

**TRANSNET****Transnet Pipelines**an Operating Division of **TRANSNET SOC LTD**[hereinafter referred to as **Transnet**]

[Registration No. 1990/000900/30]

**REQUEST FOR PROPOSAL [RFP] [GOODS]**

**APPLICATIONS ARE HEREBY INVITED FROM POTENTIAL SUPPLIERS WISHING TO BE PLACED ON TRANSNET PIPELINES APPROVED LISTS AS SUPPLIERS / MANUFACTURER FOR TECHNICAL SPARES FOR REPAIRS AND MAINTENANCE AS SET OUT IN ANNEXURE "A"**

|                             |  |
|-----------------------------|--|
| <b>RFP NUMBER</b>           | <b>TPL/2022/12/0009/19503/RFP</b>          |
| <b>ISSUE DATE:</b>          | <b>31 OCTOBER 2023</b>                     |
| <b>CLOSING DATE:</b>        | <b>21 NOVEMBER 2023</b>                    |
| <b>CLOSING TIME:</b>        | <b>10:00 AM</b>                            |
| <b>BID VALIDITY PERIOD:</b> | <b>180 Business Days from Closing Date</b> |

**Note to the bidders:**

*Bidders are required to ensure that electronic bid submissions are done at least a day before the closing date to prevent issues which they may encounter due to their internet speed, bandwidth or the size of the number of uploads they are submitting. Transnet will not be held liable for any challenges experienced by bidders as a result of the technical challenges. Please do not wait for the last hour to submit. A Bidder can upload 30mb per upload and multiple uploads are permitted.*

**SCHEDULE OF BID DOCUMENTS**

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

| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET PIPELINES, A DIVISION TRANSNET SOC LTD</b>  |   |                             |          |  |   |                              |                             |
|---|---|-----------------------------|----------|--|---|------------------------------|-----------------------------|
| BID NUMBER:   | TPL/2022/12/0009/19503/RFP  | ISSUE DATE:                 | 31/10/23 | CLOSING DATE:                                  | 21/11/23                                      | CLOSING TIME:                | <b>10h00 a.m.</b>           |
| DESCRIPTION   | <b>APPLICATIONS ARE HEREBY INVITED FROM POTENTIAL SUPPLIERS WISHING TO BE PLACED ON TRANSNET PIPELINES APPROVED LISTS AS SUPPLIERS / MANUFACTURER FOR TECHNICAL SPARES FOR REPAIRS AND MAINTENANCE AS SET OUT IN ANNEXURE "A"</b> |                             |          |  |   |                              |                             |
| <b>BID RESPONSE DOCUMENTS SUBMISSION</b>  |   |                             |          |  |   |                              |                             |
| RESPONDENTS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH TENDER SELECTED (please refer to section 2, paragraph 3 for a detailed process on how to upload submissions):<br><a href="https://transnetetenders.azurewebsites.net">https://transnetetenders.azurewebsites.net</a> |   |                             |          |  |   |                              |                             |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>   |   |                             |          | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b> |   |                              |                             |
| CONTACT PERSON  | <b>Ntombikayise Mashaba</b>   |                             |          | CONTACT PERSON                                 | <b>Ntombikayise Mashaba</b>                   |                              |                             |
| TELEPHONE NUMBER  | <b>(031) 361 1394</b>   |                             |          | TELEPHONE NUMBER                               | <b>(031) 361 1394</b>                         |                              |                             |
| FACSIMILE NUMBER  |   |                             |          | FACSIMILE NUMBER                               |   |                              |                             |
| E-MAIL ADDRESS  | <b>Ntombikayise.mashaba2@transnet.net</b>   |                             |          | E-MAIL ADDRESS                                 | <b>Ntombikayise.mashaba2@transnet.net</b>     |                              |                             |
| <b>SUPPLIER INFORMATION</b>   |   |                             |          |  |   |                              |                             |
| 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:<br>MAAA |                              |                             |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE  | TICK APPLICABLE BOX   |                             |          | B-BBEE STATUS LEVEL SWORN AFFIDAVIT            |   | [TICK APPLICABLE BOX]        |                             |
|   | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |          |  |   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]</b>  |  |   |  |
|--|--|---|--|
| <b>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b>   | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSURE PROOF] | <b>2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS/SERVICES/WORKS OFFERED?</b> | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES, ANSWER QUESTIONNAIRE BELOW] |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>  |  |   |  |
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                        |  |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA?  |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                        |  |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?   |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                        |  |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                        |  |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  |  | <input type="checkbox"/> YES <input type="checkbox"/> NO                        |  |
| <b>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.</b> |  |   |  |

