPP obligation is applicable]	
SECTION 13: SBD 5 (NIPP)	
SECTION 14: POPI	
ANNEXURE C: TFR Technical Specification	
ANNEXURE I: SHE Management System Questionnaire completed with supporting documents, including a Safety Plan	
ANNEXURE J: Risk Evaluation	

CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

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

SIGNED at _____ on this ____ day of _____ 20__

SIGNATURE OF WITNESSES

1 _____

Name _____

2 _____

Name _____

ADDRESS OF WITNESSES

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

Respondent's Signature_____
Date & Company Stamp

SECTION 6: CERTIFICATE OF ACQUAINTANCE WITH RFP, MASTER AGREEMENT & APPLICABLE DOCUMENTS

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

1	Transnet's General Bid Conditions – Annexure K
2	Master Agreement and SLA attached – Annexure E & F
3	Transnet's Supplier Integrity Pact – Annexure L
4	Non-disclosure Agreement –Annexure M
5	Specifications attached to this RFP – Annexure C

Note: Should a Respondent be successful and awarded the bid, they will be required to complete a Supplier Declaration Form for registration as a vendor onto the Transnet vendor master database.

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFP unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by Transnet's Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from any term or condition may result in disqualification.

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

The bidder understands that his/her Bid will be disqualified if the Certificate of Acquaintance with RFP documents included in the RFP as a returnable document, is found not to be true and complete in every respect.

SIGNED at _____ on this ____ day of _____ 20__

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____
Name _____

2 _____
Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

Respondent's Signature

Date & Company Stamp

SECTION 7: RFP DECLARATION AND BREACH OF LAW FORM

NAME OF ENTITY: _____

We _____ do hereby certify that:

1. Transnet has supplied and we have received appropriate responses to any/all questions [as applicable] which were submitted by ourselves for RFP Clarification purposes;
2. We have received all information we deemed necessary for the completion of this Request for Proposal [**RFP**];
3. We have been provided with sufficient access to the existing Transnet facilities/sites and any and all relevant information relevant to the Goods/Services as well as Transnet information and Employees, and have had sufficient time in which to conduct and perform a thorough due diligence of Transnet's operations and business requirements and assets used by Transnet. Transnet will therefore not consider or permit any pre- or post-contract verification or any related adjustment to pricing, service levels or any other provisions/conditions based on any incorrect assumptions made by the Respondent in arriving at his Bid Price.
4. At no stage have we received additional information relating to the subject matter of this RFP from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the RFP documents;
5. We are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this RFP and the requirements requested from Bidders in responding to this RFP have been conducted in a fair and transparent manner;
6. We have complied with all obligations of the Bidder/Supplier as indicated in the Transnet Supplier Integrity which includes but are not limited to ensuring that we take all measures necessary to prevent corrupt practices, unfairness and illegal activities in order to secure or in furtherance to secure a contract with Transnet;
7. We declare that a family, business and/or social relationship **exists / does not exist** [delete as applicable] between an owner / member / director / partner / shareholder of our entity and an employee or board member of the Transnet Group including any person who may be involved in the evaluation and/or adjudication of this Bid;
8. We declare that an owner / member / director / partner / shareholder of our entity **is / is not** [delete as applicable] an employee or board member of Transnet;
9. In addition, we declare that an owner / member / director / partner / shareholder/employee of our entity **has / has not been** [delete as applicable] a former employee or board member of Transnet in the past 10 years. I further declare that if they were a former employee or board member of Transnet in the past 10 years that they **were/were not** involved in the bid preparation or had access to the information related to this RFP; and
10. If such a relationship as indicated in paragraph 7, 8 and/or 9 exists, the Respondent is to complete the following section:

Respondent's Signature_____
Date & Company Stamp

FULL NAME OF OWNER/MEMBER/DIRECTOR/
PARTNER/SHAREHOLDER/EMPLOYEE:

ADDRESS:

Indicate nature of relationship with Transnet:

[Failure to furnish complete and accurate information in this regard will lead to the disqualification of a response and may preclude a Respondent from doing future business with Transnet. Information provided in the declarations may be used by Transnet and/or its affiliates to verify the correctness of the information provided]

11. We declare, to the extent that we are aware or become aware of any relationship between ourselves and Transnet [other than any existing and appropriate business relationship with Transnet] which could unfairly advantage our entity in the forthcoming adjudication process, we shall notify Transnet immediately in writing of such circumstances.

