



TENDER NUMBER: TPT/2025/07/0009/101653/RFP

DESCRIPTION OF THE WORKS: FOR DESIGN, SUPPLY, DELIVERY, INSTALLATION, AND COMMISSIONING OF BIRD PROOFING SYSTEM FOR TRANSNET SOC LTD (REG.NO 1990/000900/30) OPERATING AS TRANSNET PORT TERMINALS (HEREINAFTER REFERRED TO AS "TPT") AT THE PORT OF DURBAN AGRI-PORT AND MAYDON WHARF TERMINAL FOR A PERIOD OF TWELVE (12) MONTHS.

Transnet Port Terminalsan Operating Division **TRANSNET SOC LTD**

[Registration Number 1990/000900/30]

REQUEST FOR PROPOSAL (RFP)

FOR DESIGN, SUPPLY, DELIVERY, INSTALLATION, AND COMMISSIONING OF BIRD PROOFING SYSTEM FOR TRANSNET SOC LTD (REG.NO 1990/000900/30) OPERATING AS TRANSNET PORT TERMINALS (HEREINAFTER REFERRED TO AS "TPT") AT THE PORT OF DURBAN AGRI-PORT AND MAYDON WHARF TERMINAL FOR A PERIOD OF TWELVE (12) MONTHS.

RFP NUMBER	: TPT/2025/07/0009/101653/RFP
ISSUE DATE	: 14 August 2025
COMPULSORY BRIEFING	: 22 August 2025
COMPULSORY SITE BRIEFING TIME	: 10: 00 AM
VENUE	: Okolweni Boardroom Shed 7A, Crofts Road Maydon Wharf ,Durban
CLOSING DATE	: 09 September 2025
CLOSING TIME	: 12h00 pm
TENDER VALIDITY PERIOD	: 12 weeks from closing date

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T1.1 TENDER NOTICE AND INVITATION TO TENDER

SECTION 1: NOTICE TO TENDERERS

1. INVITATION TO TENDER

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

DESCRIPTION	For design, supply, delivery, installation, and commissioning of bird proofing system for Transnet SOC Ltd (reg.no 1990/000900/30) operating as Transnet Port Terminals (hereinafter referred to as "TPT") at the Port of Durban Agri-Port and Maydon Wharf Terminal for a period of twelve (12) months.
TENDER DOWNLOADING	This Tender may be downloaded directly from the National Treasury eTender Publication Portal at www.etenders.gov.za and the Transnet website at https://transnetetenders.azurewebsites.net (please use <u>Google Chrome to access Transnet link</u>) FREE OF CHARGE.

COMPULSORY TENDER CLARIFICATION MEETING	<p>A Compulsory Tender Clarification Meeting will be conducted at Okolweni Boardroom, Shed 7A, Crofts Road, Maydon Wharf Terminal on the 22 August 2025, at 10:00am [10 O'clock] for a period of \pm 4 (four) hours. [Tenderers to provide own transportation and accommodation].</p> <p>The Compulsory Tender Clarification Meeting will start punctually, and information will not be repeated for the benefit of Tenderers arriving late.</p>
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	<p>A Site visit/walk will take place, tenderers are to note:</p> <ul style="list-style-type: none"> • Tenderers are required to wear safety shoes, goggles, long sleeve shirts, high visibility vests and hard hats. • Tenderers without the recommended PPE will not be allowed on the site walk. • Tenderers and their employees, visitors, clients and customers entering Transnet Offices, Depots, Workshops and Stores will have to undergo breathalyser testing. • All forms of firearms are prohibited on Transnet properties and premises. • The relevant persons attending the meeting must ensure that their identity documents, passports or drivers licences are on them for inspection at the access control gates. <p>Certificate of Attendance in the form set out in the Returnable Schedule T2.2-1 hereto must be completed and submitted with your Tender as proof of attendance is required for a compulsory site meeting and/or tender briefing.</p> <p>Tenderers are required to bring this Returnable Schedule T2.2-01 to the Compulsory Tender Clarification Meeting to be signed by the <i>Employer's</i> Representative.</p> <p>Tenderers failing to attend the compulsory tender briefing will be disqualified.</p>
CLOSING DATE	<p>12:00pm on (09 September 2025)</p> <p>Tenderers must ensure that tenders are uploaded timeously onto the system.</p> <p>If a tender is late, it will not be accepted for consideration.</p>

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2. TENDER SUBMISSION

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

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

Log on to the Transnet eTenders management platform website (<https://transnetetenders.azurewebsites.net>);

- Click on "ADVERTISED TENDERS" to view advertised tenders;
 - Click on "SIGN IN/REGISTER – for bidder to register their information (must fill in all mandatory information);
 - Click on "SIGN IN/REGISTER" - to sign in if already registered;
 - Toggle (click to switch) the "Log an Intent" button to submit a bid;
 - Submit bid documents by uploading them into the system against each tender selected.
 - **Tenderers are required to ensure that electronic bid submissions are done at least a day before the closing date to prevent issues which they may encounter due to their internet speed, bandwidth or the size of the number of uploads they are submitting. Transnet will not be held liable for any challenges experienced by bidders as a result of the technical challenges. Please do not wait for the last hour to submit. A Tenderer can upload 30mb per upload and multiple uploads are permitted.**
- b) **Each company must register its profile using its company details and use the corresponding registered profile to log an intent to bid as well as submitting any bid.**
- c) **Transnet will not accept a bid or will disqualify a bidder who submits a bid in the Transnet e-tender submission through another bidders'/Company's profile. In other words, each bidder must register the intent to bid and submit its bid through its own profile under the same company name that will eventually bid for the tender. No company shall submit a bid on behalf of another company regardless of the company being a subsidiary or holding company.**

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- d) **In case of a Joint Venture, any of the parties/companies to the Joint Venture may use its registered profile to submit a bid on behalf of the Joint Venture.**
 - e) The tender offers to this tender will be opened as soon as possible after the closing date and time. Transnet shall not, at the opening of tenders, disclose to any other company any confidential details pertaining to the Tender Offers / information received, i.e. pricing, delivery, etc. The names and locations of the Tenderers will be divulged to other Tenderers upon request.
 - f) Submissions must not contain documents relating to any Tender other than that shown on the submission.

