

**Transnet Freight Rail** – an Operating Division of **Transnet SOC Ltd** [Registration No.1990/000900/30]

## Commercial Proposal

**Leasing of Transnet Freight Rail Sidings/ Facilities for a minimum period of five (5) years**

<b>Property Lease Category:</b>	Greenfields
<b>Sidings/ Facility Names:</b>	Various facilities in Cape Corridor
<b>Commercial Proposal Number:</b>	CP3522
<b>Issue Date:</b>	30 MAY 2022
<b>Closing Date:</b>	27 JUNE 2022 (10:00 AM)
<b>Proposal Validity Period:</b>	180 Business Days from closing date





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Annexure F Bid Evaluation Response
Annexure G Risk Questionnaire
Annexure H Health and Safety Questionnaire
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Annexure J Environmental Management Plan
Annexure K Business Continuity Plan

**Commercial Proposal for the Leasing of Transnet Freight Rail Sidings/ Facilities for a minimum period of five (5) years.**

**Section 1: SBD1 Form**

**PART A  
INVITATION For Proposal**

<b>YOU ARE HEREBY INVITED SUBMIT A PROPOSAL FOR REQUIREMENTS OF TRANSNET FREIGHT RAIL, A DIVISION TRANSNET SOC LTD</b>							
Proposal NUMBER:	<b>CP3522</b>	ISSUE DATE:	<b>30 MAY 2022</b>	CLOSING DATE:	<b>27 JUNE 2022</b>	CLOSING TIME:	<b>10:00 AM</b>
DESCRIPTION	<b>COMMERCIAL PROPOSAL FOR THE LEASING OF TRANSNET FREIGHT RAIL SIDINGS/ FACILITIES FOR A MINIMUM PERIOD OF FIVE (5) YEARS</b>						
<b>PROPOSAL RESPONSE DOCUMENTS SUBMISSION</b>							
<b>RESPONDENTS ARE TO UPLOAD THEIR COMMERCIAL PROPOSAL RESPONSE ONTO THE TRANSNET SYSTEM AGAINST EACH PROPOSAL SELECTED</b> <i>(please refer to section 2, paragraph 3 for a detailed process on how to upload submissions):</i> <a href="https://www.transnet.net">https://www.transnet.net</a>							
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>				<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>			
CONTACT PERSON	<b>MULWELI MUKOSI</b>			CONTACT PERSON	<b>MULWELI MUKOSI</b>		
TELEPHONE NUMBER				TELEPHONE NUMBER			
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	<b>MULWELI.MUKOSI@TRANSNET.NET</b>			E-MAIL ADDRESS	<b>MULWELI.MUKOSI@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:  MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No	
<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</b> ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No  [IF YES ENCLOSE PROOF]		<b>2</b> ARE YOU A FOREIGN BASED SUPPLIER FOR <b>THE GOODS /SERVICES /WORKS OFFERED?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No  [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](http://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 Request for Commercial [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>	Leasing of Transnet Freight Rail Sidings/ Facilities for a minimum period of five (5) years.										
<b>COMMERCIAL PROPOSAL DOWNLOADING</b>	<p>This Request for Commercial Proposal 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 the Request for Commercial Proposal 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 Request for Commercial Proposal may also be downloaded from the Transnet website at <a href="http://www.transnet.net">www.transnet.net</a> free of charge. To access the Transnet eTender portal, please click <a href="#">here</a> (refer to section 2, paragraph 3 below for detailed steps)</p>										
<b>COMMUNICATION</b>	<p>Any addenda to the Request for Commercial Proposal 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 Request for Commercial Proposal.</p> <p>Transnet will not be held liable if Bidders do not receive the latest information regarding this Request for Commercial Proposal with the possible consequence of either being disadvantaged or disqualified as a result thereof.</p>										
<b>BRIEFING SESSION</b>	There will be a non-compulsory briefing session for this transaction on the 03 June 2022 @ 11:00 via MS Teams due to COVID 19 and the importance of taking precautionary measures to avoid the spread. Bidders who wish to attend the briefing session must send their email address for teams invitation to <a href="mailto:TFRSidingLeases@transnet.net">TFRSidingLeases@transnet.net</a> by no later than 02 June 2022 @ 12:00										
<b>SITE VISITS</b>	<p>There will be <b>non-compulsory</b> site visits for the rail facility that have been advertised on</p> <table border="1"> <thead> <tr> <th>Siding Name/s</th><th>Site Visit Date</th></tr> </thead> <tbody> <tr> <td>Worcester</td><td>08 June 2022</td></tr> <tr> <td>Ashton</td><td>08 June 2022</td></tr> <tr> <td>Wolseley</td><td>08 June 2022</td></tr> <tr> <td>Putsonderwater</td><td>13 June 2022</td></tr> </tbody> </table> <p>Refer to Annexure A for the facility profile.</p> <p>Bidders interested in attending the site visits are requested to communicate their interest by sending an email to <a href="mailto:TFRSidingLeases@transnet.net">TFRSidingLeases@transnet.net</a> 3 days before the site visit.</p> <p>The subject of email must be the name of Rail Siding/ Facility in question.</p>	Siding Name/s	Site Visit Date	Worcester	08 June 2022	Ashton	08 June 2022	Wolseley	08 June 2022	Putsonderwater	13 June 2022
Siding Name/s	Site Visit Date										
Worcester	08 June 2022										
Ashton	08 June 2022										
Wolseley	08 June 2022										
Putsonderwater	13 June 2022										



