
Transnet National Ports Authority
an Operating Division **TRANSNET SOC LTD**
[Registration Number 1990/000900/30]

REQUEST FOR PROPOSAL (RFP)

FOR THE UPGRADE AND THE EXTENSION OF PORT CONTROL TOWER BUILDING IN THE PORT OF RICHARDS BAY.

RFP NUMBER	: TNPA/2022/05/0366/RFP
ISSUE DATE	: 23 May 2022
COMPULSORY BRIEFING	: 01 June 2022
CLOSING DATE	: 17 June 2022
CLOSING TIME	: 20h00
TENDER VALIDITY PERIOD	: 12 weeks from closing date

Contents

Number	Heading
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The Tender

Part T1: Tendering Procedures

- T1.1 Tender Notice and Invitation to Tender
- T1.2 Tender Data

Part T2: Returnable Documents

- T2.1 List of Returnable Document
- T2.2 Returnable Schedules

The Contract

Part C1: Agreements and Contract Data

- C1.1 Form of Offer and Acceptance
- C1.2 Contract Data (Parts 1 & 2)
- C1.3 Form of Guarantee

Part C2: Pricing Data

- C2.1 Pricing Instructions
- C2.2 Bill of Quantities

Part C3: Scope of Work

- C3.1 Works Information

Part C4: Site Information

- C4.1 Site Information

T1.1 TENDER NOTICE AND INVITATION TO TENDER

SECTION 1: NOTICE TO TENDERERS

1. INVITATION TO TENDER

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

DESCRIPTION	For the upgrade and the Extension of Port Control Tower Building in the Port of Richards Bay.
TENDER FEE AND BANKING DETAILS	<p>This Tender may be downloaded directly from the Transnet website tender portal at www.transnet.net FREE OF CHARGE.</p> <p>NOTE: It is the responsibility of the tenderer to ensure downloading or receipt of a complete RFP all specifications, drawings and annexures.</p>
COMPULSORY TENDER CLARIFICATION MEETING	<p>A Compulsory Tender Clarification Meeting will be conducted at Transnet (RME), Anchor Boardroom, 01 Commodore Close, Old Naval Base, Richards bay, on 01 June 2022 at 10:00am [10 O'clock] for a period of ± 2 (two) hours. [Tenderers to provide own transportation and accommodation].</p> <p>The Compulsory Tender Clarification Meeting will start punctually and information will not be repeated for the benefit of Tenderers arriving late.</p> <p>A Site visit/walk will take place, tenderers are to note:</p> <ul style="list-style-type: none"> • Tenderers are required to wear safety shoes, goggles, long sleeve shirts, high visibility vests and hard hats. • Tenderers without the recommended PPE will not be allowed on the site walk. • Tenderers and their employees, visitors, clients and customers entering Transnet Offices, Depots, Workshops and Stores will undergo breathalyser testing. • All forms of firearms are prohibited on Transnet properties and premises. • The relevant persons attending the meeting must ensure that their identity documents, passports or drivers licences are on them for inspection at the access control gates. <p>Certificate of Attendance in the form set out in the Returnable Schedule T2.2-01 hereto must be completed and submitted with your</p>

	<p>Tender as proof of attendance is required for a compulsory site meeting and/or tender briefing.</p> <p>Tenderers are required to bring this Returnable Schedule T2.2-01 to the Compulsory Tender Clarification Meeting to be signed by the Employer's Representative.</p> <p>Tenderers failing to attend the compulsory tender briefing will be disqualified.</p>
CLOSING DATE	<p>20h00 on 17 June 2022</p> <p>Tenderers must ensure that tenders are uploaded timeously onto the system. If a tender is late, it will not be accepted for consideration.</p>

2. TENDER SUBMISSION

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

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

- Log on to the Transnet eTenders management platform website (<https://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.

b) The tender offers to this tender will be opened as soon as possible after the closing date and time. Transnet shall not, at the opening of tenders, disclose to any other company any confidential details pertaining to the Tender Offers / information received, i.e. pricing, delivery, etc. The names and locations of the Tenderers will be divulged to other Tenderers upon request.

c) Submissions must not contain documents relating to any Tender other than that shown on the submission.

3. CONFIDENTIALITY

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

4. DISCLAIMERS

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

- 4.1. Award the business to the highest scoring Tenderer/s unless objective criteria justify the award to another tenderer.
- 4.2. Not necessarily accept the lowest priced tender or an alternative Tender;
- 4.3. Go to the open market if the quoted rates (for award of work) are deemed unreasonable;
- 4.4. Should the Tenderers be awarded business on strength of information furnished by the Tenderer, which after conclusion of the contract is proved to have been incorrect, Transnet reserves the right to terminate the contract;
- 4.5. Request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 4.6. Not accept any changes or purported changes by the Tenderer to the tender rates after the closing date;
- 4.7. Verify any information supplied by a Tenderer by submitting a tender, the Tenderer/s hereby irrevocably grant the necessary consent to the Transnet to do so;
- 4.8. Conduct the evaluation process in parallel. The evaluation of Tenderers at any given stage must therefore not be interpreted to mean that Tenderers have necessarily passed any previous stage(s);

- 4.9. Unless otherwise expressly stated, each tender lodged in response to the invitation to tender shall be deemed to be an offer by the Tenderer. The Employer has the right in its sole and unfettered discretion not to accept any offer.
- 4.10. Not be held liable if tenderers do not provide the correct contact details during the clarification session and do not receive the latest information regarding this RFP with the possible consequence of being disadvantaged or disqualified as a result thereof.
- 4.11. Transnet reserves the right to exclude any Tenderers from the tender process who has been convicted of a serious breach of law during the preceding 5 [five] years including but not limited to breaches of the Competition Act 89 of 1998, as amended. Tenderers are required to indicate in Tender Returnable Document **T2.2-19: Breach of Law** whether or not they have been found guilty of a serious breach of law during the past 5 [five] years.

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

6. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

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

Supplier Number:

And unique registration reference Number:

Transnet urges its clients, suppliers and the general public

to report any fraud or corruption to

TIP-OFFS ANONYMOUS: 0800 003 056 OR Transnet@tip-offs.com

T1.2 TENDER DATA

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

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

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

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

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

		C2.2 Bill of Quantities
	Part C3: Scope of work	C3.1 Works Information
	Part C4: Site information	C4.1 Site information
C.1.4	The Employer's agent is:	Procurement Officer
	Name:	Kabelo Zondo
	Address:	Transnet National Ports Authority Pioneer Center Building, Santhom Road Port of Richards Bay 3900
	Tel No.	011 308 2063
	E – mail	Kabelo.Zondo@transnet.net
C.2.1	Only those tenderers who satisfy the following eligibility criteria are eligible to submit tenders:	
	1) Stage one - Eligibility with regards to attendance at the compulsory clarification meeting:	
		An authorised representative of the tendering entity or a representative of a tendering entity that intends to form a Joint Venture (JV) must attend the compulsory clarification meeting in terms C2.7
		Any tenderer that fails to meet the stipulated pre-qualifying criteria will be regarded as an unacceptable tender.
	2) Stage two - Eligibility in terms of the Construction Industry Development Board:	

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

a) Joint Venture (JV)

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

1. every member of the joint venture is registered with the CIDB;
2. the lead partner has a contractor grading designation of **6GB or higher** class of construction work; and
3. the combined Contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a Contractor grading designation determined in accordance with the sum tendered for a **7GB or higher** class or higher class of construction work or a value determined in accordance with Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations
4. The tenderer shall provide a certified copy of its signed joint venture agreement.