3. CONFIDENTIALITY

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

4. DISCLAIMERS

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

- 4.1. Award the business to the highest scoring Tenderer/s unless objective criteria justify the award to another tenderer.
- 4.2. Not necessarily accept the lowest priced tender or an alternative Tender;
- 4.3. Go to the open market if the quoted rates (for award of work) are deemed unreasonable;
- 4.4. Should the Tenderers be awarded business on strength of information furnished by the Tenderer, which after conclusion of the contract is proved to have been incorrect, Transnet reserves the right to terminate the contract;

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- 4.5. Request audited financial statements or other documentation for the purposes of a due diligence exercise;
 - 4.6. Not accept any changes or purported changes by the Tenderer to the tender rates after the closing date;
 - 4.7. Verify any information supplied by a Tenderer by submitting a tender, the Tenderer/s hereby irrevocably grant the necessary consent to the Transnet to do so;
 - 4.8. Conduct the evaluation process in parallel. The evaluation of Tenderers at any given stage must therefore not be interpreted to mean that Tenderers have necessarily passed any previous stage(s);
 - 4.9. Unless otherwise expressly stated, each tender lodged in response to the invitation to tender shall be deemed to be an offer by the Tenderer. The Employer has the right in its sole and unfettered discretion not to accept any offer.
 - 4.10. Not be held liable if tenderers do not provide the correct contact details during the clarification session and do not receive the latest information regarding this RFP with the possible consequence of being disadvantaged or disqualified as a result thereof.
 - 4.11. Transnet reserves the right to exclude any Tenderers from the tender process who has been convicted of a serious breach of law during the preceding 5 [five] years including but not limited to breaches of the Competition Act 89 of 1998, as amended. Tenderers are required to indicate in tender returnable on T2.2-19], [**Breach of Law**] whether or not they have been found guilty of a serious breach of law during the past 5 [five] years.
 - 4.12. Transnet reserves the right to perform a risk analysis on the preferred tenderer to ascertain if any of the following might present an unacceptable commercial risk to the employer:
 - *unduly high or unduly low tendered rates or amounts in the tender offer;*
 - *contract data of contract provided by the tenderer; or*
 - *the contents of the tender returnables which are to be included in the contract.*

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5. Transnet will not reimburse any Tenderer for any preparatory costs or other work performed in connection with this Tender, whether or not the Tenderer is awarded a contract.

6. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

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

Supplier Number..... and Unique registration reference number.....(**Tender Data**)

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

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T1.2 TENDER DATA

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

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

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

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

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

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		C1.3 Form of Securities
	Part C2: Pricing data	C2.1 Pricing instructions C2.2 Activity Schedule
	Part C3: Scope of work	C3.1 Works Information
	Part C4: Site information	C4.1 Site information
C.1.4	The Employer's agent is:	Procurement Officer
	Name:	Qinisile Khuzwayo
	Address:	Transnet Port Terminals 202 Anton Lembede , Durban
	Tel No.	031 361 3752
	E – mail	Qinisile.Khuzwayo@transnet.net

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

1. Stage one: Test for Administrative and Substantive Responsiveness

Administrative responsiveness check
<ul style="list-style-type: none"> Whether the Bid has been lodged on time Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time Verify the validity of all returnable documents Verify if the Bid document has been duly signed by the authorised respondent Entity's financial stability
Check for substantive responsiveness
Whether any general pre-qualification criteria set by Transnet, have been met :
<ul style="list-style-type: none"> Whether the Bid contains a priced offer as prescribed in the pricing and delivery schedule

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|---|
| <ul style="list-style-type: none"> • Whether the Bid materially complies with the scope and/or specification given |
| <ul style="list-style-type: none"> • Whether the compulsory briefing session was attended and the Certificate of Attendance for the Site Briefing is signed by Transnet's SCM Official. |
| <ul style="list-style-type: none"> • Whether any Technical Pre-qualification Criteria/minimum requirements/legal requirements have been met as follows: <ul style="list-style-type: none"> - The contractor appointed representative must be registered as a Bird Control Operator/Bird repellent with the Department of Agriculture, Land Reform and Rural Development (Attach valid certificate). |

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

2. Stage two - Functionality:

Only those tenderers who obtain the minimum qualifying score for functionality will be evaluated further in terms of price and the applicable preference point system. The minimum qualifying for score for functionality is **60 points**.

The evaluation criteria for measuring functionality and the points for each criteria and, if any, each sub-criterion are as stated in C.3.11.3 below.

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

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

Tenderers are also **required to bring their RFP document to the briefing session and have their returnable document T2.2-1 certificate of attendance** signed off by the Employer's authorised representative.

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C.2.12 No alternative tender offers will be considered.

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

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

Identification details:

The tender documents must be uploaded with:

- Name of Tenderer:
- Contact person and details:
- The Tender Number: TPT/2025/07/0009/101653/RFP
- The Tender Description: FOR DESIGN, SUPPLY, DELIVERY, INSTALLATION, AND COMMISSIONING OF BIRD PROOFING SYSTEM FOR TRANSNET

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 **09 September 2025**

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.

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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 case of all EMEs or QSEs with 51% black ownership or more together with the tender;

3. Proof of registration on the Central Supplier Database;

4. Letter of Good Standing with the Workmen's compensation fund by the tendering entity or separate Letters of Good Standing from all members of a newly constituted JV.

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

C3.11 The minimum number of evaluation points for functionality is: **60**

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

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

Functionality Criteria

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

The minimum number of evaluation points for functionality is: **60**

This Criteria must be read in conjunction with returnable T2.2-03.		
$\text{Score} = \frac{\text{Points}}{100} \times \text{Weight}$		
T2.2-03 Guarantees and Warranties	Score	Weight
	Bird Proofing System guarantee	
	No warranty/ guarantee certificate provided. = 0	
	Warranty certificate provided and signed with a guarantee period less than 4 years warranty on corrosion protection and lifespan is required = 20	
	Warranty certificate provided and signed with a guarantee period > or equal to 4 but less than 7 years warranty on corrosion protection and lifespan is required = 40	
	Warranty certificate provided and signed with a guarantee period > or equal to 7 but less than 9 years warranty on corrosion protection and lifespan is required = 60	
	Warranty certificate provided and signed with a guarantee period > or equal to 9 but less than 10 years warranty on corrosion protection and lifespan is required = 80	
	Warranty certificate provided and signed with a guarantee period > or equal to 10 years warranty on corrosion protection and lifespan is required = 100	