<b>CLOSING DATE</b>	<b>10:00 Am on Friday 27 June 2022</b>  Bidders must ensure that bids are delivered timeously to the correct address.  As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.
<b>VALIDITY PERIOD</b>	<b>180 Business Days from Closing Date</b>  Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.  With regard to the validity period of next highest ranked bidders, please refer to Section 2, paragraph 8.12

**Any additional information or clarification will be faxed or emailed to all Respondents, if necessary.** 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 (<https://www.transnet.net>);
  - Click on "TENDERS";
  - Scroll towards the bottom right hand side of the page;
  - On the blue window click on "register on our new eTender Portal";
  - 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.





### 3 Commercial Proposal 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 Commercial Proposal 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 13 below (Legal Review) and Section 6 of the Commercial Proposal, alterations, additions or deletions must not be made by the Respondent to the actual Commercial Proposal documents.

### 4 Joint Ventures or Consortiums

Respondents who would wish to respond to this Commercial Proposal as a Joint Venture [JV] or consortium with B-BBEE entities, must state their intention to do so in their Commercial Proposal 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 Commercial Proposal 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.

### 5 Compliance to B-BBEE

Bidders to provide a valid B-BBEE certificate issued by a SANAS accredited agency or Sworn Affidavit.

Successful bidder(s) are encouraged to improve their B-BBEE credentials on an annual basis.

B-BBEE verification agencies can be obtained on website: [www.sanas.co.za](http://www.sanas.co.za)

Enterprise	B-BBEE Certificate & Sworn Affidavit
Large	Certificate issued by SANAS accredited verification agency
QSE	Certificate issued by SANAS accredited verification agency Sworn Affidavit signed by the authorised QSE representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership (only black-owned QSEs - 51% to 100% Black owned)



	[Sworn affidavits must substantially comply with the format that can be obtained on the DTI's website at <a href="http://www.dti.gov.za/economic_empowerment/bee_codes.jsp">www.dti.gov.za/economic_empowerment/bee_codes.jsp</a> .]
<b>EME<sup>1</sup></b>	Sworn Affidavit signed by the authorised EME representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership Certificate issued by CIPC (formerly CIPRO) confirming annual turnover and black ownership Certificate issued by SANAS accredited verification agency only if the EME is being measured on the QSE scorecard

## 6 Bid Queries

For specific queries relating to this Request for Commercial Proposal, a Commercial Proposal Clarification Request Form should be submitted to [Mulweli Mukosi; [Mulweli.Mukosi@transnet.net](mailto:Mulweli.Mukosi@transnet.net)] before 12:00 pm on 21 June 2022, substantially in the form set out 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.

After the closing date of the Request for Commercial Proposal, a Respondent may only communicate with the Secretariat of the Siding Leasing, email [TFRSidingLeases@transnet.net](mailto:TFRSidingLeases@transnet.net) on any matter relating to its Request for Commercial Proposal.

Respondents are to note that changes to its submission will not be considered after the closing date.

It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in respect of this Request Commercial Proposal between the closing date and the date of the award of the business.

Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.

## 7 Confidentiality

All information related to this Request for Commercial Proposal 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 Request for Commercial Proposal or the subsequent contract, written approval must be obtained from Transnet.



## 8 Disclaimers

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

- 8.1 Modify any aspect of the leasing of sidings set out in this Request for Commercial Proposal, and request Respondents to re-bid on any such changes;
- 8.2 Reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 8.3 Disqualify Proposals submitted after the stated submission deadline [closing date];
- 8.4 Award a contract (Lease Agreement) in connection with this Proposal at any time after the Request for Commercial Proposal's closing date;
- 8.5 Award a contract for only a portion of the proposed premises which are reflected in the scope of this Request for Commercial Proposal;
- 8.6 Split the award of the contract between more than one Bidder, should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations;
- 8.7 Cancel the bid process;
- 8.8 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 in any medium or form that it requires. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Transnet to do so;
- 8.9 Request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 8.10 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;
- 8.11 To cancel the contract and/or 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;



8.12 To award the business to the next ranked bidder, provided that he/she/it is still prepared to lease the siding at the quoted price, should the successful/preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to lease the siding at their quoted price, even after they have been issued with a Letter of Regret.