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

Stage Four- Functionality:

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

The evaluation criteria for measuring functionality and the points for each criteria and, if any, each sub-criterion are as stated in C.3.11 below.

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

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

Tenderers are also **required to bring their RFP document to the briefing session and have their returnable document T2.2-01 Certificate of Attendance** signed off by the Employer's authorised representative.

C.2.12 No alternative tender offers will be considered.

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

C.2.13.5 The Employer's details and identification details that are to be shown on each tender

C2.15.1 offer are as follows:

Identification details:

The tender documents must be uploaded with:

- Name of Tenderer:
- Contact person and details:
- The Tender Number: **TNPA/2022/05/0366/RFP**
- The Tender Description: **For the upgrade and the Extension of Port Control Tower Building in the Port of Richards Bay.**

Documents must be marked for the attention of:

Employer's Agent: Kabelo Zondo

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

C.2.15 The closing time for submission of tender offers is:

Time: **20h00 on the 17 June 2022**

Location: The Transnet e-Tender Submission Portal: www.transnet.net

NO LATE TENDERS WILL BE ACCEPTED

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

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

1. A valid Tax Clearance Certificate issued by the South African Revenue Services.
Tenderers also to provide Transnet with a TCS PIN to verify Tenderers compliance status.
2. A **valid B-BBEE Certificate** from a Verification Agency accredited by the South African Accreditation System [**SANAS**], or a **sworn affidavit** confirming annual turnover and level of black ownership in case of all EMEs and QSEs with 51% black

ownership or more together with the tender;

3. A valid CIDB certificate in the correct designated grading;
4. Proof of registration on the Central Supplier Database;
5. Letter of Good Standing with the Workmen's compensation fund by the tendering entity or separate Letters of Good Standing from all members of a newly constituted JV.

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

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

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

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

Functionality Criteria

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

Quality Criteria	Sub-Criteria	Sub-criteria number of points	Maximum Number of Points								
Evaluation Schedule: T2.2-3 Programme	<p>The tender must provide a programme which provides the detail that would indicate the order and timing of activities to carry out the services in terms of the Employer's requirements and within the stipulated timeframes. The Tenderer shall produce a level 3 schedule according to the Employer's objectives</p> <p>The tenderer shall demonstrate the following:</p> <table border="1"><tr><td>Ability to Provide the Services</td><td>5</td></tr><tr><td>Provision of Dates</td><td>2</td></tr><tr><td>Resourcing & Equipment</td><td>3</td></tr><tr><td>Progress Measurement & Tracking Sheets</td><td>2</td></tr></table>	Ability to Provide the Services	5	Provision of Dates	2	Resourcing & Equipment	3	Progress Measurement & Tracking Sheets	2		12
Ability to Provide the Services	5										
Provision of Dates	2										
Resourcing & Equipment	3										
Progress Measurement & Tracking Sheets	2										
Evaluation Schedule: T2.2-4 Management & CV's of key personnel	<p>The tender must be able to demonstrate that the project personnel have sufficient knowledge, experience and qualifications to provide the required service</p> <table border="1"><tr><td>Organizational structure to include a clear indication of roles and responsibilities and specific function of each team member</td><td>2</td></tr><tr><td>Qualification and experience of key staff required but not limited to:</td><td></td></tr><tr><td>Project Manager</td><td>3</td></tr></table>	Organizational structure to include a clear indication of roles and responsibilities and specific function of each team member	2	Qualification and experience of key staff required but not limited to:		Project Manager	3		25		
Organizational structure to include a clear indication of roles and responsibilities and specific function of each team member	2										
Qualification and experience of key staff required but not limited to:											
Project Manager	3										

	Construction Manager	4	
	Civil Engineer/ Technologist	4	
	Mechanical Engineer/Technologist	3	
	Electrical Foreman	3	
	Environmental Officer	3	
	Health & Safety Officer	3	
Evaluation Schedule: T2.2-5 Quality Plan	Due consideration must be given to the deliverables required to demonstrate to the Employer the effectiveness of the Quality Management System to be used in the performance of the scope. The following standards apply to the quality of the deliverables to be supplied; <ul style="list-style-type: none"> International Standard ISO 9001:2011 	10	
	Project Specific Quality Plan for the contract.	2	
	ISO 9001:2015 certification	2	
	Index of Quality procedures to be used during the contract.	2	
	Project specific Quality control Plan (For each task)	2	
	Signed Quality Policy based on ISO 9001: 2015 five key requirements	2	
Evaluation Schedule: T2.2-6 Environmental Management	<p>The tenderer must provide evidence of how their Environmental Management System (EMS) will ensure conformance to</p> <p>a) Transnet SOC Limited – Environmental Risk Management Policy;</p> <p>b) Project Environmental Specification (PES) which comprises of the following as a minimum:</p> <ul style="list-style-type: none"> Standard Operating Procedure for Construction Environmental Management Minimum Standards for Construction Environmental Management <p>Where applicable, the following may also apply:</p> <ul style="list-style-type: none"> Any other operational/maintenance environmental plans or specifications 	2	
	2. The tenderer must provide an environmental policy signed by Top Management which, as a minimum: <ul style="list-style-type: none"> -Is appropriate given the purpose and context of the tenderer's business; -Includes a commitment to fulfil the tenderer's environmental compliance (legal) obligations; -Includes a commitment to the protection of the environment, including prevention of pollution; -Provides framework for setting environmental objectives; and -Includes a commitment to continual improvement of their EMS; 	5	13

	The tenderer must provide an Organisational Chart depicting key environmental staff and the chart must be accompanied by CV's showing staff competencies, experience and qualifications relevant to project environmental management functions.	2	
	The tenderer must provide a list of projects where environmental duties of a similar nature have been executed including a brief description of such duties together with client reference contact details.	4	
Submit the following documents as a minimum with your tender			
Evaluation Schedule: T2.2-7 Health and Safety Plan	1. Valid letter of good standing with insurance body	1	10
	2. Project specific Health and Safety Plan in line with Project Specification.	2	
	3. Company Health and Safety Policy is signed and dated	1	
	4. Roles and responsibilities of legal appointees, including but not limited to Safety Officer.	1	
	5. List of job categories for project and competencies required per category and develop a training Matrix for all employees who will be working on the project.	1	
	6. Overview of Risk Assessment process with project specific examples	1	
	7. One year synopsis of SHE incidents, description, type and action taken	1	
	8. Completed Safety Questionnaire (templates attached)	1	
	9. Completed Health and Safety Cost Breakdown (template attached)	1	
Evaluation Schedule: T2.2-8 Previous Experience	The tenderer must demonstrate their relevant experience with regards to the delivery and Construction of similar works as detailed in the Works Information, and to this end shall supply a sufficiently detailed reference list with contact details of existing customers and also indicate their previous experience with reference to:		20
	• Construction of Structural concrete or multi-storey building works	4	
	• Mechanical installations which includes fire protection systems, HVAC, Elevator or similar	3	
	• Alteration of existing multi-storey buildings which included addition or removal of main structural elements	3	
	Evidence of project completion i.e. Completion Certificate References to substantiate experience indicated showing:	10	

