

T1.2 TENDER DATA

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

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

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

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

Clause	Data
C.1.1	The <i>Employer</i> is Transnet SOC Ltd (Reg No. 1990/000900/30)
C.1.2	The tender documents issued by the <i>Employer</i> comprise: Part T: The Tender Part T1: Tendering procedures Part T2 : Returnable documents Part C: The contract Part C1: Agreements and contract data Part C2: Pricing data Part C3: Scope of work Part C4: Affected Property
	T1.1 Tender notice and invitation to tender T1.2 Tender data T2.1 List of returnable documents T2.2 Returnable schedules C1.1 Form of offer and acceptance C1.2 Contract data (Part 1 & 2) C1.3 Form of Securities C2.1 Pricing instructions C2.2 Price List C3.1 Service Information C4.1 Affected Property

C.1.4	The Employer's agent is:	Procurement Officer
	Name:	Sedzani Mathelemusa
	Address:	150 Commissioner Street Johannesburg South Africa, 2001
	Tel No.	011 584 0663
	E – mail	sedzani.mathelemusa@transnet.net

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

Step One - Eligibility in terms of the Construction Industry Development Board:

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

Joint Venture (JV)

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

- every member of the joint venture is registered with the CIDB;
- the lead partner has a contractor grading designation of not lower than one level below the required class of construction works under consideration and possesses the required recognition status;
- the combined Contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a Contractor grading designation determined in accordance with the sum tendered for a **SCE** class of construction work or a value determined in accordance with Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations
- The tenderer shall provide a certified copy of its signed joint venture agreement.

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

Step Two: Price and Specific goals.

- Commercial Scoring: 90 Points
- Specific goals - Scorecard: 10 Points

Step Three: Objective Criteria.

Transnet reserves the right to award the tender to the tenderer who scores the highest number of points overall, unless there are objective criteria which will justify the award of the tender to another tenderer. Objective criteria include but *are not limited* to the outcome of a due diligence exercise to be conducted. The due diligence exercise may take the following factors into account inter alia; the tenderer:

- a) owns the machines that are proposed for this contract. To confirm this, the tenderer is required to submit a signed and dated letter on official company letterhead confirming ownership, which must include:
- Machine model
 - Serial number
 - Year of manufacture
 - Confirmation that the machine is fully available for the duration of the contract
 - Name, position, and contact details of the authorised representative.

OR

Has unrestricted access to the machines that are proposed for this contract. To confirm this, the tenderer is required to submit a valid and legally binding lease agreement for the duration of the contract which must include :

- Identify the machine by serial number and model
 - Year of manufacture
 - Confirm that the bidder has exclusive or guaranteed availability of the machine for the full contract duration
 - Be signed by an authorised representative of the machine owner and the lessee.
- b) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement;
- c) is not undergoing a process of being restricted by Transnet or other state institution that Transnet may be aware of;
- d) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract;
- e) has the legal capacity to enter into the contract;
- f) is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his
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affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing;

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

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

i) In addition, Transnet reserves the right to award business to more than one bidder if the highest-ranked bidder is unable to meet the full requirement for the number of machines as stipulated in this RFP. Where a split award is deemed necessary, the following objective criteria will be applied at Transnet's discretion:

Transnet may award business to more than one tenderer, should the need arise as a result of a shortfall of machines proposed by the highest ranked tenderer. The details of the criteria to be applied is captured below:

Highest-ranked bidder unable to fulfil full requirement

If the highest-ranked bidder is unable to supply the full number of machines required, Transnet may award the balance of the requirement to the lower-ranked bidder(s), subject to:

- confirmation of the bidder's capacity to deliver the balance; and
- an assessment of price and overall value for money.

Transnet reserves the right not to award any portion of the requirement to the lower ranked bidder(s) should the pricing or commercial conditions be assessed as not representing value for money or not being market-related.

Step Four: Due Diligence.

Transnet will conduct due diligence on preferred bidders to verify and validate bid submissions on the following:

- Health and Safety (T2.2-3)
- Risk Management (T2.2-4)
- Environmental Management (T2.2-5)
- Financial ratios (Gearing Ratio, Capacity/ Liquidity, Profitability, ROE, ROA, Interest Cover, Cash Flow) - (T2.2-24)

The results of the due diligence exercise will be considered in a risk assessment by Transnet and where significant risks cannot be mitigated by the bidder this could lead to the Bidder being disqualified as per clause 3 and clause 5 of the Transnet Integrity Pact.