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.

## **9 National Treasury's Central Supplier Database**

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

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

## **10 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.



## 11 Protection of Personal Data

In responding to this bid, Transnet acknowledges that it may obtain and have access to personal data of the Respondents. Transnet agrees that it shall only process the information disclosed by Respondents in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law. Furthermore, Transnet will not otherwise modify, amend or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, Transnet requires Respondents to process any personal information disclosed by Transnet in the bidding process in the same manner. The detailed mutual duties of Transnet and the Respondents to protect personal information is contained in paragraph 35 of the General Bid Conditions.

**Transnet urges its clients, suppliers and the general public to report any fraud or corruption to**

**TIP-OFFS ANONYMOUS: 0800 003 056**

## SECTION 3: Background, Overview and Scope of Requirements

### 1 Background

There are certain properties in the property portfolio of Transnet SOC Limited (Transnet) that are strategic and productive assets - vehicles for economic development, service delivery and transformation. To ensure effective utilisation of these properties as strategic enablers for rail logistics solutions to compliment an end to end efficient logistics service to the market and after Transnet EXCO's deliberations regarding numerous concerns raised by customers, lessees and other stakeholders, TFR set out to review the processes for leasing / letting TFR property and sidings. Some of these properties serve as the rail connectivity between the Port and "Back of Port" Terminals/ hubs that represents a geographical area to consolidate consignments for domestic, regional and export transport.

These includes but not limited to a process that:

- Ensures effective management of TFR Properties as Strategic Enablers for Rail Logistics Solutions through diligent positioning of these to compliment an end to end efficient logistics service to the market.
- To work with private sector to unlock investment focused on improved efficiency in the supply chain, reducing complexities and the cost of doing business to enable volume growth from road to rail
- Encourage sustainable development and community upliftment.

Transnet is therefore embarking on an open process for Commercial Proposals for leasing of some of its sidings to allow all sectors to have open access to compete for the lease of sidings.



## 2 Scope of Requirements

- The scope entails the leasing of Transnet Freight Rail (TFR) sidings/ facilities across the various corridors of the business and involving various commodities for a minimum period of five (5) years.
- The scope further includes the provision of all services required at a rail siding/ facility to allow for the transportation of freight by rail over the lease period. All Sidings/ facilities may operate as a Common User or Multi User facility for bulk mining or other commodities depending on TFR's requirements.
- Bidders agree to sign the Standard TFR Operational Lease Agreement. Furthermore bidders also agree to ensure that the requisite rail transport agreement (as per the attached **Annexure I**) is signed and aligned to the commitments made in the lease agreement in terms of the operating parameters and volume commitments committed to, either by yourself (the bidder) or the parties whose rail account(s) is/are associated with loading/operating from the facility (as per the attached **Bid Evaluation Response Annexure F**).
- Successful bidders are mandatorily required to adhere to any changes to management policies, procedures or processes required by Transnet.

The bidders will be required to submit the following:

### 2.1 Submit a Volume and Operational Plan that covers

- Bidders to provide a rail volume guarantee for the Cape Corridor facilities and aligned to the specific facility throughput capability as quoted by TFR. Volume guarantee should cover the lease tenure.
- Preferred mode of transport is rail, bidder to ensure Rail has first right of refusal in market opportunities.
- If the bidder is the cargo owner, then the bidder shall submit a commitment letter confirming that they are the cargo owner. If the bidder is an operator, then the bidder shall submit a commitment letter from the cargo owner. With regard to the "Letter of commitment" – a draft letter will be provided, and must be utilized by bidders as a template for the Prospective Tenants to confirm the source of their volumes (as per the attached **Bid Evaluation Response Annexure F**).
- Introduction of innovation to improve Operational Efficiency. Bidders to provide an operational plan which addresses the following topics:
  - \*12 hour working (day time operations)
  - \*Loading and offloading capabilities. (Loading and offloading time per container/ wagon).
  - \*Plan should also stipulate loading and offloading method (gantry, crane, back actor/front end loader/flask) to be used.



- \*Quantity of equipment on site should also be covered.
- \*4 hours for a 50 wagon train (loading and offloading for rail based facilities).
- Initiatives to reduce the cost of Logistics. Bidders to provide the handling (loading, offloading and all other associated activities) and storage rate (R/ton or R/TEU) that will be offered to the market. Bidders should provide a plan on initiatives that will be implemented to support reducing the cost of logistics. This plan will form part of the contracting process.
- Operational Readiness. Bidders should provide a plan on their process to commence operations on the siding which should include the process to obtaining of the relevant licenses required to operate. This process should have the specific time lines to take over operations
- Successful bidder must ensure that the siding has all required environmental approvals (i.e. authorisations, permits and licences) before commencing with operations.
- The siding must be managed in accordance with section 28 of the National Environmental Management Act, 1998, as amended and related provisions in other applicable legislations.
- Environmental Incidents must be reported in accordance with section 30 of the National Environmental Management Act, 1998, as amended and related provisions in other applicable legislations.