	<ul style="list-style-type: none"> • Project description • Customer name and contact details • Contract value and duration 		
Evaluation Schedule: T2.2-9 Method Statement	The tenderer must sufficiently demonstrate the approach/methodology that he/she will employ to cover the scope of the project.		
	The method statement must respond to the scope of work (the Works Information) and outline the proposed methodology including that relating to the Programme, quality, health and safety and environmental considerations.	3	
	The method statement should articulate what value add the tenderer will provide in achieving the stated objectives for the project.	2	
	The tenderer must as such explain his / her understanding of the objectives of the assignment and the Employer's stated and implied requirements, highlight the issues of importance, and explain the technical approach they would adopt to address them. The method statement should also correlate with the tenderer's quality plan outlining the processes, procedures and associated resources, applied by whom and when, to meet the requirements and indicate how risks will be managed and what contribution can be made regarding value management.	2	10
	Method of construction and commissioning Process: Tender should narratively demonstrate the approach to site establish, pre-construction activities and meetings, interfaces with other discipline including the client, construction logistics, commissioning procedures and handover.	3	
Maximum possible score for quality (W_Q)		100	100

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

- T2.2-03 Programme
- T2.2-04 Project Organogram, Management & CVs of Key Persons
- T2.2-05 Quality Management
- T2.2-06 Environmental Management
- T2.2-07 Health and Safety Requirements
- T2.2-08 Previous Experience
- T2.2-09 Method Statement

Each evaluation criteria will be assessed in terms of scores of 0, 20, 40, 60, 80 or 100. The scores of each of the evaluators will be averaged, weighted and then totalled to obtain the final score for functionality, unless scored collectively. (See CIDB Inform Practice Note #9).

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

C.3.11. Only tenders that achieve the minimum qualifying score for functionality will be evaluated further in accordance with the 80/20 preference points systems as described in Preferential Procurement Regulations 6.

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

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

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

C.3.13 Tender offers will only be accepted if:

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

are not limited to the outcome of a due diligence exercise to be conducted. The due diligence exercise may take the following factors into account *inter alia*:

the tenderer:

- a) is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
- b) can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
- c) has the legal capacity to enter into the contract,
- d) is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- e) complies with the legal requirements, if any, stated in the tender data and
- f) is able, in the option of the employer to perform the contract free of conflicts of interest.

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

T2.1 List of Returnable Documents

2.1.1 These schedules are required for pre-qualification and eligibility purposes:

- T2.2-01 **Stage One as per PPPFA: Eligibility Criteria Schedule** - Certificate of Attendance at Tender Clarification Meeting
- T2.2-02 **Stage Two as per CIDB: Eligibility Criteria Schedule** - CIDB Registration

2.1.2 Stage Five as per CIDB: these schedules will be utilised for evaluation purposes:

- T2.2-03 **Evaluation Schedule:** Programme
- T2.2-04 **Evaluation Schedule:** Project Organogram, Management & CV's
- T2.2-05 **Evaluation Schedule:** Quality Management
- T2.2-06 **Evaluation Schedule:** Environmental Management
- T2.2-07 **Evaluation Schedule:** Health and Safety Management
- T2.2-08 **Evaluation Schedule:** Previous experience
- T2.2-09 **Evaluation Schedule:** Method Statement

2.1.3 Returnable Schedules: General:

- T2.2-10 Letter of Good Standing
- T2.2-11 Risk Elements
- T2.2-12 Site Establishment Requirements
- T2.2-13 Availability of Equipment and Other Resources
- T2.2-14 Capacity and ability to meet delivery schedule
- T2.2-15 Authority to submit tender
- T2.2-16 Record of addenda to tender documents
- T2.2-17 Agreement in terms of Protection of Personal Information Act (POPIA)
- T2.2-18 B-BBEE Verification

2.1.4 Agreement and Commitment by Tenderer:

- T2.2-19 RFP – Breach of Law
- T2.2-20 Certificate of Acquaintance with Tender Document
- T2.2-21 Service Provider Integrity Pact
- T2.2-22 Supplier Code of Conduct
- T2.2-23 Job-Creation
- T2.2-24 CIDB SFU ANNEX G Compulsory Enterprise Questionnaire

- T2.2-25 RFP Declaration Form
- T2.2-26 Non-Disclosure Agreement
- T2.2-27 Schedule of proposed Subcontractors

2.1.5 Bonds/Guarantees/Financial/Insurance:

- T2.2-28 Three (3) years audited financial statements
- T2.2-29 Insurance provided by the Contractor
- T2.2-30 PCI
- T2.2-31 Form of Intent to provide a Performance Guarantee

2.1.6 Transnet Vendor Registration Form:

- T2.2-32 Transnet Vendor Registration Form

2.2 C1.1 Offer portion of Form of Offer & Acceptance

2.3 C1.2 Contract Data

2.4 C1.3 Forms of Securities

2.5 C2.1 Pricing Instructions Bill of Quantities

2.6 C2.2 Bill of Quantities

T2.2-01: Eligibility Criteria Schedule:

Certificate of Attendance at Tender Clarification Meeting

This is to certify that

(Company Name)

Represented
by:

(Name and
Surname)

Was represented at the compulsory tender clarification meeting

Held at:	Transnet Office, Anchor boardroom, 01 Commodores Close, Old Naval Base, Richards Bay, 3900	
On (date)	Wednesday 01 June 2022	Starting time: 10:00am

Particulars of person(s) attending the meeting:

Name

Signature

Capacity

Attendance of the above company at the meeting was confirmed:

Name

Kabelo Zondo

Signature

**For and on Behalf of the
Employers Agent.**

Date

T2.2-02: Eligibility Criteria Schedule - CIDB Grading Designation

Note to tenderers:

Tenderers are to indicate their CIDB Grading by filling in the table below. **Attach a copy of the CIDB Grading Designation or evidence of being capable of being so registered.**

CRS Number	Status	Grading	Expiry Date

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

2. Joint Venture (JV)

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

1. every member of the joint venture is registered with the CIDB;
2. the lead partner has a contractor grading designation in the a **6GB or higher** class of construction work; and
3. the combined Contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a Contractor grading designation determined in accordance with the sum tendered for a **7GB or higher** class of construction work or a value determined in accordance with Regulation 25(1B) or 25(7A) of the Construction Industry Development Regulations
4. the Contractor shall provide the employer with a certified copy of its signed joint venture agreement;
5. and in the event that the joint venture is an 'Incorporated Joint Venture' the Memorandum of Incorporation to be provided within 4 (four) weeks of the Contract Date.