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		Workmanship guarantee	
		No warranty provided or provided warranty less than 12 months. = 0	5
		Warranty provided with a guarantee period of 12 months or more on workmanship. = 100	
		Sub Total for Guarantees and Warranties	20
This Criteria must be read in conjunction with returnable T2.2-04. <i>Score</i> <i>Points =</i> 100 x Weight			
T2.2.04 Quality Management	Score	Weight	
	Project Quality Plan (PQP) based on EEAM-Q-009 Quality Management System. Project Quality Plan which satisfies the technical and quality requirements of the works, identifying all procedures, reviews, audits, controls, and records used to control and verify compliance with the Works Information.		
	• No PQP submitted = 0		
	• PQP submitted excludes any of the listed documentation =20		
	• PQP includes one of the listed documentation = 40		
	• PQP includes two of the listed documentation = 60		
	• PQP includes all the listed documentation = 80		
	• PQP includes all the required documentation as well as a copy of a recent audit (not older than 2023) completed by an independent quality assurance authority = 100		15
	Valid ISO 9001 certificate		
	• No ISO 9001 certificate or certificate has expired = 0		
	• ISO 9001 certificate submitted and valid = 100		5
	Sub Total for Quality Management		20
This Criteria must be read in conjunction with returnable T2.2-05. The tenderer shall provide the proposed programme (Primavera or Ms. Project), at a minimum Level 3. <i>Score</i> <i>Points = 100 x Weight</i>			
T2.2-05	Score	Weight	

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Programme	Ability to execute the works in terms of the Employer's requirements and within the required timeframe indicating, in a logical sequence, the order and timing of the construction that will take place in order to Provide the Works clearly indicating the capacity & capability to achieve the dates stated in the Contract Data.	
	<ul style="list-style-type: none"> The tenderer has submitted no information = 0 	
	<ul style="list-style-type: none"> The Programme is poor, and it will not satisfy project objectives or requirements. The tenderer has misunderstood the scope of Works and does not deal with the critical aspects of the overall programme = 20 	
	<ul style="list-style-type: none"> The Programme is generic, not practical, and unrealistic, therefore is unlikely to satisfy project objectives or Employer's requirements. The tenderer has misunderstood certain aspects of the scope of the Works and does not deal with the critical aspects of the project = 40 	
	<ul style="list-style-type: none"> The programme is project specific, practical, and realistic, therefore is likely to satisfy project objectives or Employer's requirements. The tenderer has understood certain aspects of the scope of the Works and is dealing with the critical aspects of the project = 60 	3
	<ul style="list-style-type: none"> The programme addresses certain specific project objectives but does not adequately deal with all the critical characteristics of the project.. 	
	<ul style="list-style-type: none"> The programme is complete and decomposed, as demonstrated in the project WBS which fully demonstrates the Provision of the Works and the Scope of Works and is in accordance with the Works Information.. 	
	<ul style="list-style-type: none"> The programme is predictive in that it contains minor errors or omissions in critical path. 	
	<ul style="list-style-type: none"> The programme contains minor errors and omissions in logic (i.e., horizontal, and vertical traceability) 	
	<ul style="list-style-type: none"> The programme demonstrates the sequence, methodology and underlying approach to Provision of the Works and the Scope of Works, in line with the requirements of the Contract, as such adequately deals with some but not all the critical characteristics of overall project = 80 	

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DESCRIPTION OF THE WORKS: FOR DESIGN, SUPPLY, DELIVERY, INSTALLATION, AND COMMISSIONING OF BIRD PROOFING SYSTEM FOR TRANSNET SOC LTD (REG.NO 1990/000900/30) OPERATING AS TRANSNET PORT TERMINALS (HEREINAFTER REFERRED TO AS "TPT") AT THE PORT OF DURBAN AGRI-PORT AND MAYDON WHARF TERMINAL FOR A PERIOD OF TWELVE (12) MONTHS.

	<ul style="list-style-type: none"> • The programme adequately addresses specific project objectives and critical aspects. • The programme is complete and adequately decomposed, as demonstrated in the project WBS which fully demonstrates the Provision of the Works and the Scope of Works and is in accordance with the Works Information and /or encompasses project scope as detailed but not limited to the Scope of Works. • The programme is adequately predictive in that it provides meaningful critical path(s) and forms an accurate/realistic model of project risk, the latter as demonstrated in activity duration estimates. • The programme contains logic that is horizontally, vertically traceable as supported by realistic duration estimates. • The programme adequately demonstrates the sequence, methodology, and underlying approach to Provision of the Works and the Scope of Works, in line with the requirements of the Works information as such adequately deals with the critical characteristics of overall project = 100 	
	<p>Dates when the Contractor will need access to any part of the Site, submission & approval process & timing for Health & Safety Files, inclusive of construction work permit, Environmental Files and Quality Files. In addition, the Programme must clearly demonstrate the procurement process for all long lead items if applicable. Moreover, the Programme must clearly demonstrate adequate provision for the process and timeframes associated with undertaking inductions, permits and medicals.</p> <ul style="list-style-type: none"> • The tenderer has submitted no information = 0 	
	<ul style="list-style-type: none"> • The tenderer poorly addressed critical access requirements. • The tenderer has not allowed timing for undertaking deliverables as stipulated within the Works Information. • The tenderer has not allowed approval process and timing for Health & Safety, Environmental and Quality pre-requisites/requirements. • The tenderer has not demonstrated provision for the process and timeframes associated with undertaking procurement processes, inductions, permits and medicals = 20 	

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	<ul style="list-style-type: none"> • The tenderer has addressed some critical but not all access requirements. • The tenderer has made an adequate allowance in timing for undertaking deliverables as stipulated within the Works Information. • The tenderer has not made an adequate allowance for the approval process and timing for Health & Safety, Environmental and Quality pre-requisites/requirements. • The tenderer has not adequately demonstrated provision for the process and timeframes associated with undertaking procurement processes, inductions = 40 	3
	<ul style="list-style-type: none"> • The tenderer has addressed all access requirements. • The tenderer has made an allowance in timing and scope for undertaking deliverables as stipulated within the Works Information and Employer's Scope of Works. • The tenderer has made an allowance for the approval process, timing and scope for Health & Safety, Environmental and Quality pre-requisites/requirements. • The tenderer has not demonstrated provision for the process and timeframes associated with undertaking procurement processes, inductions, permits and medicals = 60 	
	<ul style="list-style-type: none"> • The tenderer has addressed all access requirements. • The tenderer has made an allowance in timing and scope for undertaking deliverables as stipulated within the Works Information and Employer's Scope of Works. • The tenderer has made an allowance for the approval process, timing and scope for Health & Safety, Environmental and Quality pre-requisite/requirements. • The tenderer has demonstrated provision for the process and timeframes associated with undertaking procurement processes, inductions, permits and medicals i.e., all items considered, and adequate timeframes allowed = 80 	
	<ul style="list-style-type: none"> • The tenderer has adequately addressed all access requirements. • The tenderer has made an adequate allowance in timing and scope for undertaking deliverables as stipulated within the Works Information and Employer's Scope of Works. • The tenderer has made an adequate allowance for the approval process, timing and scope for Health & Safety, Environmental and Quality pre-requisite/requirements. • The tenderer has adequately demonstrated provision for the process and timeframes associated with undertaking procurement processes, inductions, permits and medicals i.e., all items considered, and adequate timeframes allowed. = 100 	