## **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: \_\_\_\_\_

**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**].

|                         |  |
|-------------------------|--|
| <b>DESCRIPTION</b>      | Applications are hereby invited from potential suppliers wishing to be placed on Transnet Pipelines Approved Lists as Suppliers / Manufacturer for Technical Spares for Repairs and Maintenance as set out in Annexure "A"   |
| <b>TENDER ADVERT</b>    | All Transnet tenders are advertised on the National Treasury's e-Tender Publication Portal and the Transnet website. Should one of these media (i.e. National Treasury's e-Tender Publication Portal or Transnet website) not be available, bidders are advised to check on the other media for advertised tenders.  |
| <b>RFP DOWNLOADING</b>  | <p>This RFP may be downloaded directly from National Treasury's e-Tender Publication Portal at <a href="http://www.etenders.gov.za">www.etenders.gov.za</a> free of charge.</p> <p>To download RFP and Annexures:</p> <ul style="list-style-type: none"> <li>• Click on "Tender Opportunities";</li> <li>• Select "Advertised Tenders";</li> <li>• In the "Department" box, select Transnet SOC Ltd.</li> </ul> <p>Once the tender has been located in the list, click on the 'Tender documents' tab and process to download all uploaded documents.</p> <p>The RFP may also be downloaded from the Transnet Portal at <a href="https://transnetetenders.azurewebsites.net">https://transnetetenders.azurewebsites.net</a> (please use <b>Google Chrome</b> to access Transnet link/site) free of charge (<i>refer to section 2, paragraph 3 below for detailed steps</i>)</p> |
| <b>COMMUNICATION</b>    | <p>Transnet will publish the outcome of this RFP on the National Treasury e-tender portal and Transnet website with 10 days after the award has been finalised. All unsuccessful bidders have a right to request for reasons for their bid not being successful. This requested must be directed to the contact person stated in the SBD 1 form</p> <p>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.</p> <p>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.</p>                                  |
| <b>BRIEFING SESSION</b> | Not Applicable   |
| <b>CLOSING DATE</b>     | <p><b>10:00 am on Tuesday 21 November 2023</b></p> <p>Bidders must ensure that bids are uploaded timeously onto the system. As a general rule, if a bid is late, it will not be accepted for consideration.</p> <p><b><i>Bidders are required to ensure that electronic bid submissions are done at least a day before the closing date to prevent issues which they may encounter due to their internet speed, bandwidth or the size of the number of uploads they are submitting. Transnet will not be held liable for any challenges experienced by bidders as a result of the technical challenges. Please do not wait for the last hour to submit. A Bidder can upload 30 mb per upload and multiple uploads are permitted.</i></b></p>   |

|                        |  |
|------------------------|--|
| <b>VALIDITY PERIOD</b> | <b>180 Business Days from Closing Date</b><br>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.<br>With regard to the validity period of next highest ranked bidders, please refer to Section 2, paragraph 9.12 |
|------------------------|--|

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

## **2 PROPOSAL 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/ Portal ([transnetetenders.azurewebsites.net](http://transnetetenders.azurewebsites.net)) Please use **Google Chrome** to access Transnet link/site);
- 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.
- No late submissions will be accepted. The bidder guide can be found on the Transnet Portal [transnetetenders.azurewebsites.net](http://transnetetenders.azurewebsites.net)

## **3 RFP INSTRUCTIONS**

- 3.1 Please sign documents [sign, stamp and date the bottom of each page] before uploading them on the system. The person or persons signing the submission must be legally authorised by the respondent to do so.
- 3.2 **All returnable documents tabled in the Proposal Form [Section 5] must be returned with proposals.**
- 3.3 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.
- 3.4 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 12 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.