## 2.2 Submit an Investment Plan that covers

- Should bidder be investing on the site, please provide the amount/ quantum of the investment, and the projected Asset Value at the end of Lease tenure. A detail Investment Plan, including the source of, and security provided for funding is also required. Bid Evaluation Response Annexure F (Detailed Investment Plan and Discounted Cash Flow)
- Bidders to provide an Investment Plan to optimally develop the facilities and related infrastructure for rail friendly cargo to provide for the growth of rail in key strategic growth sectors between the Cape Corridor facilities and various destinations. Investment categories to be covered in the plan include but are not limited to:

Rail line refurbishment & maintenance of siding

- Loading area surface to accommodate loading equipment
- Access road to siding to be upgraded and maintained
- Drainage in siding to be upgraded and maintained
- Lighting in siding to be provided and maintained
- Buildings to be upgraded and maintained
- Fencing to be erected and maintained around facility



- Loading and offloading equipment and resources to load/offload train in specified
- Building construction/ upgrades (e.g Office, ablution facilities, lighting etc.)
- Security upgrades (e.g fencing/walling, guard house etc.)
- Other Investment categories to be covered in plan for items outside the lease area include:
  - Yard upgrade and/or operations
  - Rail Infrastructure (Rail Lines and OHTE) outside the facility.
  - Rolling Stock (wagons & shunting )
  - Security and related technology for rail track
- \*For Noting: Temporary structures will not be considered as part of the evaluation.

## **2.3 Submit a Commercial Rental Offer**

- Bidders would need to submit a market related commercial rental offer (Monthly Proposed rental Rate-m<sup>2</sup>).

## **2.4 Submit a Community Development Plan**

- Bidder are required to commit minimum 3% of turnover generated from facility on identified community projects in the area/ close proximity to the facility. A plan of how the initiative will be implemented must be shared with Transnet. Those initiatives must include but not limited to:
  - ❖ Youth Development
  - ❖ Women Development
  - ❖ Development and Support of local businesses
- Bidders would need to confirm what the Rand Value and percentage of their revenue derived from siding operations, will be directed to the Community Development Plan over the lease tenure together with a detailed plan on how funds will be spent.
- Preferred bidders will be required to establish community structures with consortiums or groupings that are registered with the local government as a condition precedent based on the identified needs of the community (6 months for new lessees. A shorter timeframe to be negotiated for existing lessees).
- \* Job Creation to be excluded from this measure as it is a separate undertaking as per Section 11 of this Request for Commercial Proposal.





## 2.5 SHEQ (Safety, Health, Environmental and Quality) Requirements

### 2.5.1 Environmental requirements (bidder to comment: "Yes" or "No")

a. Legislative Compliance	"Yes"/ "No"
Special consideration must be provided to the Environmental Management Programme (EMPr), Risk Assessment as well as the Business Continuity Plan Guidelines; Bidders will be required to obtain Water Use Licenses through relevant authorities, i.e Department of Water and Sanitation Such licence must be inclusive of all relevant water uses taking place on site (i.e. items c, i, h, and g as it relates to section 21 of the said Act; Bidders will be required to obtain other Environmental Approvals (i.e. authorisations, licenses and/or permits) relevant to the proposed activities before commencing with operations.	
Compliance to the Occupational Health and Safety Act, 85 of 1993 (as amended or replaced from time to time) (the "OHS Act"), any regulations made thereunder and any other applicable health and safety legislation, where applicable,	
Compliance to the requirements from time to time of the Railway Safety Regulator, which is established in terms of the Railway Safety Regulator Act (including being in possession of a valid certificate of compliance from the Railway Safety Regulator);	
Mine Safety Regulations under the Mine Health and Safety Act, 29 of 1996 (as amended or replaced from time to time) (the "Mine Health and Safety Act") and any other applicable mine health and safety legislation, where applicable, including when providing Transport Services or operating a train within any Loading Site; and	
Rail Safety Directives and all applicable legislation.	
Bidders will be required to submit a Risk Assessment Report/Register together with their proposal. A guideline and template for use are attached hereto as Annexure G and Annexure L for guideline.	
Bidders will be required to submit an Environmental Management Program together with their proposal. A guideline is attached hereto as Annexure K.	
Bidders will be required to submit a Business Continuity Plan together with their proposal. A guideline is attached hereto as Annexure K.	