T2.2-03: Evaluation Schedule: Programme

Note to tenderers:

The Tenderer provides a hard copy proposed programme and/or makes reference to his proposed programme and attaches it to this schedule along with draft progress tracking sheets and an electronic native version of the programme developed using a scheduling software tool.

The tenderer shall provide the proposed programme detailed to minimum of level 3 showing as a minimum the following:-

- Ability to provide the services:**

Ability to provide the services in terms of the Employer's requirements within the required timeframe indicating, in a logical sequence, the order and timing of the services that will take place in order to Provide the Works clearly indicating the capacity & capability to achieve the dates stated in the Contract Data.

- Provision of Dates:**

The Contractor clearly indicates in the schedule all milestones, activities & information related to the following –

- Float,
- Time Risk Allowances,
- Health and safety requirements,
- Procedures set out in this contract,
- Work by the Employer and Others,
- Access to a part of the site if later than its access date,
- Acceptances,
- Plant & Materials and other things to be provided by the employer,
- Information by Others,
- starting date, access dates, Key Dates and Completion Date
- planned Completion for each Key Date for each option and the complete works

- Resourcing & Equipment:**

The Contractor indicates for each operation, a statement of how the Contractor plans to do the work identifying the principal Equipment and other resources which he plans to use. Resources & equipment are loaded against activities with their associated rates.

- Progress Measurement & Tracking Sheets:**

The Contractor provides draft progress tracking sheets indicating how he plans to monitor and track the works at assembly member & commodity level. Sheets to have work steps and weight factors which roll up to a summary report.

The Programme should indicate the following columns as a minimum:

Activity Number	Activity description	Start date	Finish date	Successor	Time risk allowances (TRA)

The scoring of the programme will be as follows:

Programme (12)					
	Ability to Provide the Services (5)	Provision of Dates (2)	Resourcing & Equipment (3)	Progress Measurement & Tracking Sheets (2)	
Score 0	The tenderer has submitted no information or inadequate information to determine a score.	The tenderer has submitted no information or inadequate information to determine a score.	The tenderer has submitted no information or inadequate information to determine a score.	The tenderer has submitted no information or inadequate information to determine a score.	
Score 20	<ul style="list-style-type: none"> The programme is not acceptable as it will not satisfy project objectives or requirements. The programme does not meet all the required timeframes. The programme does not follow a logical sequence or has critical logic errors. Critical components of the scope is excluded and not to the level required in the scope. The tenderer has misunderstood the scope of work and does not deal with the critical aspects of the project. 	The tenderer has addressed some but not all date requirements and submission is missing critical activities and dates which renders it unrealistic / unachievable .	The tenderer has addressed some but not all resource requirements and submission is missing critical resources & equipment which renders it unrealistic / unachievable .	The submission is generic. The tenderer has addressed some of the works on the tracking sheets but lacks sufficient work steps to track the assembly members and/or commodities from start to finish.	
Score 40	<ul style="list-style-type: none"> The programme is generic, not practical and realistic, therefore is unlikely to satisfy project objectives or Employer's requirements. 	The tenderer has addressed some but not all date requirements and submission is missing some activities and dates which renders it at risk of being	The tenderer has addressed some but not all resource requirements and submission is missing some resources & equipment which renders it at risk of being	The submission is project specific. The tenderer has addressed some of the works on the tracking sheets but lacks sufficient work steps to track the assembly members	

	<ul style="list-style-type: none"> The programme does not meet all the required timeframes. The programme is missing some logic but is does not influence the tendered timeframe. Some components of the scope is excluded and not to the level required in the scope. The tenderer has misunderstood certain aspects of the scope of services and does not deal with the critical aspects of the project. 	unrealistic / unachievable.	unrealistic / unachievable.	and/or commodities from start to finish.
Score 60	<ul style="list-style-type: none"> The programme addresses certain specific project objectives but does not adequately deal with the critical characteristics of the project. The programme meets all the required timeframes. The programme is not missing logic but has minor errors or omissions in critical path/s. The complete scope is captured and decomposed in the programme to the level required in the scope 	The tenderer has addressed most date requirements correctly and submission contains logic and sequencing which is accurate, and renders the submission realistic and achievable.	The tenderer has addressed most resource requirements correctly and submission contains resources & equipment which is accurate, and renders the submission realistic and achievable.	The submission is project specific. The tenderer has addressed the works on the tracking sheets but lacks some work steps to track the assembly members and/or commodities from start to finish.
Score 80	<ul style="list-style-type: none"> The programme addresses specific project objectives. The programme meets all the required timeframes. The programme is not missing any logic 	The tenderer has addressed all date requirements correctly and submission contains logic and sequencing which is accurate, and renders the submission realistic and achievable.	The tenderer has addressed all resource requirements correctly and submission contains resources & equipment which is accurate, and renders the submission	The submission is project specific. The tenderer has addressed the works on the tracking sheets and lacks no work steps to track the assembly members and/or commodities from start to finish

	<ul style="list-style-type: none"> The complete scope is captured and decomposed in the programme to the level required in the scope 		realistic and achievable.	
Score 100	Besides meeting the "80" rating, the important issues are approached in an innovative and efficient way.	Besides meeting the "80" rating, the tenderer has exceeded the required expectations.	Besides meeting the "80" rating, the tenderer has exceeded the required expectations.	Besides meeting the "80" rating, the tenderer has exceeded the required expectations.

T2.2-04: Evaluation Schedule: Management & CV's of Key Persons

The tender must be able to demonstrate that the project personnel have sufficient knowledge, experience and qualifications to provide the required service.

Submit the following documents as a minimum with your tender document:

1. Organizational structure to include a clear indication of roles and responsibilities and specific function of each team member;
2. The experience of assigned key persons in relation to the scope of work will be evaluated from two different points of view, namely:
 - a. The education, training and skills. (Proof of education and training must be attached. Copies of all qualifications must be certified by a Commissioner of Oaths)
 - b. Relevant experience.
- c. Key personnel should include at least, amongst others but not limited to:
 - Project Manager;
 - Construction Manager;
 - Civil Engineer/Technologist;
 - Mechanical Engineer/Technologist;
 - Electrical Foreman;
 - Environmental Officer;
 - Health & Safety Officer.

No.	Key Persons	Name and Surname	CV attached (Yes/No)
1	Project Manager		
2	Construction Manager		
3	Civil Engineer		
4	Mechanical Engineer/Technologist		
5	Electrical Foreman		
6	Environmental Officer		
7	Health & Safety Officer		

Note: CV's and profiles should show experience, background and track record in similar types of projects

Project Manager

The Project Manager must at least have a minimum qualification of a Diploma in any Built environment related field and at least 5 years of experience in construction projects. The Project Manager must have experience working in at least 3 separate projects, with at least 1 project in excess of R 20M in building works.