## **4 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 (a consolidated B-BBEE Status Level verification certificate) Preference points will be awarded to a bidder for attaining the specific goals requirements in accordance with the table indicated in Section 4.1 of the specific goals Claim Form.

## **5 COMMUNICATION**

- 5.1 For specific queries relating to this RFP, an RFP Clarification Request Form should be submitted onto the system and to Ntombikayise Mashaba at [ntombikayise.mashaba2@transnet.net](mailto:ntombikayise.mashaba2@transnet.net) before 12:00 pm on 14 November 2023, 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.
- 5.2 After the closing date of the RFP, a Respondent may only communicate with Carol Khumalo , email: [carol.khumalo@transnet.net](mailto:carol.khumalo@transnet.net) on any matter relating to its RFP Proposal.
- 5.3 Respondents are to note that changes to its submission will not be considered after the closing date.
- 5.4 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.
- 5.5 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.

## **6 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.

## **7 COMPLIANCE**

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

## **8 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.

## **9 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:

- 9.1 modify the RFP's Goods/Services and request Respondents to re-bid on any such changes;
- 9.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 9.3 disqualify Proposals submitted after the stated submission deadline [closing date];
- 9.4 award a contract in connection with this Proposal at any time after the RFP's closing date;
- 9.5 award a contract for only a portion of the proposed Goods/Services which are reflected in the scope of this RFP;
- 9.6 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;
- 9.7 cancel the bid process;
- 9.8 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;
- 9.9 request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 9.10 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;
- 9.11 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;
- 9.12 to award the business to the next ranked bidder, provided that he/she is still prepared to provide the required Goods 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 outcome of the tender has been published the outcome of the bid process on the National Treasury e-tender Portal and Transnet website. Bidders may therefore be requested to advise whether they would still be prepared to provide the required Goods at their quoted price.

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.

## **10    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.

## **11    SECURITY CLEARANCE**

Acceptance of this bid could be subject to the condition that the Successful Respondent, its personnel providing the Goods/Services and its subcontractor(s) must obtain security clearance from the appropriate authorities to the level of **CONFIDENTIAL/ SECRET/TOP SECRET**. Obtaining the required clearance is the responsibility

of the Successful Respondent. 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.

## **12 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.

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.....

## **13 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:**



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#**

## **SECTION 3: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS**

### **1 BACKGROUND**

Transnet Pipelines (TPL) operates and maintains a petroleum pipeline network which is of National Interest and Strategic importance to the South African economy. The TPL pipeline network and associated facilities (depots, pump stations and workshops) is geographically spread across 5 provinces. In execution of maintenance and other operation duties various tools, machines and equipment are needed to effectively work in the Pipeline.

### **2 EXECUTIVE OVERVIEW**

Transnet is seeking a partner(s) to provide solutions for its Technical Spares for Repairs and Maintenance for the Pipeline, it also seeks to improve its current processes for providing these Goods to its end user community throughout its locations.

The selected Supplier(s) must share in the mission and business objectives of Transnet. These mutual goals will be achieved by meeting agreement on products requirements and new challenges in an environment of teamwork, joint participation, flexibility, innovation and open communications. In this spirit of partnership, Transnet and its Supplier(s) will study the current ways to improve the product performance to enhance current product and systems. Such a collaboration will allow Transnet to reach higher levels of quality, service and profitability.

Specifically, Transnet seeks to benefit in the following ways:

- 2.1 Transnet to identify suppliers with capability and capacity to produce and supply products that are conforming to specifications and drawings
- 2.2 Transnet must receive proactive improvements from the Supplier with respect to supply of Goods and related processes.
- 2.3 Transnet's overall competitive advantage must be strengthened by the chosen Supplier's leading edge technology and service delivery systems.
- 2.4 Transnet may explore any other available product which will be fit for purpose other than the currently known products.

### **3 SCOPE OF REQUIREMENTS**

Please refer to Annexure A

It should be noted that notwithstanding the foregoing the supplier/vendor would be held responsible for the quality of his product from inspection, production, delivery and useful life.