DECLARATION OF INTEREST REGARDING PERSONS EMPLOYED BY THE STATE (SBD4)

12. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
- the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

13. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid:

- 13.1. Full Name of bidder or his or her representative:
- 13.2. Identity Number:
- 13.3. Position occupied in the Company (director, trustee, shareholder²):

¹ "State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

² "Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

13.4. Company Registration Number:

13.5. Tax Reference Number:

13.6. VAT Registration Number:

13.7. Are you or any person connected with the bidder presently employed by the state?	YES / NO
13.7.1. If so, furnish the following particulars:	
Name of person / director / trustee / shareholder/ member:	
Name of state institution at which you or the person connected to the bidder is employed :	
Position occupied in the state institution:	
Any other particulars:	
13.8. If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?	YES / NO
13.8.1. If yes, did you attached proof of such authority to the bid document? (Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.	YES / NO
13.8.2. If no, furnish reasons for non-submission of such proof:	
13.9. Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?	YES / NO
13.9.1. If so, furnish particulars:	
13.10. Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?	YES / NO
13.10.1. If so, furnish particulars:	
13.11. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?	YES / NO
13.11.1. If so, furnish particulars:	
13.12. Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?	YES / NO
13.12.1. If so, furnish particulars:	

Respondent's Signature_____
Date & Company Stamp

The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 14 below.

14. Full details of directors / trustees / members / shareholders.

Full Name	Identity Number	Personal Tax Reference Number	State Employee Number / Persal Number

BREACH OF LAW

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

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

NATURE OF BREACH:

DATE OF BREACH: _____

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

SIGNED at _____ on this ____ day of _____ 20__

For and on behalf of _____ duly authorised hereto	AS WITNESS:
Name:	Name:
Position:	Position:
Signature:	Signature:
Date:	Registration No of Company/CC
Place:	Registration Name of Company/CC

SECTION 9: B-BBEE PREFERENCE POINTS CLAIM FORM

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

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

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

- 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 exceed R50 000 000 (all applicable taxes included) and therefore the 90/10 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	90
B-BBEE STATUS LEVEL OF CONTRIBUTION	10
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;
- (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 90/10 PREFERENCE POINT SYSTEMS

A maximum of 90 points is allocated for price on the following basis:

90/10

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

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 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)
1	10
2	9
3	6
4	5
5	4
6	3
7	2
8	1
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	Certificate issued by SANAS accredited verification agency Sworn Affidavit signed by the authorised QSE representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership (only black-owned QSEs - 51% to 100% Black owned) [Sworn affidavits must substantially comply with the format that can be obtained on the DTI's website at www.dti.gov.za/economic_empowerment/bee_codes.jsp .]
EME ³	Sworn Affidavit signed by the authorised EME representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership Certificate issued by CIPC (formerly CIPRO) confirming annual turnover and black ownership Certificate issued by SANAS accredited verification agency only if the EME is being measured on the QSE scorecard

- 4.3 A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level verification certificate for every separate bid.
- 4.4 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 4.5 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 4.6 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- 4.7 Bidders are to note that the rules pertaining to B-BBEE verification and other B-BBEE requirements may be changed from time to time by regulatory bodies such as National Treasury or the DTI. It is the Bidder's responsibility to ensure that his/her bid complies fully with all B-BBEE requirements at the time of the submission of the bid.

5. BID DECLARATION

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

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

- 6.1 B-BBEE Status Level of Contribution: . = (maximum of 10 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	
-----	--	----	--

³ 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.

7.1.1 If yes, indicate:

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

(Tick applicable box)

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

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

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

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT registration number:.....

8.3 Company registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional Service provider
- ☐ Other Service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

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

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

Respondent's Signature

Date & Company Stamp

- 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, local production and content, or any other matter required in terms of the Preferential Procurement Regulations, 2017 which will affect or has affected the evaluation of a bid, or where a bidder has failed to declare any subcontracting arrangements or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) if the successful bidder subcontracted a portion of the bid to another person without disclosing it, Transnet reserves the right to penalise the bidder up to 10 percent of the value of the contract;
 - (e) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (f) forward the matter for criminal prosecution.