### 2.5.2 Health and Safety Requirements (bidder to comment: "Yes" or "No")

SHE requirement	"Yes"/ "No"
Bidders will be required to demonstrate how they will comply with Health and Safety Laws and Regulations and any other related Laws.	

### 2.5.3 Baseline Risk Assessment (bidder to comment comply or not comply)

Baseline Risk Assessment	"Yes"/ "No"
Bidders will be required to submit a Risk Assessment Methodology together with application. A guideline is attached hereto as Annexure L	

## 2.6 Company and Credit Risk Assessment

- Submit minimum 24 months Audited (signed by an auditor) Financial Statements. If bidding company is less than 2 years old, bidder to provide Letter of Credit from recognized Financial Institution. The Financial Stability and Risk Assessment informs the deposit required from the outcome of the credit risk assessment.
  - A previous bad payment history with Transnet might result in the Prospective Tenant, not being recommended. This will be evaluated during the financial risk assessment.

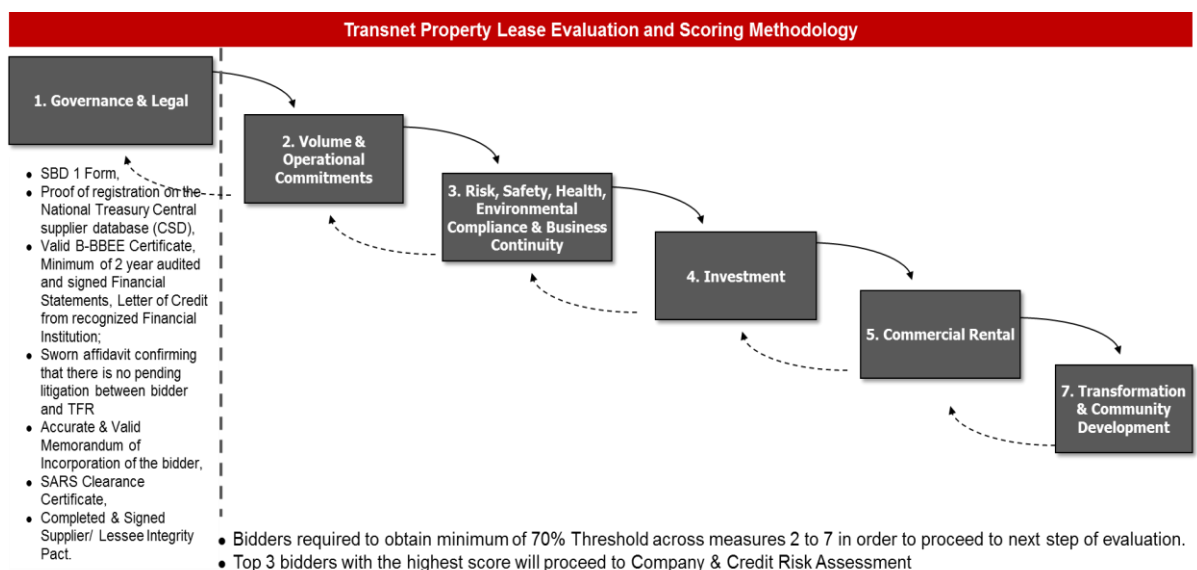
Qualifying bidder will be subjected to Credit Risk Assessment (risk grade) to determine deposit and guarantees required.

## 3 General Bidder Obligations

- The Bidder shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.
- The Bidder must comply with the requirements stated in this Request for Commercial Proposal.

## 4 Evaluation Methodology

Transnet will utilise the following methodology and criteria in selecting a preferred Supplier:





#### 4.1 Step One: Governance and Legal

The test for administrative responsiveness will include the following:

• Whether the Bid has been lodged on time	<i>Section 2 paragraph 2</i>
• Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time	<i>All sections</i>
• Verify the validity of all returnable documents	<i>Section 5</i>
• Verify if the Bid document has been duly signed by the authorised respondent	<i>All section</i>
• Whether the supplier is registered on the NT Central Supplier Database (CSD)	<i>Section 1</i>
• Tax Clearance Certificate or electronic access PIN obtained from SARS's new Tax Compliance Status (TCS) system [Consortia / Joint Ventures must submit a separate Tax Clearance Certificate/PIN for each party]	<i>Section 1, Section 2</i>
• B-BBEE certificate/ Sworn Affidavit	<i>Section 9</i>
• Sworn affidavit confirming that there is no pending litigation between bidder and TFR	
• Accurate & Valid Memorandum of Incorporation of the bidder	
• SARS Clearance Certificate,	
• Completed & Signed Supplier/ Lessee Integrity Pact.	