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	<p>The Contractor indicates how he plans in achieving the following dates and clearly demonstrates them on the schedule - Starting Date, Planned Completion, Sectional Completion Dates & Completion Date. In addition, the Programme clearly demonstrates adequate provisions for Time Risk Allowance (TRA). Time Risk Allowances are not float, are owned by the Tenderer, can be included in the activity duration and illustrated in the schedule in a code field or as an attachment.</p>	
	<ul style="list-style-type: none"> The tenderer has submitted no information = 0 	3
	<ul style="list-style-type: none"> The tenderer has poorly addressed some but not all date requirements and submission contain critical logic and sequencing errors which renders it unrealistic / unachievable. The tenderer has poorly demonstrated Time Risk Allowance (TRA). = 20 	
	<ul style="list-style-type: none"> The tenderer has addressed some but not all date requirements and submission contain critical logic and sequencing errors which renders it unrealistic / unachievable. The tenderer has demonstrated Time Risk Allowance (TRA). = 40 	
	<ul style="list-style-type: none"> The tenderer has addressed most date requirements correctly and submission contains logic and sequencing which is accurate and renders the submission realistic and achievable. The tenderer has demonstrated inadequate provision for Time Risk Allowance (TRA) i.e. TRA in inadequate quantities and not assigned to specific activities and/or critical components of the scope which are known to be subject to uncertainty. = 60 	
	<ul style="list-style-type: none"> The tenderer has addressed all date requirements correctly and submission contains logic and sequencing which is accurate and renders the submission realistic and achievable. The tenderer has demonstrated provision for Time Risk Allowance (TRA) i.e. TRA quantities, correctly assigned to specific activities and/or critical components of the scope which are known to be subject to uncertainty = 80 	
	<ul style="list-style-type: none"> The tenderer has adequately addressed all date requirements correctly and submission contains logic and sequencing which is accurate and renders the submission realistic and achievable. The tenderer has demonstrated adequately provision for Time Risk Allowance (TRA) i.e. TRA adequate quantities, correctly assigned to specific activities and/or critical components of the 	

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	scope which are known to be subject to uncertainty = 100	
	The Programme shall be aligned to the C3: Works Information and detailed at an appropriate level of decomposition to support the scope and associated duration estimates.	
	<ul style="list-style-type: none"> The tenderer has submitted no information = 0 Poor alignment between programme and the Works Information. = 20 	
	<ul style="list-style-type: none"> Programme and some Works Information are relatively aligned but the level of decomposition of the programme is not appropriate to support the scope and associated duration estimates for the phase in question and the project overall. = 40 Programme and most Works Information are relatively aligned but the level of decomposition of the programme is appropriate to support the scope and associated duration estimates for the phase in question and the project overall. = 60 Programme and all Works Information are aligned and the level of decomposition of the programme is appropriate to support the scope and associated duration estimates for the phase in question and the project overall. = 80 Programme and all Works Information are adequately aligned and the level of decomposition of the programme is appropriate to support the scope and associated duration estimates for the phase in question and the project overall. = 100 	3
	The Programme must clearly support and demonstrate alignment to the approach paper/ method statement as contained in T2.2-07. In addition, the programme needs to have a basis of a schedule not limited to assumptions, constraints, and approach to providing the Works and construction monitoring as detailed in the programme.	

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	<ul style="list-style-type: none"> The tenderer has submitted no information = 0 	3
	<ul style="list-style-type: none"> Poor alignment between programme and method statement. The Basis of the Schedule document contains poor detail, critical errors and omissions. As such it does not support the programme model. Poor alignment between Basis of Schedule documentation and the programme model. = 20 	
	<ul style="list-style-type: none"> Some critical errors and or omissions in alignment between programme and method statement. The Basis of the Schedule document contains inadequate detail, and critical errors exist. As such the Basis of Schedule does not fully support the programme model. Some critical errors in alignment between Basis of Schedule documentation and the programme model. = 40 	
	<ul style="list-style-type: none"> No critical errors and or omissions in alignment between programme and method statement. The Basis of Schedule document contains adequate detail, however critical aspects of the programme model are substantiated. No errors and or omissions exist in alignment of the Basis of Schedule document and the programme model. = 60 	
	<ul style="list-style-type: none"> Programme and method statement are aligned, and submission contains no critical errors or omissions. The Basis of the Schedule document contains adequate detail, no critical errors or omissions and as such fully supports the programme model. Basis of Schedule document and programme model are aligned. = 80 	
	<ul style="list-style-type: none"> Programme and method statement are adequately aligned, and submission contains no errors or omissions. The Basis of the Schedule document contains adequate details, no errors or omissions and as 	

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	such fully supports the programme model. • Basis of Schedule document and programme model are adequately aligned. = 100	
	Sub Total for Programme	15
This Criteria must be read in conjunction with returnable T2.2-06. Tenderers are required to demonstrate their experience in the delivery of similar projects executed in the past five years with a list indicating each project value and contact details of client reference. <i>Score</i> <i>Points = 100 x Weight</i>		
T2.2-06 Previous Experience	Score	Weight
	Previous Experience of Bird Proofing System installation conducted by tenderer, or their partner / subcontractor, in the last 5 years. References to provide letter of reference, to be contactable to allow verification of track record provided. Sufficient references to substantiate experience indicated (Client name and contact details, project description, duration, and contract value).	
	No information provided = 0	
	< = 3 reference letters submitted with client names, contact details, project description, duration, and contract value = 20	
	4 Reference letters submitted with client names, contact details, project description, duration, and contract value = 40	
	5 Reference letters submitted with client names, contact details, project description, duration, and contract value = 60	
	6 Reference letters submitted with client names, contact details, project description, duration, and contract value = 80	
	7 or more References submitted with client names, contact details, project description, duration, and contract value = 100	
	Sub Total for Previous Experience	20

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This Criteria must be read in conjunction with returnable T2.2-07. The Tenderer must sufficiently demonstrate the approach/methodology that he/she will employ to cover the scope of the project in a method statement.:

Score

Points = 100 x Weight

	Score	Weight
T2.2.07 Method Statement	Removal of the existing Bird Proofing System, Cleaning and removal of bird droppings and lice, Provision for a platform to access the roof trusses/ working at heights, Removal of all nests and disinfection of areas, Seal off the areas where the birds may find a way to enter or areas that may compromise the effectiveness of the bird proof solution, Installation of a suitable solution for bird proofing, House Keeping and keeping material safe and secured, Phasing out of sections on the sheds and, Communication (All site requirements to be communicated the Project Manager)	
	The tenderer has submitted no information = 0	
	The methodology/approach. 3 or less out of the 9 points addressed. = 20	
	The methodology/approach is generic 4 to 5 of the points addressed = 40	10
	The methodology/approach is satisfactory with 6 to 7 of the points addressed = 60	
	The methodology/approach is tailored to address most of the project objectives and methodology 8 of the points addressed = 80	
	The methodology/approach address all specific project objectives and methodology. All of the 9 points addressed. = 100	
	Sub Total for Method Statement	10

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This Criteria must be read in conjunction with returnable T2.2-08. The tender must be able to demonstrate that the project personnel have sufficient knowledge, experience, and qualifications to provide the required services.