### **4 GREEN ECONOMY / CARBON FOOTPRINT**

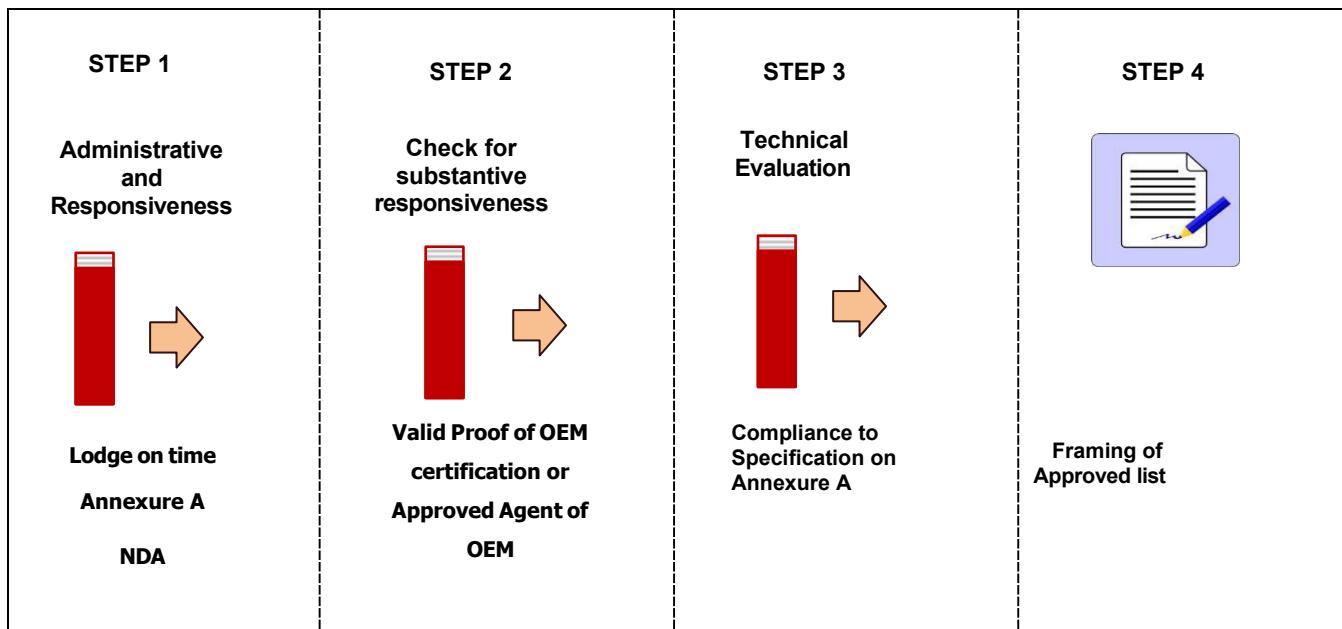
Transnet wishes to have an understanding of your company's position with regard to environmental commitments, including key environmental characteristics such as waste disposal, recycling and energy conservation. *Please submit details of your entity's policies in this regard.*

## 5 GENERAL SUPPLIER OBLIGATIONS

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

## 6 EVALUATION METHODOLOGY

Transnet will utilise the following methodology and criteria in selecting a preferred supplier for inclusion into the approved list :



**STEP ONE: Test for Administrative Responsiveness**

The test for administrative responsiveness will include the following:

| <b>Administrative responsiveness check</b> | <b>RFP Reference</b>  |
|--|-----------------------|
| Whether the Bid has been lodged on time    | Section 1 paragraph 3 |
| Annexure A has been submitted              | Annexure A            |
| Non-Disclosure Agreement                   | NDA                   |

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

**6.1 STEP TWO: Test for Substantive Responsiveness to RFP**

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

| <b>Check for substantive responsiveness</b>                 | <b>RFP Reference</b> |
|---|----------------------|
| • Valid Proof of OEM certification or Approved Agent of OEM |                      |

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

**STEP THREE: Technical Evaluation**

| <b>Technical Evaluation Criteria</b> | <b>RFP REFERENCE</b> |
|--------------------------------------|----------------------|
| Compliance to Specification          | Annexure A           |

*All bidders failing to supply Compliance to Specification will lead to disqualification*

**STEP FOUR: Framing of Approved List**

Recommendation to add the bidder(s) into the Approved List for the approved item(s). The successful bidders will be informed accordingly.