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



## 4.2 Step Two to Seven: Minimum Threshold 70%

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

Measures	Description	Score	Scoring Table
<b>Volume &amp; Operational Commitments</b>	a) Minimum volume guarantee aligned to the rail siding throughput capability	20	*100% of total points = 100% volume commitment *80% of total points = 90% -99% volume commitment *60% of total points = 80% -89% volume commitment *40% of total points = 60%-79% volume commitment *0 = < 60% or No volume guarantee of the siding throughput capability provided
	b) Minimum Loading and offloading time per wagon (4 hours for 50 wagon train)	2,5	Loading and offloading time per wagon. Unit of measure: Time per wagon. Lowest time will receive maximum points. All other bidders with higher loading and offloading times will proportionally receive points based on formula.
	c) 12 Hours working Day time operations	2,5	*5 Points = 12 Hours; *3 Points = 8,5 Hours; *1 Point = Less than 8 Hours
	d) Rate for handling and storage (Rand per Ton/TEU)	5	Lowest offer will receive the maximum points allocated to this segment. All other bidders with higher offers will proportionally receive points based on formula.

Measures	Description	Score	Scoring Table
<b>Investment</b>	a) Security of funding: Letter of Commitment from a Financial Institution or Proof of self-funding	4	Valid Letter of Commitment from a Financial Institution or Proof of self-funding submitted. *4 = Yes *0 = No
	b) Investment categories to be covered in plan include but not limited to: <ol style="list-style-type: none"> <li>1. Rail line refurbishments and upgrades</li> <li>2. Land side upgrades on storage and loading area.</li> <li>3. Building upgrades (e.g Office, ablution facilities, lighting etc.)</li> <li>4. Security upgrades (e.g fencing/walling, guard house etc.)</li> </ol> *Temporary structures will not be considered as part of evaluation.	30	Highest Investment offer will receive the maximum points allocated to this segment. All other bidders with lower Investment offers will proportionally receive points based on formula
	c) Other Investment categories to be covered in plan include	10	



	<ol style="list-style-type: none"> <li>1. Rail Infrastructure (Rail Lines and OHTE) outside the facility.</li> <li>2. Rolling Stock (wagons &amp; shunting )</li> <li>3. Security &amp; related technology for ~12km of rail track</li> </ol>		
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Measures	Description	Score	Scoring Table
<b>Commercial Rental</b>	Rental Offer	1	1 Point ≥market related; 0 Points = < less than market related
<b>Risk, Safety, Health, Environmental Compliance &amp; Business Continuity</b>	<b>Environmental Management Program addressing the following:</b> <ol style="list-style-type: none"> <li>1. Project Description and associated activities</li> <li>2. Legal requirements</li> <li>3. Summary of impacts and mitigation measures</li> <li>4. Institutional arrangements: roles and responsibilities</li> <li>5. Training and environmental awareness</li> </ol>	2	*40% of total points – Environmental Management Plan
	<b>Risk Register addressing risks associated with scope of work in the following manner:</b> <ol style="list-style-type: none"> <li>1. Use of the correct template</li> <li>2. Identification of relevant risks</li> <li>3. Identification of relevant controls</li> <li>4. Practical and relevant tasks identified</li> <li>5. Responsible persons identified</li> </ol>	1	*20% of total points – Risk Management Plan
	<b>Provide a Safety Management Plan that addresses the following:</b> <ol style="list-style-type: none"> <li>1. SHE appointments (Appointment of key personnel with relevant competencies or provides undertaking that persons with appropriate competencies will be appointed)</li> <li>2. Safety training</li> <li>3. Maintenance procedures</li> <li>4. Inspection/Audits of equipment or infrastructure</li> <li>5. Safe Working Procedures</li> <li>6. Fire Protection and Prevention</li> <li>7. Fit for duty processes</li> <li>8. Medical Surveillance and provision of first aid</li> <li>9. Occurrence/Incident Management Procedures</li> <li>10. SHE Policy</li> </ol>	1	*20% of total points – Safety Management Plan
	<b>Provide Business Continuity Plan as per guide provided</b> <ol style="list-style-type: none"> <li>1. Identify and detail the critical processes</li> <li>2. Detail the recovery time objective for the critical processes</li> <li>3. Detail additional resources needed for resumption of critical processes</li> <li>4. Detailed emergency plan (including disasters e.g. COVID -19)</li> <li>5. Detailed recovery strategies</li> </ol>	1	*20% of total points – Business Continuity Plan



Measures	Description	Score	Scoring Table	
Transformation & Community Development	a) Community Development Plan – spend of identified community projects in the area/ close proximity to the facility – minimum 3% of turnover generated from facility.	10	Highest offer will receive the maximum points allocated to this segment. All other bidders with lower offers will proportionally receive points based on formula.	
	b) B-BBEE Rating	4	Level 1 = 4 Points Level 2 = 3.6 Points Level 3 = 2.4 Points Level 4 = 2 Points	Level 5 = 1.6 Points Level 6 = 1.2 Points Level 7 = 0.8 Points Level 8 = 0.4 Points
	<b>Total</b>	<b>100</b>		