Score

$$\text{Points} = 100 \times \text{Weight}$$

	Score	Weight
T2.2.08 Management of CV's	CV with qualifications and experience for the Project Manager	
	General experience (total duration of construction activity) and positions held of each discipline specific team member.	
	<ul style="list-style-type: none"> No CVs submitted = 0 Minimum years' experience as a project manager where He/she has less than/equal to 3 years' experience = 20 	
	<ul style="list-style-type: none"> Limited years' experience as a project manager where He/she has more than 3 to 4 years' experience = 40 Acceptable levels of experience as a project manager where He/she has more than 4 to 5 years' experience = 60 Acceptable levels of experience as a project manager where He/she has more than 5 to 6 years' experience = 80 Very good levels of experience as a project manager where he/she has more than 6 years' Experience = 100 	1,5
	The education, training, and skills of the assigned staff in the specific sector, field, subject, etc. which is directly linked to the scope of work. Proof of education/ qualification and training must be attached to the C.V.	
	<ul style="list-style-type: none"> The Tenderer has submitted no information or inadequate information to determine a score. = 0 The PM does not have project management specific education, skills, training. No project management credentials = 20 PM has limited levels of project management specific education, skills, training. A project management certificate only = 40 PM has adequate levels of project management specific education, skills, training and possesses a project management diploma = 60 	

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	<ul style="list-style-type: none"> PM has good levels of project management specific education, skills, training and possesses a project management professional registration with PMP or SACPCMP = 80 PM has good levels of project management specific education, skills, training and possesses a project management professional registration with PMP or SACPCMP as well as a degree in the Built Environment = 100 	
	Relevant appointed company representatives have experts knowledge and experience with respect to Bird Proofing and control Systems.	
	<ul style="list-style-type: none"> PM has no experience of birdproofing. = 0 PM has limited knowledge of birdproofing work with less than/equal to 3 years = 20 PM has reasonable knowledge of birdproofing work with more than 3 to 4 years. = 40 PM has extensive knowledge of birdproofing work with more than 4 to 5 years = 60 PM outstanding knowledge of birdproofing work with more than 5 to 6 years = 80 PM has exceptional experience of birdproofing work with more than 6 years = 100 	2
	CV with qualifications and experience for the Site Supervisor	
	General experience (total duration of construction activity) and positions held of each discipline specific team member.	
	<ul style="list-style-type: none"> No CVs submitted = 0 	
	<ul style="list-style-type: none"> Minimum years experience as a site supervisor where He/she has less than/equal to 3 years' experience = 20 Site supervisor has limited years experience as a site supervisor where He/she has more than 3 to 4 years' experience = 40 	1,5
	<ul style="list-style-type: none"> Site supervisor has acceptable years experience as a site supervisor where He/she has more than 4 to 5 years' experience = 60 Site supervisor has acceptable years experience as a site supervisor where He/she has more than 5 to 6 years' experience = 80 Site supervisor has acceptable years experience as a site supervisor where He/she has more than 6 years' experience = 100 	
	The education, training, and skills of the assigned staff in the specific sector, field, subject, etc. which is directly linked to the scope of work. Proof of education and training must be attached to the C.V.	
	<ul style="list-style-type: none"> The Tenderer has submitted no information or inadequate information to determine a score. = 0 	

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	<ul style="list-style-type: none"> • Site Supervisor does not have project supervision specific education, skills, training. = 20 • Site Supervisor has limited project site supervision specific education, skills, training and a Site Construction Supervision certificate = 40 • Site Supervisor has adequate levels of project site supervision education, skills, training and a Diploma / NTC 3 for Site Construction Supervision / Management = 60 • Site Supervisor has extensive levels of project site supervision education, skills, training and has a National Diploma (Engineering / Built Environment) and has worked as a Construction Manager= 80 • Site Supervisor has outstanding project site supervision specific education, skills, training and is professionally registered with SACPCM as a construction manager and a Diploma / degree in Engineering / Built Environment = 100 	1,5
	The key staff members' / experts' knowledge must provide his/her experience with respect to the specific aspects of the project (Bird Proofing System installation).	
	<ul style="list-style-type: none"> • Site Supervisor has no experience of birdproofing. = 0 • Site Supervisor has limited knowledge of birdproofing work with less than /equals to 3 years = 20 • Site Supervisor as reasonable knowledge of birdproofing work with more than 3 to 4 years. = 40 • Site Supervisor extensive knowledge of birdproofing work with more than 4 to 5 years = 60 • Site Supervisor outstanding knowledge of birdproofing work with more than 5 to 6 years = 80 • Site Supervisor has exceptional experience of birdproofing work with more than 6 years = 100 	2
	CV with qualifications and experience for the SHE Officer	
	General experience (total duration of construction activity) and positions held of each discipline specific team member.	
	<ul style="list-style-type: none"> • No CVs submitted = 0 • SHE Officer does not have suitable levels of relevant experience. He/she has less than/equals to 3 years' experience = 20 	
	<ul style="list-style-type: none"> • SHE Officer has limited recommended levels of relevant experience. He/she has more than 3 to 4 years' experience = 40 • SHE Officer have acceptable levels of relevant experience. He/she has more than 4 to 5 years' experience = 60 	1,5
	<ul style="list-style-type: none"> • SHE Officer have acceptable levels of relevant experience. He/she has more than 5 to 6 years' experience = 80 	