## **SECTION 4: CONDITIONS FOR APPLICATION BY THE RESPONDENTS**

The following conditions will also apply; failure by the Respondents to adhere strictly thereto or failure to submit fully completed Applications will not be considered:

- a. The Respondents are to apply for inclusion in the Approved List for specific item numbers contained in Annexure A.
- b. A blanket application in respect of all items on Annexure A **will not be considered**. The Bidder must indicate which item (item by item) interest is displayed against. Transnet Pipelines may call for samples to be provided for testing against each of the items.
- c. The name(s) of the manufacturer(s) and distributor(s) of an item(s) is/are required and must be provided on Annexure A.
- d. Where the Respondents wish to supply as an agent e.g. OEM items – Approval of the parts should be obtained directly from the OEM and ONLY the correct part number will be considered to be supplied and must be confirmed in the response through a supporting letter from the OEM. The Respondents must be obliged to produce proof, at any time and upon request, that it has obtained authorisation, right or licence from the OEM to manufacture, deal, sell or distribute or repair such items.
- e. Applicants to note that some items in Annexure A show little/no movement and Transnet reserves the right to remove the items from the exercise after evaluation process is completed based on the Transnet's requirements. This includes instances where equipment is in stages of being phased out and replaced by the newer models, items uniquely for that equipment might not be considered to be evaluated.
- f. Testing and samples "if required" may be requested once the evaluation of the applications, has been concluded.
- g. Additional information may be required while business is busy with the evaluation if further clarity is required e.g. data sheets, technical data and etc.
- h. The Respondents to specify full contact detail upon TPL request regarding their application in a form of a company letter head by means of contact details, email address and physical address.
- i. If approved for inclusion in the Approved List, the approved Bidder / Suppliers will be held responsible for the quality of the product and service at all times.
- j. Transnet reserves the right to do quality audits from time to time as requested to ensure compliance and the bidder maybe subjected to periodic quality testing in order to maintain the names on the lists.
- k. Should the Respondents fail to meet quality standards as called for their names may be removed from the approved list.

### **EXISTING APPROVED LIST**

The Respondents, manufacturers and service providers who already appear on this Approved List as "Approved Suppliers, Manufacturers and Service Providers" for specific items need not re-apply to be included for those specific items on the Approved List, unless:

- a) they want to apply to be included for items in respect of which they are not approved for; and/or
- b) there is change of details from previous supply (second and third tier supply) with regards to their current listing (being manufacturing process, supplying business, B-BBEE status, representative, etc.); and
- c) International Vendors will be required to submit a SBD1 document for SARS clearance with each RFQ/P upon

successful inclusion on the approved list when called upon to tender for items approved.

Respondents' Name: .....

Applicant's Signature: .....

Date: .....

Applicant's Technical Liaison Name: .....

Name of Business: .....

Address: .....

Telephone No. .....

Fax No: .....

Email address. ....

## **1. MANUFACTURERS**

The Respondents must state hereunder the actual manufacturer(s) of the Goods tendered for:

### 1.1 Local Manufacturer(s):

| RFP ITEM NO. | NAME | BUSINESS ADDRESS |
|--------------|------|------------------|
|              |      |                  |
|              |      |                  |
|              |      |                  |

### 1.2 Foreign Manufacturer(s):

| RFP ITEM NO. | NAME | BUSINESS ADDRESS |
|--------------|------|------------------|
|              |      |                  |
|              |      |                  |
|              |      |                  |

## **2. INSPECTION DETAILS**

The Respondents must state the actual name(s) and address/addresses of the suppliers of the Goods for inspection purposes only:

### 2.1 Local Manufacturer(s)

| RFP ITEM NO. | NAME | BUSINESS ADDRESS |
|--------------|------|------------------|
|              |      |                  |
|              |      |                  |
|              |      |                  |