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

***The minimum threshold for technical/functionality [Step Two to Seven] must be met or exceeded for a Respondent's Proposal to progress to the Step 3 for final evaluation***

#### 4.3 Step Eight: Company and Credit Risk Assessment

Measures	Description	Score	Scoring Table
Company & Credit Risk Assessment	a) Inoxico - Advanced Risk Report	Green; Amber; Red	Company registration; Shareholding; Operational Licensing; Tax & VAT Registration; Bribery & Corruption
	b) Credit Risk Assessment	Risk Grade A to E	Assessment of risk grade to determine deposit and guarantees required

#### 4.4 Step Nine: Award of business and conclusion of a contract

Immediately after approval to award the contract has been received, the successful or preferred bidder(s) will be informed of the acceptance of his/their Bid either by way of a Letter of Award or Letter of Intent where Transnet will negotiate the final terms and condition the contract with the successful Respondent(s). Thereafter the final contract will be concluded with the successful Respondent(s).

Otherwise, a final contract will be concluded and entered into with the successful Bidder at the acceptance of a letter of award by the Respondent.

#### **SECTION 4: Summary of Offer** *Complete the table below:*

Measure	Value	Annexure in Request for Commercial Proposal Response Documents
Location (Facility Name)		
Volumes PA (Tons)		TFR Annexure F1
Rate for Handling and Storage (per ton)		TFR Annexure F2
Full Value of Investment Planned		TFR Annexure F3
Monthly Proposed rental Rate - m <sup>2</sup>		TFR Annexure F7
B-BBEE Level		TFR Annexure F6

*Respondents are to note that Transnet will round off final pricing scores to the nearest 2 (two) decimal places.*

### **1. National Railway Safety Regulator Act**

In compliance with the National Railway Safety Regulator Act, 16 of 2002, the successful Respondent [the Bidder] shall, comply fully with the specifications as set out in this Request for Commercial Proposal, and shall also adhere to railway safety requirements and/or regulations [as applicable]. The Bidder shall grant Transnet access, during the term of the contract, to review any safety-related activities, including the coordination of such activities across all parts of the organisation.

### **2. Service Levels**

2.1 Service Levels will be determined and approved as per the Lease Agreement

### **3. Total Cost of Ownership and Continuous Improvement Initiatives**

3.1 Respondents commit, for the duration of any contract which may be awarded through this Request for Commercial Proposal 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 siding maintenance and logistics provided by Transnet's operating divisions within South Africa to the ultimate benefit of all end-users.

3.2 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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#### 4. 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:

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##### 4.1 Continuity of service:

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

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##### 4.3 Compliance with the National Railway Safety Regulator Act, 16 of 2002:

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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: Business Proposal Form and list of required documents

I/We \_\_\_\_\_

*[name of entity, company, close corporation or partnership] of [full address]*

\_\_\_\_\_

\_\_\_\_\_

carrying on business trading/operating as

\_\_\_\_\_

represented by \_\_\_\_\_

in my capacity as \_\_\_\_\_

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

FULL NAME(S)

CAPACITY

SIGNATURE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I/We hereby offer to lease the abovementioned siding at the prices quoted in the schedule of prices in accordance with the terms set forth in the documents listed in the accompanying schedule of Request Commercial Proposal documents.

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

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

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

I/We further agree that if, after I/we have been notified of the acceptance of my/our Proposal, I/we fail to enter into a formal written contract if called upon to do so, or fail to commence the occupation and use of the leased siding within the time period, or on the date stipulated by Transnet, Transnet may, without prejudice to any other legal remedy which it may have, recover from me/us any expense to which it may have been put in calling for Proposals afresh and/or having to accept any less favourable Proposal.

Furthermore, in the absence of a formal written contract, I/we agree to a penalty clause/s which will allow Transnet to invoke a penalty against us for non-compliance with material terms of this Request for Commercial Proposal including non-performance by ourselves. etc.

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

#### **Address for Notices**

The law of the Republic of South Africa shall govern this Request for Commercial Proposal, and any contract created by the acceptance of this Request for Commercial Proposal/entered into pursuant to this Request for Commercial Proposal. The *domicilium citandi et executandi* shall be an address 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 Request for Commercial Proposal

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

### Validity Period

Transnet requires a validity period of 180 Business Days against this Request for Commercial Proposal, excluding the first day and including the last day.