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	<ul style="list-style-type: none"> SHE Officer have acceptable levels of relevant experience and qualifications with more than 6 years' experience = 100 	
	The education, training, and skills of the assigned staff in the specific sector, field, subject, etc. which is directly linked to the scope of work. Proof of education and training must be attached to the C.V.	
	<ul style="list-style-type: none"> The Tenderer has submitted no information = 0 	1,5
	<ul style="list-style-type: none"> SHE Officer does not have construction SHE education, skills, training with no credentials submitted = 20 	
	<ul style="list-style-type: none"> SHE Officer has limited levels of construction SHE education, skills, training and has a basic construction Health and Safety training certificate = 40 	
	<ul style="list-style-type: none"> SHE Officer has adequate levels of construction SHE education, skills, training and a diploma in SHE = 60 	
	<ul style="list-style-type: none"> SHE Officer has extensive levels of construction SHE education, skills, training and is registered with SACPCMP = 80 	
	<ul style="list-style-type: none"> SHE Officer has outstanding levels of construction SHE education, skills, training, and has a SAMTRAC and registered with SACPCMP = 100 	
	The key staff members' / experts' knowledge must provide his/her experience with respect to the specific aspects of the project (Bird Proofing System installation).	
	<ul style="list-style-type: none"> SHE Officer has no experience of birdproofing. = 0 	2
	<ul style="list-style-type: none"> SHE Officer has limited knowledge of birdproofing work with less than /equals to 3 years = 20 	
	<ul style="list-style-type: none"> SHE Officer has reasonable knowledge of birdproofing work with more than 3 to 4 years. = 40 	
	<ul style="list-style-type: none"> SHE Officer extensive knowledge of birdproofing work with more than 4 to 5 years = 60 	
	<ul style="list-style-type: none"> SHE Officer outstanding knowledge of birdproofing work with more than 5 to 6 years = 80 	
	<ul style="list-style-type: none"> SHE Officer has exceptional experience of birdproofing work with more than 6 years = 100 	
	Sub Total for Experience and Qualifications	15
	Total points for Functionality	100

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Functionality shall be scored independently by not less than 3 (three) evaluators and averaged in accordance with the following schedules:

- T2.2-03 **Evaluation Schedule:** Guarantee and Warrantees
- T2.2-04 **Evaluation Schedule:** Quality Management
- T2.2-05 **Evaluation Schedule:** Programme
- T2.2-06 **Evaluation Schedule:** Previous experience
- T2.2-07 **Evaluation Schedule:** Method Statement
- T2.2-08 **Evaluation Schedule:** Management & CV's

Each evaluation criteria will be assessed in terms of scores of 0, 20, 40, 60, 80 or 100

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

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

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C.3.1 Only tenders that achieve the minimum qualifying score for functionality will be evaluated further in accordance with the 80/20 preference points systems as described in Preferential Procurement Regulations.

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

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

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

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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).

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T 1.3 Standard Conditions of Tender

T.1 General

All Bid Documents and subsequent contracts and orders shall be subject to the following general conditions as laid down by Transnet and are to be strictly adhered to by any Respondent to this RFP

T.1.1 Actions

The *Employer* and each Tenderer submitting a tender offer shall comply with these Conditions of Tender. In their dealings with each other, they shall discharge their duties and obligations as set out in T.2 and T.3, timely and with integrity, and behave equitably, honestly and transparently.

T.1.2 Tender Documents

The documents issued by the *Employer* for the purpose of a tender offer are listed in the tender data.

T.1.3 Interpretations

T.1.3.1 The tender data and additional requirements contained in the tender schedules that are included in the Mandatory returnable documents are deemed to be part of these Conditions of Tender.

T.1.3.2 These Conditions of Tender, the tender data and those tender schedules which are only required for tender evaluation purposes (as detailed in schedule , shall not form part of any contract arising from the invitation to tender.

T.1.3.3 For the purposes of these Conditions, the following definitions apply:

- a) comparative offer means the Tenderer's financial offer after the factors of non-firm prices, all unconditional discounts and any other tendered parameters that will affect the value of the financial offer have been taken into consideration
- b) corrupt practice means the offering, giving, receiving or soliciting of anything of value to influence the action of the *Employer* or his staff or agents in the tender process; and
- c) fraudulent practice means the misrepresentation of the facts in order to influence the tender process or the award of a contract arising from a tender offer to the detriment of the *Employer*, including collusive practices intended to establish prices at artificial levels
- d) quality (functionality) means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs

T.1.4 Communication and *Employer's* agent

Each communication between the *Employer* and a tenderer shall be to or from the *Employer's* agent only, and in a form that can be read, copied and recorded. Writing shall be

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in the English language. The *Employer* shall not take any responsibility for non-receipt of communications from or by a tenderer. The name and contact details of the *Employer's* agent are stated in the tender data.

T.1.5 The *Employer's* right to accept or reject any tender offer

The *Employer* may accept or reject any variation, deviation, tender offer, or alternative tender offer, and may cancel the tender process and reject all tender offers at any time before the formation of a contract. The *Employer* shall not accept or incur any liability to a tenderer for such cancellation and rejection, but will give written reasons for such action upon written request to do so.

T.2 Tenderer's obligations

T.2.1 Eligibility

Submit a tender offer only if the tenderer satisfies the criteria stated in the tender data and the tenderer, or any of his principals, is not under any restriction to do business with *Employer*.

T.2.2 Cost of tendering

Accept that the *Employer* will not compensate the tenderer for any costs incurred in the preparation and submission of a tender offer, including the costs of any testing necessary to demonstrate that aspects of the offer satisfy requirements.

T.2.3 Check documents

Check the tender documents on receipt for completeness and notify the *Employer* of any discrepancy or omission.

T.2.4 Confidentiality and copyright of documents

Treat as confidential all matters arising in connection with the tender. Use and copy the documents issued by the *Employer* only for the purpose of preparing and submitting a tender offer in response to the invitation.

T.2.5 Reference documents

Obtain, as necessary for submitting a tender offer, copies of the latest versions of standards, specifications, conditions of contract and other publications, which are not attached but which are incorporated into the tender documents by reference.

T.2.6 Acknowledge addenda

Acknowledge receipt of addenda to the tender documents, which the *Employer* may issue, and if necessary apply for an extension to the closing time stated in the tender data, in order to take the addenda into account.

T.2.7 Compulsory Briefing Session

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Attend, where required, a briefing session at which tenderers may familiarize themselves with aspects of the proposed work, services or supply and raise questions. Details of the meeting(s) are stated in the tender data.

T.2.8 Seek clarification

Request clarification of the tender documents, if necessary, by notifying the *Employer* at least ten working days before the closing time stated in the tender data.

T.2.9 Insurance

Be aware that the extent of insurance to be provided by the *Employer* (if any) might not be for the full cover required in terms of the conditions of contract identified in the contract data. The tenderer is advised to seek qualified advice regarding insurance.

T.2.10 Pricing the tender offer

T.2.10.1 Include all duties, taxes (except South African Value Added Tax (VAT)), and other levies payable by the successful tenderer in the rates, prices, and the tendered total of the prices. All duties, taxes and levies that are applicable 14 days before the closing time as stated in the tender data, to be included in the prices.

T.2.10.2 Show VAT payable by the *Employer* separately as an addition to the tendered total of the prices.

T.2.10.3 Provide rates and prices that are fixed for the duration of the contract and not subject to adjustment except as provided for in the conditions of contract identified in the contract data.

T.2.10.4 State the rates and prices in South African Rand (ZAR) unless instructed otherwise in the tender data.