Construction Manager

The Construction Manager must be registered as a Project & Construction Manager with SACPCMP with at least 5 years of experience on construction projects and have a Diploma in any Built environment as a minimum qualification. Proof of SACPCMP registration as well as competency certificates to be submitted as part of this returnable.

The Construction Manager must have experience working in at least 1 project in excess of R 20M in building works.

Civil Engineer / Technologist

The Civil Engineer or Technologies must have minimum of 5 years' experience in civil engineering field. Must have experience working in at least 5 separate projects, with at least 1 project in excess of R 20M in Civil works.

Mechanical Engineer / Technologies

The Mechanical Engineer or Technologies must have minimum of 5 years' experience in civil engineering field. Must have experience working in at least 5 separate projects, with at least 1 project in excess of R 20M in Mechanical works.

Electrical Foreman

The Electrical Foreman must have a minimum of NTC 4 Trade Certificate in Electrical Engineering with at least 10 years of experience in Electrical MV and LV projects.

Environmental Officer

The Environmental Officer must have a Bachelor's Degree in Environmental Management/Science or equivalent with at least 5 years of experience in building works projects. Proof of qualifications to be submitted as part of this returnable.

Health & Safety Practitioner

The Health & Safety Practitioner must be registered as a Health and Safety Practitioner with SACPCMP with at least 5 years of experience on MV/LV projects and have a SAMTRAC or NEBOSH or modern SHEQ risk management training course as a minimum qualification. Proof

of SACPCMP registration as well as competency certificates to be submitted as part of this returnable.

1. Details of experience for proposed staff working in similar projects in terms of nature, competency and value.
2. An explanation of how you propose to allocate adequate resources to enable you to comply with the requirements and prohibitions imposed on you by or under the statutory provisions relating to health and safety.
3. Details of experience for proposed staff in respect of NEC3 Engineering & Construction Contract option chosen for this Contract. If staff experience is limited, an indication of relevant training that they have attended would be helpful.

The scoring of the Management & CV's of Key Persons will be as follows:

	Organizational structure to include a clear indication of roles and responsibilities and specific function of each team member	Project Manager	Construction Manager	Civil Engineer/ Technologist	Mechanical Engineer/ Technologist	Electrical Foreman	Environmental Officer	Health and Safety Officer
Points (25)	2	3	4	4	3	3	3	3
Score 0	The tenderer has submitted no information or inadequate information to determine a score.							
Score 20	Inadequate organisation chart, Incomplete list of Key staff and management structure. No details of the location and functions of offices where	Key staff does not have suitable levels of relevant experience and qualifications or equivalent specialized training.	Key staff does not have suitable levels of relevant experience and qualifications or equivalent specialized training.	Key staff does not have suitable levels of relevant experience and qualifications or equivalent specialized training.	Key staff does not have suitable levels of relevant experience and qualifications or equivalent specialized training.	Key staff does not have suitable levels of relevant experience and qualifications or equivalent specialized training.	Environmental staff generally have less than 1 year relevant experience and no environmental qualification.	Safety officer does not have relevant qualifications or not registered with SACPCMP.

	the work will be managed.							
Score 40	Organisation chart show incomplete list of Key staff and management structure. Details of the location where the work will be managed are defined but functions of offices are not defined.	Key staff has limited recommended levels of relevant experience (from 1 but less than 5 years' experience) and qualifications or equivalent specialized training.	Key staff has limited recommended levels of relevant experience (from 1 but less than 5 years' experience) and qualifications or equivalent specialized training. Not registered with SACPCMP	Key staff has limited recommended levels of relevant experience (from 1 but less than 5 years' experience) and qualifications or equivalent specialized training.	Key staff has limited recommended levels of relevant experience (from 1 but less than 5 years' experience) and qualifications or equivalent specialized training.	Key staff has limited recommended levels of relevant experience (from 1 but less than 10 years' experience) and qualifications or equivalent specialized training.	Environmental staff generally have between 1 and 5 years' relevant experience and a National Diploma.	Safety officer have below average qualifications but are registered with SACPCMP.
Score 60	Organisation chart showing onsite and off-site management but not all Key staff have reasonable experience of issues pertinent to the project. Details of the location where	Key staff has acceptable levels of relevant experience (from 5 but less than 7 years' experience) and qualifications or equivalent specialized training.	Key staff has acceptable levels of relevant experience (from 5 but less than 7 years' experience) and qualifications (Diploma or B-Tech) and are registered with	Key staff has acceptable levels of relevant experience (from 5 but less than 7 years' experience) and qualifications or equivalent specialized training.	Key staff has acceptable levels of relevant experience (from 5 but less than 7 years' experience) and qualifications or equivalent specialized training.	Key staff has acceptable levels of relevant experience (from 10 but less than 15 years' experience) and NTC4 Trade certificate in Electrical engineering or	Environmental staff generally have between 5 and 8 years' relevant experience and a Bachelor's degree.	Safety officer have average relevant qualifications (Diploma or B-Tech) and have a SAMTRAC or NEBOSH or modern SHEQ risk management training, are

	the work will be managed are defined but functions of offices are not clearly defined	SACPCMP			equivalent specialized training.		registered with SACPCMP and have up to 5 years of relevant experience	
Score 80	Organisation chart showing onsite and off-site management. Details of the location and functions of offices from which the works will be managed are clearly defined.	Key staff have acceptable levels of relevant experience (from 8 but less than 10 years' experience) and qualifications or equivalent specialized training.	Key staff have acceptable levels of relevant experience (from 8 but less than 10 years' experience) and qualifications (Diploma or B-Tech) and are registered with SACPCMP	Key staff have acceptable levels of relevant experience (from 8 but less than 10 years' experience) and qualifications or equivalent specialized training.	Key staff have acceptable levels of relevant experience (from 8 but less than 10 years' experience) and qualifications or equivalent specialized training.	Key staff have acceptable levels of relevant experience (from 15 but less than 20 years' experience) and NTC4 Trade certificate in Electrical engineering or equivalent specialized training.	Environmental staff generally have between 8 and 10 years' relevant experience and a Bachelor of Science Honours degree.	Safety officer have average relevant qualifications (Diploma or B-Tech) have a SAMTRAC or NEBOSH or modern SHEQ risk management training, are registered with SACPCMP and have more than 5 years of relevant experience.
Score 100	Organisation chart showing onsite and off-site management and Key staff	Key staff have highly acceptable levels of relevant experience	Key staff have highly acceptable levels of relevant experience	Key staff have highly acceptable levels of relevant experience	Key staff have highly acceptable levels of relevant experience	Key staff have highly acceptable levels of relevant experience	Environmental staff generally have more than 10 years' relevant experience and	Safety officer have average relevant qualifications (Diploma or B-