WITNESSES

- 1.
- 2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS.....

SECTION 10: CERTIFICATE OF ATTENDANCE OF NON-COMPULSORY RFP BRIEFING

It is hereby certified that –

1. _____

2. _____

Representative(s) of _____ *[name of entity]*
attended the RFP briefing in respect of the proposed Goods/Services to be rendered in terms of this RFP on
_____ 20____

TRANSNET'S REPRESENTATIVE

RESPONDENT'S REPRESENTATIVE

DATE _____

DATE _____

EMAIL _____

NOTE:

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

Respondent's Signature

Date & Company Stamp

SECTION 11: SBD 9- CERTIFICATE OF INDEPENDENT BID DETERMINATION

1. Section 4(1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging). Collusive bidding is a per se prohibition meaning that it cannot be justified under any grounds. Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.
2. Transnet will take all reasonable steps to prevent abuse of the supply chain management system and to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
3. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
4. In order to give effect to the above, the following certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

Respondent's Signature

Date & Company Stamp

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Institution)

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

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - a. has been requested to submit a bid in response to this bid invitation;
 - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. 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 consortium⁴ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - a. prices;
 - b. geographical area where product or service will be rendered (market allocation)
 - c. methods, factors or formulas used to calculate prices;

⁴ 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.

- d. the intention or decision to submit or not to submit, a bid;
 - e. the submission of a bid which does not meet the specifications and conditions of the bid; or
 - f. bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

SECTION 12: JOB-CREATION SCHEDULE**(Please ensure that you return this schedule with your bid submission)**

The Government has identified State Owned Enterprises sourcing activities as a key enabler to achieve the National Development Plan (NDP) objective of reducing unemployment from the current baseline of 28% to 6%. In order to give effect to these job creation objectives, Respondents are required to provide the following undertaking of new jobs that will be created (either by them or by their subcontractors) should they be awarded this bid.

Note that this undertaking is not required if a NIPP obligation is applicable to a Respondent's bid as indicated in Section 13. **Respondents are required to indicate below whether the NIPP obligation is applicable to their bid:**

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

(a) Please indicate total number of new jobs that will be created over the term of the contract:

Total number and value of new jobs created	Total number of new jobs	Total rand value of new jobs created

(b) Of the total number of new jobs created, please indicate the number and value of new jobs to be created for the following designated groups:

	Total number of new jobs	Total rand value of new jobs
Black men		
Black women		
Black Youth		
Black people living in rural or underdeveloped areas or townships		
Black People with Disabilities		

(c) Of the total number of new jobs created, please indicate the number of skilled, semi-skilled and unskilled new jobs that will be created over the term of the contract:

	Total number of Skilled jobs	Total number of Semi-skilled jobs	Total number of Unskilled jobs
Black men			
Black women			
Black Youth			
Black people living in rural or underdeveloped areas or townships			
Black People with Disabilities			
Other			

(d) Please indicate the number of new jobs to be created, broken down per quarter over the term of the contract.

 Respondent's Signature

 Date & Company Stamp

Year 1	Q1	Q2	Q3	Q4
Total number of new jobs				
Number of new jobs for Black men				
Number of new jobs for black women				
Number of new jobs for black youth				
Number of new jobs for black people living in rural or underdeveloped areas or townships				
Number of new jobs for black People with Disabilities				
Number of new jobs for other categories				
Number of new skilled jobs				
Number of new semi-skilled jobs				
Number of new unskilled jobs				

Respondent's Signature

Date & Company Stamp

SECTION 13: SBD 5

This document must be signed and submitted together with your bid

THE NATIONAL INDUSTRIAL PARTICIPATION PROGRAMME**INTRODUCTION**

The National Industrial Participation Programme (NIPP), which is applicable to all government procurement contracts that have an imported content, became effective on the 1 September 1996. The NIP policy and guidelines were fully endorsed by Cabinet on 30 April 1997. In terms of the Cabinet decision, all state and parastatal purchases / lease contracts (for goods, works and services) entered into after this date, are subject to the NIPP requirements. NIPP is obligatory and therefore must be complied with. The Industrial Participation Secretariat (IPS) of the Department of Trade and Industry (DTI) is charged with the responsibility of administering the programme.