T.2.10.5 The delivery place for the Works is as per Part 3 Scope of works in South Africa

T.2.10.6 The *Contractor* shall be responsible for all costs for the transportation of the Works from place of manufacture to the *Employer's* nominated place of delivery in South Africa, including the clearance of the Works through South African Customs, payment of Customs VAT, local testing and onward delivery to Transnet's nominated destination, which costs (excluding the payment of Customs VAT) shall be separately identified in its Tax Invoices henceforth. The *Contractor* will endeavour to reduce exposure to liability for Duty on importation of the works and where not, to capture same. The Inco Term Required is (DDP Incoterms 2010).

T.2.11 Alterations to documents

Not make any alterations or additions to the tender documents, except to comply with instructions issued by the *Employer*, or necessary to correct errors made by the tenderer. All signatories to the tender offer shall initial all such alterations. Erasures and the use of masking fluid are prohibited.

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T.2.12 Alternative tender offers

T.2.12.1 Submit alternative tender offers only if a main tender offer is also submitted, strictly in accordance with all the requirements of the tender documents. The alternative tender offer is to be submitted with the main tender offer together with a schedule that compares the requirements of the tender documents with the alternative requirements the tenderer proposes.

T.2.12.2 Accept that an alternative tender offer may be based only on the criteria stated in the tender data or criteria otherwise acceptable to the *Employer*.

T.2.13 Submitting a tender offer

T.2.13.1 Submit a tender offer to provide the whole of the works, services or supply identified in the contract data and described in the scope of works, unless stated otherwise in the tender data.

T.2.13.2 Return all mandatory returnable documents to the *Employer* after completing them in their entirety.

T.2.13.3 Submit the parts of the tender offer communicated on paper as an original plus the number of copies stated in the tender data, with an English translation of any documentation in a language other than English, and the parts communicated electronically in the same format as they were issued by the *Employer*.

T.2.14 Information and data to be completed in all respects

Accept that tender offers, which do not provide all the data or information requested completely and in the minimum issued format required, will be regarded by the *Employer* as non-responsive.

T.2.15 Closing date and time

T.2.15.1 Ensure that the *Employer* receives the tender offer at the location specified in the tender data not later than the closing time stated in the tender data. The *Employer* shall not accept tender offers submitted by telegraph, facsimile, e-mail or tenders submitted by post.

T.2.15.2 Accept that, if the *Employer* extends the closing time stated in the tender data for any reason, the requirements of these conditions of tender apply equally to the extended deadline.

T.2.16 Tender offer validity

T.2.16.1 Hold the tender offer(s) valid for acceptance by the *Employer* at any time during the validity period stated in the tender data after the closing time stated in the tender data.

T.2.16.2 If requested by the *Employer*, consider extending the validity period stated in the tender data for an agreed additional period.

T.2.17 Clarification of tender offer after submission

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Provide clarification of a tender offer in response to a request to do so from the *Employer* during the evaluation of tender offers. This may include providing a breakdown of rates or prices and correction of arithmetical errors by the adjustment of certain rates or item prices (or both). No change in the competitive position or substance of the tender offer is sought, offered, or permitted during this stage of the tender process. The total of the prices stated by the tenderer shall be binding upon the tenderer.

Note: Sub-clause T.2.17 does not preclude the negotiation of price and the final terms of the contract during the post tender negotiation, should the *Employer* elect to do so.

T.2.18.2 Dispose of samples of materials provided for evaluation by the *Employer*, where required.

T.2.19 Inspections, tests and analysis

Provide access during working hours to premises for inspections, tests and analysis as provided for in the tender data.

T.2.20 Submit securities, bonds, policies, etc.

If requested, submit for the *Employer's* acceptance before formation of the contract, all securities, bonds, guarantees, policies and certificates of insurance required in terms of the conditions of contract identified in the contract data.

T.2.21 Check final draft

Check the final draft of the contract provided by the *Employer* within the time available for the *Employer* to issue the contract.

T.2.23 Certificates

Include in the tender submission or provide the *Employer* with any certificates as stated in the tender data.

T.3 The *Employer's* undertakings

T.3.1 Respond to clarification

Respond to a request for clarification received up to five working days before the tender closing time stated in the Tender Data and notify all tenderers who drew procurement documents.

T.3.2 Issue Addenda

If necessary, issue addenda that may amend or amplify the tender documents to each during the period from the date that tender documents are available until seven days before the tender closing time stated in the Tender Data. If, as a result a tenderer applies for an extension to the closing time stated in the Tender Data, the *Employer* may grant such extension and, shall then notify all tenderers who drew documents.

T.3.4 Non-disclosure

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Not disclose to tenderers, or to any other person not officially concerned with such processes, information relating to the evaluation and comparison of tender offers, the final evaluation price and recommendations for the award of a contract, until after the award of the contract to the successful tenderer.

T.3.5 Test for responsiveness

T.3.5.1 The *Employer* will determine before detailed evaluation, whether each tender offer is properly received, namely:

- a) meets the laid-down grounds for eligibility;
- b) complies with the requirements of these Conditions of Tender;
- c) has been properly and fully completed and signed; and
- d) is responsive to all other requirements of the tender documents, including the return of all Mandatory returnable Schedules and documentation, as specified.

T.3.5.2 A responsive tender is one that conforms to all the terms, conditions, and specifications of the tender documents without material deviation or qualification. A material deviation or qualification is one which, in the *Employer's* opinion, would:

- a) detrimentally affect the scope, quality, or performance of the works, services or supply identified in the Scope of Work,
- b) change the *Employer's* or the tenderer's risks and responsibilities under the contract, or
- c) affect the competitive position of other tenderers presenting responsive tenders, if it were to be rectified.

T.3.5.3 Reject a non-responsive tender offer, and not allow it to be subsequently made responsive by correction or withdrawal of the non-conforming deviation or reservation.

T.3.6 Arithmetical errors

T.3.6.1 Check responsive tender offers for arithmetical errors, correcting them in the following manner:

- a) Where there is a discrepancy between the amounts in figures and in words, the amount in words shall govern.
- b) If bills of quantities (or schedule of quantities or schedule of rates) apply and there is an error in the line item total resulting from the product of the unit rate and the quantity, the line item total shall govern and the rate shall be corrected. Where there is an obviously gross misplacement of the decimal point in the unit rate, the line item total as quoted shall govern, and the unit rate shall be corrected.
- c) Where there is an error in the total of the prices either as a result of other corrections required by this checking process or in the tenderer's addition of prices, the total of the prices shall govern and the tenderer will be asked to revise selected item prices (and their rates if bills of quantities apply) to achieve the tendered total of the prices.