have reasonable experience of issues pertinent to the project. Details of the location and functions of offices from which the works will be managed are clearly defined.	(from 10 or more years' experience) and with Diploma /Postgraduate Diploma in Project Management qualifications or equivalent specialized training.	(from 10 or more years' experience) and qualifications (Diploma or B-Tech) and are registered with SACPCMP. All relevant and required professional registration/certification are provided.	(from 10 or more years' experience) and with BSc/B-Tech/ in Civil Engineering. All Key staff must be professionally registered with ECSA and SACPCMP. Qualifications or equivalent specialized training.	(from 10 or more years' experience) and with BSc/B-Tech/ in Mechanical Engineering. All Key staff must be professionally registered with ECSA and SACPCMP. Qualifications or equivalent specialized training.	(from 10 or more years' experience) and with BSc/B-Tech/ in Electrical Engineering. All Key staff must be professionally registered with ECSA and SACPCMP. Qualifications or equivalent specialized training.	(from 20 or more years' experience) with BSc/B-Tech/ in Electrical Engineering. All Key staff must be professionally registered with ECSA and SACPCMP. Qualifications or equivalent specialized training.	a Master's degree.	Tech) have a SAMTRAC or NEBOSH or modern SHEQ risk management training, are registered with SACPCMP and have more than 6 years of relevant experience.
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The following table is to be populated by the tenderer identifying the resources for the key roles for the works.

Key Person Role	Name of Resource
Contracts Manager	
Construction Manager	
Building Foreman	
Installation Electrician	
Planner	
Quality Officer	
Health & Safety Practitioner	
Document Controller	
Environmental Officer	

T2.2-05: Evaluation Schedule: Quality Management

Due consideration must be given to the deliverables required to execute and complete the contract and should include but not be limited to:

1. Project Specific Quality Plan for the contract
2. ISO 9001:2015 certification
3. Index of Quality procedures to be used during the contract.
4. Quality Control Plan (QCP's) for each discipline (Civil & Structural, Mechanical and Electrical)
5. A signed Quality Policy based on International Organisation for Standardisation (ISO 9001:2015) that displays the five key policy requirements.

Note:

These policy requirements include:

- a. Is appropriate to the purpose of the organisation,
- b. Includes a commitment to comply with requirements and continually improve the effectiveness of the quality management system,
- c. Provides a framework for establishing and reviewing quality objectives,
- d. Is communicated and understood within the organisation, and
- e. Is reviewed for continuing suitability.

The scoring will be as follows

Point (10)	Project Specific Quality Plan for the contract (2)	ISO 9001:2015 certificate (2)	A signed Quality Policy based on International Organisation for Standardisation (ISO 9001:2015) that displays the five key policy requirements. (2)	Quality Control Plan (QCP's) for each discipline (Civil & Structural, Mechanical and Electrical) (2)	Index / List of Quality procedures to be used (2)
Score (0)	No PQP submitted.	No ISO 9001:2015 certificate	No Signed Quality policy	No QCPs submitted	No list of procedures submitted
Score (20)	PQP is too general with no project specifics	N/A	1 of the 5 key policy requirements are recognised and meet the Employer's requirements.	QCPs are not project specific	Index / list of procedures is not project specific
Score (40)	PQP is project specific but inadequate to cover project scope	N/A	2 of the 5 key policy requirements are recognised and meet the Employer's requirements.	QPCs are project specific but inadequate to cover project scope	Index / list of procedures is project specific but inadequate to cover the project scope
Score (60)	PQP shows adequate understanding of project quality requirements	ISO 9001:2015 certificate expired, letter of renewal available	3 of the 5 key policy requirements are recognised and meet the Employer's requirements.	QCP's shows adequate understanding of project quality requirements	Index / list of procedures shows adequate understanding of project quality requirements

Score (80)	PQP shows above average understanding of the project quality requirements	N/A	4 of the 5 key policy requirements are recognised and meet the Employer's requirements.	QPC's shows above average understanding of the project quality requirements	Index / list of procedures shows above average understanding of the project quality requirements
Score (100)	PQP covers all and above the project quality requirements of the project scope	ISO 9001:2015 certificate is valid	5 of the 5 key policy requirements are recognised and meet the Employer's requirements	QCP's covers all and above the project quality requirements of the project scope	Index / list of procedures covers all and above the project quality requirements

Attached submissions to this schedule:

T2.2-06: Evaluation Schedule: Environmental Management

The Tenderer must review the following documents for context to meet the environmental requirements, namely:

- a) Transnet SOC Limited – Environmental Risk Management Policy;
- b) Project Environmental Specification (PES) which comprises of the following as a minimum:
 - Standard Operating Procedure for Construction Environmental Management
 - Minimum Standards for Construction Environmental Management

Where applicable, the following may also apply:

- Any other operational/maintenance environmental plans or specifications

1. The tenderer must provide evidence of how their Environmental Management System (EMS) will ensure conformance to the abovementioned requirements. **(2)**
2. The tenderer must provide an environmental policy signed by Top Management which, as a minimum: **(5)**
 - Is appropriate given the purpose and context of the tenderer's business;
 - Includes a commitment to fulfil the tenderer's environmental compliance (legal) obligations;
 - Includes a commitment to the protection of the environment, including prevention of pollution;
 - Provides framework for setting environmental objectives; and
 - Includes a commitment to continual improvement of their EMS;
3. Provide an **organogram** depicting the roles, responsibilities within the Environmental Management System illustrating the environmental reporting structure. **(2)**
4. The tenderer must provide a list of projects where environmental duties of a similar nature have been executed including a brief description of such duties together with client reference contact details.**(4)**

By signing this Tender Schedule, the tenderer confirms that they will comply with the above requirements and in particular Transnet policy statements and environmental specifications.

The scoring of the Tenderer's Environmental Management submission will be as follows: *

	Environmental Management System (EMS)	Environmental policy	Organogram - Roles & Responsibilities of the environmental team	List of projects where environmental duties of a similar nature
Point (13)	2	5	2	4
Score 0	The tenderer has submitted no information.			
Score 20	EMS indicates Tenderer has a poor understanding of the Scope.	Policy only responds to 1 -2 of the items listed under 2 above	Organogram provided does not include the key environmental resources with the roles and responsibilities of the environmental management team and will not meet the Employer's requirements as stipulated in the works information.	Tenderer has only completed 1 project of similar nature
Score 40	EMS indicates Tenderer has a less than acceptable understanding of the Scope.	Policy only responds to 3 - 4 items listed under 2 above	Organogram includes the key environmental resources but excludes the roles and responsibilities and the reporting lines of the environmental management team.	Tenderer has only completed 2 projects of similar nature
Score 60	EMS indicates Tenderer has an acceptable understanding of the Scope.	Policy responds to all items listed under 2 above;	Organogram includes key environmental resources with either the roles and responsibilities or the reporting lines of the environmental management team.	Tenderer has only completed 3 projects of similar nature
Score 80	EMS indicates Tenderer has a more than acceptable understanding of the Scope.	Policy responds to all items listed under 2 above and includes additional commitments to environmental performance	Organogram includes key environmental resources with roles and responsibilities and clear reporting lines of the environmental management team	Tenderer has only completed 4 projects of similar nature;
Score 100	EMS indicates Tenderer has an excellent understanding of the Scope.	Policy responds to all items listed under 2 above, includes additional commitments to environmental performance and has been certified according to international best practice standards	Organogram provided will exceed the employer's minimum requirements	Tenderer has only completed 5 or more projects of similar nature