Step Five: Post Tender Negotiations

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

- first negotiate with the highest ranked bidder or cancel the bid, should such negotiations fail,
- negotiate with the 2nd and 3rd ranked bidders (if required) in a sequential manner.
- In the event of any Respondent being notified of such short-listed/preferred bidder status, his/her bid, as well as any subsequent negotiated best and final offers (BAFO), will automatically be deemed to remain valid during the negotiation period and until the ultimate award of business.

Should Transnet conduct post tender negotiations, Respondents will be requested to provide their best and final offers to Transnet based on such negotiations. Where a market related price has been achieved through negotiation, the contract will be awarded to the successful Respondent(s).

Step 6: Award of business and conclusion of contract

Transnet will negotiate the final terms and condition of the contract with the successful Respondent(s). This may include aspects such as price and delivery. Thereafter the final contract will be awarded to the successful Respondent(s).

C.2.12 No alternative tender offers will be considered.

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

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

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|-------------------------|---|
| Identification details: | The tender documents must be uploaded with: <ul style="list-style-type: none">▪ Name of Tenderer:▪ Contact person and details:▪ The Tender Number: SIC25002CIDB (HOAC-HO-55596)▪ The Tender Description: Maintenance Of Railway Track with On-Track High Production Ballast Tamping Machines Countrywide on An 'As and When Required" Basis. |
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Documents must be marked for the attention of:
Employer's Agent:

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

C.2.15 The closing time for submission of tender offers is:
Time: **12:00pm** on the **15 May 2026**
Location: The Transnet e-Tender Submission Portal:
(<https://transnetetenders.azurewebsites.net>);

NO LATE TENDERS WILL BE ACCEPTED

C.2.16 The tender offer validity period is **12 weeks** after the closing date. Tenderers are to note that they may be requested to extend the validity period of their tender, on the same terms and conditions, if Transnet's internal evaluation and governance approval processes has not been finalised within the validity period.

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

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

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

- C.3.11. Only tenders that are Administratively and Substantively Responsive will be evaluated further in accordance with the 90/10 preference points systems as described in Transnet Preferential Procurement Policy (TPPP) 90 where the financial value of one or more responsive tenders received have a value equal to or below R50 million, inclusive of all applicable taxes,

Thresholds	Minimum Threshold
Technical / functionality	N/A

Evaluation Criteria	Final Weighted Scores
Price	90
Specific goals - Scorecard	10
TOTAL SCORE:	100

Up to 100 minus W1 tender evaluation points will be awarded to tenderers who complete the preferencing schedule and who are found to be eligible for the preference claimed. **Should the evidence required for any of the Specific Goals applicable in this tender not be provided, a tenderer will score zero preference points for that particular "Specific Goal".**

In terms of Transnet Preferential Procurement Policy (TPPP) and Procurement Manuals, the following preference points must be awarded to a bidder who provides the relevant required evidence for claiming points

The maximum points for this bid are allocated as follows:

DISCRIPTION	POINTS (90/10)
PRICE	90
B-BBEE Level 1 and 2 contributors only	2
Entities that are at least 50% black Youth owned	2
Creation of new jobs and labour intensification	6
Total points for Price and Specific Goals must not exceed	100

The following Table represents the evidence to be submitted for claiming preference points for applicable specific goals in a particular tender:

Specific Goals	Acceptable Evidence
B-BBEE LEVEL 1 OR 2	B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate (in case of JV, a consolidated scorecard will be accepted) as per DTIC guideline
Entities that are at least 50% black Youth owned	Certified copy of ID Documents of the Owners and B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate (in case of JV, a consolidated scorecard will be accepted) as per DTIC guideline
Creation of new jobs and labour intensification	T2-2-20: Job Creation Schedule Returnable documents

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

C.3.13 Tender offers will only be accepted if:

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

b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,

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

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

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

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

C.3.17 The number of paper copies of the signed contract to be provided by the Employer is 1 (one).