T.3.7 Clarification of a tender offer

Obtain clarification from a tenderer on any matter that could give rise to ambiguity in a contract arising from the tender offer

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T.3.8 Principles for Awarding Business

As is elsewhere also provided in the Tender, Tenderers are advised and should note that any final award of business is entirely conditional upon and subject to the successful conclusion of a written contract between the preferred Tenderer(s) and the *Employer*, which contract will include such terms and conditions as the *Employer's* management and Acquisitions Council may require or prescribe.

T.3.9 Insurance provided by the *Employer*

If requested by the proposed successful tenderer, submit for the tenderer's information the policies and / or certificates of insurance which the conditions of contract identified in the contract data, require the *Employer* to provide.

T.3.10 Acceptance of tender offer

T.3.10.1 Accept tender offer only if the tenderer complies with the legal requirements stated in the Tender data

T.3.10.2 Notify the successful tenderer of the *Employer's* acceptance of his tender offer by completing and returning one copy of the form of offer and acceptance before the expiry of the validity period stated in the tender data, or agreed additional period. Providing the form of offer and acceptance does not contain any qualifying statements, it will constitute the formation of a contract between the *Employer* and the successful tenderer as described in the form of offer and acceptance.

T.3.10.3 The *Employer* reserves the right to conduct post-tender negotiations.

T.3.11 Notice to unsuccessful Tenderers

After the successful tenderer has acknowledged the *Employer's* notice of acceptance, notify other tenderers that their tender offers have not been accepted.

T.3.12 Prepare contract documents

If necessary, revise documents that shall form part of the contract and that were issued by the *Employer* as part of the tender documents to take account of:
addenda issued during the tender period,
inclusion of some of the mandatory returnable documents,
other revisions agreed between the *Employer* and the successful tenderer, and
the schedule of deviations attached to the form of offer and acceptance, if any.

T.3.13 Issue final contract

Prepare and issue the final draft of contract documents to the successful tenderer for acceptance as soon as possible after the date of the *Employer's* signing of the form of offer and acceptance (including the schedule of deviations, if any). Only those documents that the conditions of tender require the tenderer to submit, after acceptance by the *Employer*, shall be included.

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T.3.14 Complete adjudicator's contract

Unless alternative arrangements have been agreed or otherwise provided for in the contract, arrange for both parties to complete formalities for appointing the selected adjudicator at the same time as the main contract is signed.

T.3.15 Provide copies of the contracts

Provide to the successful tenderer the number of copies stated in the Tender Data of the signed copy of the contract as soon as possible after completion and signing of the form of offer and acceptance.

T.3.16 Disclaimers

- a) The *Employer* reserves the right to request audited financial statements for the purposes of the due diligence exercise.
- b) The *Employer* reserves the right to accept the whole or any part of a tender
- c) Changes or purported changes by the Tenderer to the Tender prices will not be permitted after the closing date.
- d) The person(s) signing the Tender must be legally authorised by the Tenderer to do so by way of an appropriate written resolution, as also the person(s) authorised to negotiate on the Tenderer's behalf.
- e) The *Employer* reserves the right to verify any information supplied by a Tenderer. By submitting a Tender, the Tenderers hereby irrevocably grant the necessary consent to the *Employer* to do so.
- f) The *Employer* reserves the right to undertake post-tender negotiations with those persons appearing on the list of preferred Tenderers, once such list is approved by the Divisional Acquisitions Council.
- g) Unless otherwise expressly stated, each Tender lodged in response to the invitation to Tender shall be deemed to be an offer by the Tenderer. The *Employer* has the right in its sole and unfettered discretion not to accept any offer without assigning any reason therefor.
- h) The *Employer* will not reimburse any Tenderer for any preparatory costs, travelling and/or accommodation costs, or for other work performed in connection with the Tender, whether the Tenderer is awarded any business arising out of the Tender, or not.
- i) The successful tenderer will be subject to the conclusion of a final NEC 3 Engineering and Construction Contract.
- j) Tenderers must note that the *Employer* is not committed to any irrevocable course of action as a result of it issuing the Tender and/or its receipt of any Tender documents. Without limitation to the *Employer's* rights elsewhere contained herein, and in addition thereto, the *Employer* may accordingly in its sole and unfettered discretion:
 - k) change all services stipulated for in the Tender and re-issue the Tender in an amended form;
 - l) reject any Tender which does not conform strictly with the stipulations and requirements which are set out in these documents;
 - m) disqualify late Tenders received after the stated submission deadline;
 - n) not necessarily accept the lowest priced Tender;
 - o) award a contract in connection with this Tender at any time to any person(s) or company;
 - p) make no award of business; and

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- q) withdraw the Tender on good cause at any stage of the Tender process upon written notification to the Tenderers.
- r) The Purchaser reserves the right to use Supplier Development, People with Disabilities, Black Women Owned and Black youth owned as objective criteria

T.3.17 Compliance

- a. Tenderers must be fully compliant with any and all the statutory and common law that is applicable to the tender.
- b. Tenderers shall comply with all applicable South African laws, including without limitation, the following:
 - c. Occupational Health & Safety Act 85 of 1993 ("OHSA");
 - d. International Health Regulation Act 28 of 1974;
 - e. National Environmental Management ACT No. 107 of 1998;
 - f. National Environmental Management Waste Act No. 59 of 2008;
 - g. Environment Conservation Act No. 73 of 1989;
 - h. Hazardous Substances Act 15 1973;
 - i. The Compensation for Occupational Injuries and Disease Act, 1993 (Act No.130 of 1993);
 - j. All material aspects of all applicable legislation, provincial ordinances and local authority by-laws, including all relevant regulations promulgated in terms thereof, which affects the Maritime business;
 - k. The Basic Conditions of Employment Act No. 75 of 1997;
 - l. Criminal Procedure Act No. 51 of 1977;
 - m. National Ports Act No. 12 of 2005 ("NPA") and enabling legislation thereto, including the Port Rules; Harbour Master's Written Instructions and Regulations promulgated in terms of the NPA.
 - n. Control of Access to Public Premises and Vehicle Act, No. 53 of 1985;
 - o. Legal Succession to the South African Transport Services Act No. 9 of 1989 (but excluding any tariff provided for in such regulations);
 - p. Customs and Excise Act No 91 of 1964;
 - q. The National Railway Safety Regulator Act No 16 of 2002;
 - r. The Labour Relations Act No. 66 of 1995 and the Regulations thereto, and
 - s. Broad-Based Black Economic Empowerment (B-BBEE) Act 53, of 2003.
 - t. Competition Act 89 of 1998.

FAILURE TO OBSERVE ANY OF THE AFOREMENTIONED REQUIREMENTS

MAY RESULT IN A PROPOSAL BEING REJECTED