T2.2-07: Evaluation Schedule - Health and Safety Requirements

Submit the following documents as a minimum with your tender:

1. A Valid Letter of Good Standing
2. The Tenderers must provide their own project specific Health and Safety Plan addressing the requirements of TNPA health and safety specifications.
3. Safety, Health & Environmental Company Policy signed by the Accounting Officer, must include or cover the following five elements -
 1. Commitment to Safety, prevention of pollution,
 2. Continual improvement,
 3. Compliance to legal requirements, appropriate to the nature of contractor's activities,
 4. Hold management accountable for development of the safety systems,
 5. Include objectives and targets.
4. Table or outline the Roles & Responsibilities, such as S16.2 CEO, Construction manager, Assistant Construction manager, Health & Safety Manager, Health and Safety officer, Construction Supervisor, Construction assistant supervisor, Risk Assessor, SHE Reps, etc. as per the Occupational health and safety Act 85 of 1993.
5. Safety officer's CV and proof registration with SACPCMP.
6. List of job categories for project and competencies required per category and develop a training Matrix for all employees who will be working on the project. This matrix must include Management and highlight training planned dates.
7. Overview of Risk Assessment process and examples, highlighting major activities of the project.
8. **One year** synopsis of SHE incidents, description, type and action taken to prevent re-occurrence.
9. Completed Health and Safety cost breakdown sheet.
10. Complete and return with tender documentation the Contractor Safety Questionnaire with supporting documentation included as an Annexure.

Attached submissions to this schedule:

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The scoring of the Tenderer's Health and safety requirements will be as follows:

	<p>Letter of good standing</p> <p>The Tenderers must provide their own project specific Health and Safety Plan</p>	<p>Signed Policy covering the following five elements</p> <ol style="list-style-type: none">1. Commitment to Safety, prevention of pollution,2. Continual improvement,3. Compliance to legal requirements, appropriate to the nature of contractor's activities,4. Hold management accountable for development of the safety systems,5. Include objectives and targets.	<p>Roles & Responsibilities, such as S16.1 CEO, S16.2 Assistant CEO, 8.1 Construction manager, 8.2 Assistant Construction manager, 8.5 Construction Supervisor, 8.8 Construction assistant supervisor, 9.1 Risk Assessor, etc. as per the Occupational health and safety Act 85 of 1993</p>	<p>List of job categories for project and competencies required per category and develop a training Matrix for all employees who will be working on the project. This matrix must include Management and highlight training planned dates.</p>	<p>Overview of the tenderer's Risk Assessment methodology, and submission of risk assessments indicating major activities of the project namely, but not limited to: Clearing and grubbing; Construction and compaction of all layer works; Construction of electrical manholes; Construction of culverts; Construction of high light pole bases.</p>	<p>One year synopsis of SHE incidents, description, type and action taken to prevent re-occurrence. Submission of completed cost breakdown sheet.</p>	<p>Completed Health and Safety cost breakdown sheet.</p>	<p>Complete and return with tender documentation the Contractor Safety Questionnaire with required supporting documentation included as an Annexure.</p>
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Points (10)	1	2	1	1	1	1	1	1	1
Score 0	No information provided.								
Score 20	N/A	Information supplied is totally insignificant/inadequate to achieve the required standard of service.	1 of the 5 key policy components are recognized and meet the Employer's requirement.	Roles and responsibilities do not meet the Occupational health and safety Act as per construction regulations and TNPA health and safety specification.	Key responsible persons are not included on training matrix as per proposed organogram structure.	Information supplied is totally insignificant/inadequate to achieve the required standard of service.	Information supplied is totally insignificant/inadequate to achieve the required standard of service.	Information supplied is totally insignificant/inadequate to achieve the required standard of service.	Information supplied is totally insignificant/inadequate to achieve the required standard of service.
Score 40	N/a	Poor response/answer/solution lacks convincing evidence, medium risk that stated employer's requirements will not be met.	2 of the 5 key policy components are recognized and meet the Employer's requirement.	Roles and responsibilities are unlikely to ensure compliance as per the Works information and not in line with OHS Act and TNPA health and safety specification.	Not all key responsible persons are included in the training matrix. Trainings matrix submitted does not cover all SHE training listed on Health and Safety specification. Training matrix not signed by responsible personnel.	Poor response/answer/solution lacks convincing evidence, medium risk that stated employer's requirements will not be met.	Poor response/answer/solution lacks convincing evidence, medium risk that stated Employer's requirements will not be met.	Poor response/answer/solution lacks convincing evidence, medium risk that stated Employer's requirements will not be met.	Poor response/answer/solution lacks convincing evidence, medium risk that stated Employer's requirements will not be met.

Score 60	N/a	Satisfactory response/answer/solution to the particular aspect of the requirement, evidence given that the stated Employer's requirements will be met.	3 of the 5 key policy components are recognized and meet the Employer's requirements.	Satisfactory response on roles and responsibilities as per Employer's requirements.	Satisfactory response on the list of job categories and trainings as per proposed project organogram structure. Training matrix covers most of the trainings listed on TNPA Health and safety specification.	Satisfactory response/answer/solution to the particular aspect of the requirement, evidence given that the stated Employer's requirements will be met.	Satisfactory response/answer/solution to the particular aspect of the requirement, evidence given that the stated Employer's requirements will be met.	Satisfactory response/answer/solution to the particular aspect of the requirement, evidence given that the stated Employer's requirements will be met.	Satisfactory response/answer/solution to the particular aspect of the requirement, evidence given that the stated Employer's requirements will be met.
Score 80	N/a	Good response/answer/solution which demonstrates real understanding and evidence of ability to meet stated Employer's requirements .	4 of the five key policy components are recognized and meets the Employer's requirements.	Roles and responsibilities are likely to ensure compliance as per Works Information, OHS Act and TNPA health and safety specification.	Most of key persons listed on the training matrix as per proposed project organogram structure. Trainings specified on the matrix are in line with TNPA health and safety specification.	Good response/answer/solution which demonstrates real understanding and evidence of ability to meet stated Employer's requirements.	Good response/answer/solution which demonstrates real understanding and evidence of ability to meet stated Employer's requirements .	Good response/answer/solution which demonstrates real understanding and evidence of ability to meet stated Employer's requirements .	Good response/answer/solution which demonstrates real understanding and evidence of ability to meet stated Employer's requirements .