### 2.2 Foreign Manufacturer(s):

| RFP ITEM NO. | NAME | BUSINESS ADDRESS |
|--------------|------|------------------|
|              |      |                  |
|              |      |                  |
|              |      |                  |

### 3. IMPORTED CONTENT

The Respondents must state hereunder the value and percentage of the imported content as well as the country of origin in respect of each item tendered for:

| RFP ITEM NO / DESCRIPTION. | VALUE | % COST | COUNTRY OF ORIGIN |
|----------------------------|-------|--------|-------------------|
|                            |       |        |                   |
|                            |       |        |                   |
|                            |       |        |                   |

Note: Where more than one country is applicable to one item, the Respondents must furnish this information separately.

### 4. EXCHANGE AND REMITTANCE

The attention of the Respondents is directed to clause 17 [*Exchange and Remittance*] of the General Bid Conditions. If Transnet is requested by the Respondent to effect payment overseas direct to the Respondent's principal or supplier, which is not a registered South African Company please complete the details below, using the rate of exchange published by the South African Reserve Bank 7 [seven] calendar days before the closing date of this RFP:

4.1 ZAR 1.00 [South African currency] being equal to \_\_\_\_\_ [*foreign currency*]

4.2 \_\_\_\_\_ % in relation to tendered price(s) to be remitted overseas by Transnet

4.3 \_\_\_\_\_ [Name of country to which payment is to be made]

4.4 Beneficiary details:

Name [Account holder] \_\_\_\_\_

Bank [Name and branch code] \_\_\_\_\_

Swift code \_\_\_\_\_

Country \_\_\_\_\_

4.5 \_\_\_\_\_ [Applicable base date of Exchange Rate used]

Respondents are advised that should a contract be awarded for deliveries on an "as and when required" basis, any future remittance(s) to overseas principals/service providers, as instructed above, will be based on an agreed rate of exchange related to the contractual price of the Goods/Services at that time.

Respondents should note that Transnet would prefer to receive fixed price offers expressed in South African Rand [ZAR].

### 5. EXPORT CREDIT AGENCY SUPPORTED FINANCE

In order to finance its payment obligations under a future contract where foreign transactions are involved, Transnet may consider raising debt financing [an **ECA Facility**] from one or more banks or financial institutions, with the benefit of export credit agency [**ECA**] credit support to be provided by an ECA.

Under such circumstances the successful Respondent will agree to undertake:

- a) to provide [and/or cause the Parent/OEM to provide, as applicable] to Transnet and the banks and financial institutions that may participate in the ECA Facility all such assistance as an importer of Goods and/or Services, which are eligible for ECA credit supported finance by an ECA, is generally required to provide for the purposes of obtaining ECA support;
- b) not to do or [as Supplier of the relevant eligible Goods or services] omit to do anything, which may adversely affect Transnet's prospects of qualifying for or, once obtained, maintaining ECA credit support by an ECA in respect of an ECA Facility.

All cost, expenses, charges and liabilities incurred by Transnet in establishing an ECA Facility with credit support from an Export Credit Agency, may be for the account of Transnet.

## **6. TOTAL COST OF OWNERSHIP AND CONTINUOUS IMPROVEMENT INITIATIVES**

Respondents shall indicate whether they would be committed, for the duration of any contract which may be awarded through this RFP process, to participate with Transnet in its continuous improvement initiatives to reduce the total cost of ownership **[TCO]**, which will reduce the overall cost of transportation Goods/Services and related logistics provided by Transnet's operating divisions within South Africa to the ultimate benefit of all end-users.

**Accepted:**

|            |  |
|------------|--|
| <b>YES</b> |  |
| <b>NO</b>  |  |

If "yes", please specify details in paragraph 6.2 below.

6.1 Respondents must briefly describe their commitment to TCO and continuous improvement initiatives and give examples of specific areas and strategies where cost reduction initiatives can be introduced. Specific areas and proposed potential savings percentages should be included. Additional information can be appended to the Respondent's Proposal if there is insufficient space available below.