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

The Respondent must disclose hereunder the full name(s) and address(s) of the director(s) or members of the company or close corporation [C.C.] on whose behalf the Request for Commercial Proposal 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)

_____	_____	_____
_____	_____	_____
_____	_____	_____



## 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:

Returnable Documents	<b><i>Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this Request for Commercial Proposal <u>will</u> result in a Respondent's disqualification.</i></b>
Returnable Documents Used for Scoring	<b><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></b>

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

### a) 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:

<b>RETURNABLE DOCUMENT</b>	<b>SUBMITTED [Yes/No]</b>
Bid documentation duly signed by the bidder	
Minimum of 2 year audited and signed Financial Statements * if not audited and signed by an auditor, bidder will be disqualified * Financial Statements must come from the bidding company and not a Holding Company or Group 1.2.6. If bidding company is less than 2 years, bidder to provide Letter of Credit from recognized Financial Institution (obtain rating of financial institutions from Finance)	
SBD1 form Section 1	
Valid proof of Bidder's compliance to B-BBEE requirements stipulated in Section 9 of this Request for Commercial Proposal	
Annexure F: Returnable Evaluation Response	

**b) Returnable Documents Used for Scoring**

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

<b><u>RETURNABLE DOCUMENTS USED FOR SCORING</u></b>	<b>SUBMITTED [Yes or No]</b>
- Volume commitment letter from cargo owner (Annexure L)	
- Operational plan to introduce innovation in order to improve Operational Efficiency. Bidders to provide operational plan which addresses the following topics: Daily loading & offloading capabilities (Number of trains/wagons); Operational hours/ days (i.e 24/7)	
- Rate for Handling and storage (Rand per ton)	
- Monthly Proposed rental Rate m2	
- Business Plan illustrating NPV	
- Demonstrate Security of Funding in the form of a letter of Commitment from a Financial Institution or letter from Auditor confirming ability to self-fund the initiative	
- Social and Economic Impact Plan	

**c) Essential Returnable Documents required in the Lease Application Form:**

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

<b>ESSENTIAL RETURNABLE DOCUMENTS</b>	<b>SUBMITTED [Yes or No]</b>
- Certificate of Incorporation or any amendment thereto	
- Certificate to Commence Business	
- Memorandum of Articles of Association	
- Resolution signed by the company Secretary or Chairperson and copy/copies of identity document/s of person/s authorised to act on behalf of the company and sign the lease agreement and in what capacity	



ESSENTIAL RETURNABLE DOCUMENTS	SUBMITTED [Yes or No]
- Certificate from Secretary / Auditor of the company confirming address of registered office where processes are to be served	
- Operational readiness plan	
- Annexure I: Rail Transport Agreement	

### CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

The successful Respondent will be required to ensure the validity of all returnable documents, including but not limited to its valid proof of B-BBEE status, for the duration of any contract emanating from this Request for Commercial Proposal. 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 Request for Commercial Proposal, Master Agreements (Standard Lease 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 Request for Commercial Proposal. 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 to properly take it into account for the purpose of calculating tendered prices or for any other purpose:**

1	Transnet's General Bid Conditions
2	Master Agreements attached (Standard Lease Agreement and Rail Transport Agreement ("RTA")). Bidders to indicate whether they have an existing signed rail transport agreement with TFR, and the commencement and termination dates of such rail transport agreement. If the Bidder is of the view that the RTA will not be applicable for any reason(s) whatsoever, then they must indicate such detailed reason(s) in their bid response.
3	Transnet's Supplier Integrity Pact
4	Non-disclosure Agreement
5	Facility specifications and drawings attached to this Request for Commercial Proposal
6	Supplier Declaration Form and all supporting documents (first time vendors only). Alternatively, for all existing vendors, please complete the table below under the heading "Existing vendors".

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the Request for Commercial Proposal 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 Request for Commercial Proposal 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 Request for Commercial Proposal documents included in the Request for Commercial Proposal 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: Request for Commercial Proposal 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 Request for Commercial Proposal Clarification purposes;
2. We have received all information we deemed necessary for the completion of this Request for Commercial Proposal;
3. We have been provided with sufficient access to the existing Transnet facilities/sites and any and all relevant information relevant to the sidings and/or the leasing of such sidings as well as related Transnet information and Employees, and have had sufficient time in which to conduct and perform a thorough due diligence of Transnet's operations, 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 us (the Respondent) in arriving at our Bid Price or our conclusion of the relevant contracts.
4. At no stage have we received additional information relating to the subject matter of this Request for Commercial Proposal from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the Request for Commercial Proposal documents;
5. We are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this Request for Commercial Proposal and the requirements requested from Bidders in responding to this Request for Commercial Proposal 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 document 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 Request for Commercial Proposal; 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]***

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.

## Breach of Law

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

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

NATURE OF BREACH:

\_\_\_\_\_

DATE OF BREACH: \_\_\_\_\_

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

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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





## SECTION 9: Job-Creation Schedule

### **(Please ensure that you return this schedule with your bid submission)**

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

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

<b>Total number and value of new jobs created</b>	<b>Total number of new jobs</b>	<b>Total rand value of new jobs created</b>

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

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

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

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



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

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