1. PILLARS OF THE PROGRAMME

- 1.1 The NIPP obligation is benchmarked on the imported content of the contract. Any contract having an imported content equal to or exceeding US\$5 million or other currency equivalent to US\$5 million will have a NIP obligation. This threshold of US\$5 million can be reached as follows:
- (a) Any single contract with imported content exceeding US\$5 million.
 - or
 - (b) Multiple contracts for the same goods, works or services each with imported content exceeding US\$3 million awarded to one seller over a 2 year period which in total exceeds US\$5 million.
 - or
 - (c) A contract with a renewable option clause, where should the option be exercised the total value of the imported content will exceed US\$5 million.
 - or
 - (d) Multiple suppliers of the same goods, works or services under the same contract, where the value of the imported content of each allocation is equal to or exceeds US\$ 3 million worth of goods, works or services to the same government institution, which in total over a two (2) year period exceeds US\$5 million.
- 1.2 The NIP obligation applicable to suppliers in respect of sub-paragraphs 1.1 (a) to 1.1 (c) above will amount to 30% of the imported content whilst suppliers in respect of paragraph 1.1 (d) shall incur 30% of the total NIPP obligation on a *pro-rata* basis.
- 1.3 To satisfy the NIPP obligation, the DTI would negotiate and conclude agreements such as investments, joint ventures, sub-contracting, licensee production, export promotion, sourcing arrangements and research and development (R&D) with partners or suppliers.
- 1.4 A period of seven years has been identified as the time frame within which to discharge the obligation.

Respondent's Signature_____
Date & Company Stamp

2. REQUIREMENTS OF THE DEPARTMENT OF TRADE AND INDUSTRY

- 2.1 In order to ensure effective implementation of the programme, successful bidders (contractors) are required to, immediately after the award of a contract that is in excess of **R10 million** (ten million Rands), submit details of such a contract to the DTI for reporting purposes.
- 2.2 The purpose for reporting details of contracts in excess of the amount of R10 million (ten million Rands) is to cater for multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as provided for in paragraphs 1.1.(b) to 1.1. (d) above.

3. BID SUBMISSION AND CONTRACT REPORTING REQUIREMENTS OF BIDDERS AND SUCCESSFUL BIDDERS (CONTRACTORS)

- 3.1 Bidders are required to sign and submit this Standard Bidding Document (SBD 5) together with their bid documentation at the closing date and time of the bid.
- 3.2 In order to accommodate multiple contracts for the same goods, works or services; renewable contracts and multiple suppliers for the same goods, works or services under the same contract as indicated in sub-paragraphs 1.1 (b) to 1.1 (d) above and to enable the DTI in determining the NIPP obligation, successful bidders (contractors) are required, immediately after being officially notified about any successful bid with a value in excess of R10 million (ten million Rands), to contact and furnish the DTI with the following information:
- Bid number;
 - Description of the goods or services;
 - Date on which the contract was awarded;
 - Name, address and contact details of the contractor;
 - Value of the contract; and
 - Imported content of the contract, if possible.
- 3.3 The information required in paragraph 3.2 above must be sent to the Department of Trade and Industry, Private Bag X 84, Pretoria, 0001 for the attention of Mr Elias Malapane within five (5) working days after award of the contract. Mr Malapane may be contacted on telephone (012) 394 1401, facsimile (012) 394 2401 or e-mail at Elias@thedti.gov.za for further details about the programme.

4. PROCESS TO SATISFY THE NIPP OBLIGATION

- 4.1 Once the successful bidder (contractor) has made contact with and furnished the DTI with the information required, the following steps will be followed:
- a. the contractor and the DTI will determine the NIPP obligation;
 - b. the contractor and the DTI will sign the NIPP obligation agreement;
 - c. the contractor will submit a performance guarantee to the DTI;
 - d. the contractor will submit a business concept for consideration and approval by the DTI;
 - e. upon approval of the business concept by the DTI, the contractor will submit detailed business plans outlining the business concepts;
 - f. the contractor will implement the business plans; and
 - g. the contractor will submit bi-annual progress reports on approved plans to the DTI.
- 4.2 The NIPP obligation agreement is between the DTI and the successful bidder (contractor) and, therefore, does not involve the purchasing institution.