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## **7. 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:

### **7.1 Quality and specification of Goods/Services delivered:**

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### **7.2 Continuity of supply:**

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### **7.3 Compliance with the Occupational Health and Safety Act, 85 of 1993:**

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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: \_\_\_\_\_

**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 |
|--------------|----------|-----------|
| _____        | _____    | _____     |
| _____        | _____    | _____     |
| _____        | _____    | _____     |
| _____        | _____    | _____     |

**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**

The successful bidders will be informed the once the process has been concluded.

**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)

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**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 will 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 will 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<br>[Yes/No] |
|--|-----------------------|
| <b>ANNEXURE A</b>  |                       |
| Valid Proof of OEM certification or Approved Agent of OEM for item to be included on the approved list |                       |
| Compliance to Specification on Annexure A  |                       |
|  |                       |

**b) Essential Returnable Documents:**

Over and 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:

**CONTINUED VALIDITY OF RETURNABLE DOCUMENTS**

| <b>ESSENTIAL RETURNABLE DOCUMENTS &amp; SCHEDULES</b>   | <b>SUBMITTED<br/>[Yes or No]</b> |
|---|----------------------------------|
| 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 |                                  |
| 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 8: Protection of Personal Information   |                                  |
| Non-Disclosure Agreement - Annexure D   |                                  |

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

ADDRESS OF WITNESSES

1 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

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

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

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

## **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 – Refer to Annexure B  |
| 2  | Transnet's Supplier Integrity Pact – Refer to Annexure C   |
| 3  | Non-disclosure Agreement – Refer to Annexure D   |
| 4. | Supplier Declaration Form – Refer to Annexure E (all supporting documents for the first time vendors only). Alternatively, for all existing vendors, please complete the table below under the heading "Existing vendors". |

**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: \_\_\_\_\_

**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:

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

ADDRESS:

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Indicate nature of relationship with Transnet:

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*[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.

#### **BIDDER'S DISCLOSURE (SBD4)**

#### **12 PURPOSE OF THE FORM**

12.1 Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

12.2 Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

#### **13 Bidder's declaration**

13.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state?

**YES/NO**

13.1.1. If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

| <b>Full Name</b> | <b>Identity Number</b> | <b>Name of State institution</b> |
|------------------|------------------------|----------------------------------|
|                  |                        |                                  |
|                  |                        |                                  |

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

13.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

**YES/NO**

13.2.1. If so, furnish particulars:

.....  
.....

13.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

**YES/NO**

13.3.1. If so, furnish particulars:

.....  
.....

#### **14 DECLARATION**

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

14.1 I have read and I understand the contents of this disclosure;

14.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

14.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.

14.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid,

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

14.5 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.

14.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

14.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 12, 13 and 14 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

#### **BREACH OF LAW**

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: \_\_\_\_\_

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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<br><br>duly authorised hereto | AS WITNESS:                     |
| Name:  | Name:                           |
| Position:  | Position:                       |
| Signature:   | Signature:                      |
| Date:  | Registration No of Company/CC   |
| Place:   | Registration Name of Company/CC |

## **SECTION 8: RFP CLARIFICATION REQUEST FORM**

RFP No: **TPL/2022/12/0009/19503/RFP**

RFP deadline for questions / RFP Clarifications: Before 12:00 pm on 14 November 2023

TO: Transnet SOC Ltd  
ATTENTION: Ntombikayise Mashaba  
EMAIL [\[Ntombikayise.mashaba2@transnet.net\]](mailto:Ntombikayise.mashaba2@transnet.net)  
DATE: \_\_\_\_\_  
FROM: \_\_\_\_\_

RFP Clarification No *[to be inserted by Transnet]* .....

## **REQUEST FOR RFP CLARIFICATION**

---

**Respondent's Signature**

---

Date & Company Stamp

## **SECTION 9: 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 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:**

|            |                          |           |                          |
|------------|--------------------------|-----------|--------------------------|
| <b>YES</b> | <input type="checkbox"/> | <b>NO</b> | <input type="checkbox"/> |
|------------|--------------------------|-----------|--------------------------|

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/inforeq/>, click on contact us, click on complaints.IR@justice.gov.za