Bid number

Closing date:

Name of bidder.....

Postal address

.....

Signature.....

Name (in print).....

Date.....

Respondent's Signature_____
Date & Company Stamp

SECTION 14: PROTECTION OF PERSONAL INFORMATION

1. The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Person information act, No.4 of 2013.(“POPIA”):

consent; data subject; electronic communication; information officer; operator; person; personal information; processing; record; Regulator; responsible party; special information; as well as any terms derived from these terms.
2. Transnet will process all information by the Respondent in terms of the requirements contemplated in Section 4(1) of the POPIA:

Accountability; Processing limitation; Purpose specification; Further processing limitation; Information quality; Openness; Security safeguards and Data subject participation.
3. The Parties acknowledge and agree that, in relation to personal information that will be processed pursuant to this RFP, the Responsible party is “Transnet” and the Data subject is the “Respondent”. Transnet will process personal information only with the knowledge and authorisation of the Respondent and will treat personal information which comes to its knowledge as confidential and will not disclose it, unless so required by law or subject to the exceptions contained in the POPIA.
4. Transnet reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this RFP and the Respondent is required to comply with all prescripts as detailed in the POPIA relating to all information concerning Transnet.
5. In responding to this bid, Transnet acknowledges that it will obtain and have access to personal information of the Respondent. Transnet agrees that it shall only process the information disclosed by Respondent in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law.
6. Transnet further agrees that in submitting any information or documentation requested in this RFP, the Respondent is consenting to the further processing of their personal information for the purpose of, but not limited to, risk assessment, assurances, contract award, contract management, auditing, legal opinions/litigations, investigations (if applicable), document storage for the legislatively required period, destruction, de-identification and publishing of personal information by Transnet and/or its authorised appointed third parties.
7. Furthermore, Transnet will not otherwise modify, amend or alter any personal data submitted by the Respondent or disclose or permit the disclosure of any personal data to any third party without the prior written consent from the Respondent. Similarly, Transnet requires the Respondent to process any personal information disclosed by Transnet in the bidding process in the same manner.
8. Transnet shall, at all times, ensure compliance with any applicable laws put in place and maintain sufficient measures, policies and systems to manage and secure against all forms of risks to any information that may be shared or accessed pursuant to this RFP (physically, through a computer or any other form of electronic communication).
9. Transnet shall notify the Respondent in writing of any unauthorised access to information, cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such crimes or suspected crime. The Respondent must

Respondent's Signature

Date & Company Stamp

take all necessary remedial steps to mitigate the extent of the loss or compromise of personal information and to restore the integrity of the affected personal information as quickly as is possible.

10. The Respondent may, in writing, request Transnet to confirm and/or make available any personal information in its possession in relation to the Respondent and if such personal information has been accessed by third parties and the identity thereof in terms of the POPIA. The Respondent may further request that Transnet correct (excluding critical/mandatory or evaluation information), delete, destroy, withdraw consent or object to the processing of any personal information relating to the Respondent in Transnet's possession in terms of the provision of the POPIA and utilizing Form 2 of the POPIA Regulations.
11. In submitting any information or documentation requested in this RFP, the Respondent is hereby consenting to the processing of their personal information for the purpose of this RFP and further confirming that they are aware of their rights in terms of Section 5 of POPIA

Respondents are required to provide consent below:

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

12. Further, the Respondent declares that they have obtained all consents pertaining to other data subject's personal information included in its submission and thereby indemnifying Transnet against any civil or criminal action, administrative fines or other penalty or loss that may arise as a result of the processing of any personal information that the Respondent submitted.
13. The Respondent declares that the personal information submitted for the purpose of this RFP is complete, accurate, not misleading, is up to date and may be updated where applicable.

Signature of Respondent's authorised representative: _____

Should a Respondent have any complaints or objections to processing of its personal information, by Transnet, the Respondent can submit a complaint to the Information Regulator on <https://www.justice.gov.za/inforeg/>, click on contact us, click on complaints.IR@justice.gov.za