Score 100	Valid certificate provided.	Very good response/answer/solution gives real confidence that the tenderer is most likely to ensure compliance with stated Employer's requirements .	All 5 key policy components are recognized and meets the Employer's requirements	Roles and Responsibilities most likely to ensure compliance as per requirements of OHS Act and TNPA Health and Safety Management Specification and CV and proof of professional registration with SACPCMP submitted.	Training matrix include Management and all employees /personnel in the project. Training matrix had been signed by responsible personnel.	Very good response/answer/solution gives real confidence that the tenderer is most likely to ensure compliance with stated Employer's requirements.	Very good response/answer/solution gives real confidence that the tenderer is most likely to ensure compliance with stated Employer's requirements .	Very good response/answer/solution gives real confidence that the tenderer is most likely to ensure compliance with stated Employer's requirements .	Very good response/answer/solution gives real confidence that the tenderer is most likely to ensure compliance with stated Employer's requirements .	Very good response/answer/solution gives real confidence that the tenderer is most likely to ensure compliance with stated Employer's requirements .
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Tender Health and Safety Cost Breakdown

Tenderer (Company)	Responsible Person	Designation	Date
Project/Tender Title	Project/Tender No.	Project Location / Description	

#	Cost element	Unit Cost (R)	# of Units	Total Cost (R)
1.	Human Resources			
2.	Systems Documentation			
3.	Meetings & Administration			
4.	H&S Training			
5.	PPE & Safety Equipment			
6.	Signage & Barricading			
7.	Workplace Facilities			
8.	Emergency & Rescue Measures			
9.	Hygiene Surveys & Monitoring			
10.	Medical Surveillance			
11.	Safe Transport of Workers			
12.	HazMat Management (e.g. asbestos /silica)			
13.	Substance Abuse Testing			
14.	H&S Reward & Recognition			
15.	COVID19 Management e.g face masks, sanitiser, temperature measurement, signage, posters etc			
Total Health and Safety Cost (R)				
Total Tender Value (R)				
H&S Cost as % of Tender value				%

Contractor Safety Questionnaire

1. Safe Work Performance						
1A	Injury Experience / Historical Performance – Alberta					
	Use the previous three years injury and illness records to complete the following:					
	Year					
	Number of medical treatment cases					
	Number of restricted work day cases					
	Number of lost time injury cases					
	Number of fatal injuries					
	Total recordable frequency					
	Lost time injury frequency					
	Number of worker manhours					
1B	1 Medical Treatment Case		Any occupational injury or illness requiring treatment provided by a physician or treatment provided under the direction of a physician			
	2 Restricted Work Day Case		Any occupational injury or illness that prevents a worker from performing any of his/her craft jurisdiction duties			
	3 Lost Time injury Cases		Any occupational injury that prevents the worker from performing any work for at least one day			
	4 Total Recordable Frequency		Total number of Medical Treatment, Restricted Work and Lost Time Injury cases multiplied by 200,000 then divided by total manhours			
	5 Lost Time Injury Frequency		Total number of Lost Time Injury cases multiplied by 200,000 then divide by total manhours			
1B	Workers' Compensation Experience					
	Use the previous three years injury and illness records to complete the following (if applicable):					
	Industry Code:		Industry Classification:			
	Year					
	Industry Rate					
	Contractor Rate					
% Discount or Surcharge						
Is your Workers' Compensation account in good standing? (Please provide letter of confirmation)					Yes	No
2. Citations						
2A	Has your company been cited, charged or prosecuted under Health, Safety and/or Environmental Legislation in the last 5 years? If yes, provide details:				Yes	No
2B	Has your company been cited, charged or prosecuted under the above Legislation in another Country, Region or State? If yes, provide details:				Yes	No

3. Citations						
	Does your company have a Certificate of Recognition?				Yes	No
	If yes, what is the	Certificate No:		Issue Date:		
4. Safety Program						
4A	Do you have a written safety program manual? If Yes, provide a copy for review				Yes	No
4B	Do you have a pocket safety booklet for field distribution? If Yes, provide a copy for review				Yes	No
4C	Does your safety program contain the following elements:					
		Yes	No		Yes	No
	Corporate Safety Policy			Equipment Maintenance		
	Incident Notification Policy			Emergency Response		
	Recordkeeping & Statistics			Hazard Assessment		
	Reference to Legislation			Safe Work Practices		
	General Rules & Regulations			Safe Work Procedures		
	Progressive Discipline Policy			Workplace Inspections		
	Responsibilities			Investigation Process		
	PPE Standards			Training Policy & Program		
Environmental Standards			Communication Processes			
Modified Work Program						
5. Training Program						
5A	Do you have an orientation program for new hire employees? If Yes, include a course outline. Does it include any of the following:				Yes	No
		Yes	No		Yes	No
	General Rules & Regulations			Confined Space Entry		
	Emergency Reporting			Trenching & Excavation		
	Injury Reporting			Signs & Barricades		
	Legislation			Dangerous Holes & Openings		
	Right to Refuse Work			Rigging & Cranes		
	Personal Protective Equipment			Mobile Vehicles		
	Emergency Procedures			Preventative Maintenance		
	Project Safety Committee			Hand & Power Tools		
	Housekeeping			Fire Prevention & Protection		
	Ladders & Scaffolds			Electrical Safety		
	Fall Arrest Standards			Compressed Gas Cylinders		
	Aerial Work Platforms			Weather Extremes		
	5B	Do you have a program for training newly hired or promoted supervisors? If Yes, submit an outline for evaluation. Does it include instruction on the following:				Yes
		Yes	No		Yes	No
Employer Responsibilities				Safety Communication		

Employee Responsibilities			First Aid/Medical Procedures			
Due Diligence			New Worker Training			
Safety Leadership			Environmental Requirements			
Work Refusals			Hazard Assessment			
Inspection Processes			Pre-Job Safety Instruction			
Emergency Procedures			Drug & Alcohol Policy			
Incident Investigation			Progressive Disciplinary Policy			
Safe Work Procedures			Safe Work Practices			
Safety Meetings			Notification Requirements			

6. Safety Activities

6A	Do you conduct safety inspections?	Yes	No	Weekly	Monthly	Quarterly	
Describe your safety inspection process (include participation, documentation requirements, follow-up, report distribution)							
Who follows up on inspection action items?							
6B	Do you hold site safety meetings for field employees? If Yes, how often?	Yes	No	Daily	Weekly	Biweekly	
6C	Do you hold site meetings where safety is addressed with management and field supervisors?	Yes	No	Weekly	Biweekly	Monthly	
6D	Is pre-job safety instruction provided before to each new task?				Yes		
	Is the process documented?				Yes	No	
	Who leads the discussion?						
6E	Do you have a hazard assessment process?				Yes	No	
	Are hazard assessments documented?				Yes	No	
	If yes, how are hazard assessments communicated and implemented on each project?						
	Who is responsible for leading the hazard assessment process?						
6F	Does your company have policies and procedures for environmental protection, spill clean-up, reporting, waste disposal, and recycling as part of the Health & Safety Program?				Yes	No	
6G	How does your company measure its H&S success? Attach separate sheet to explain						

7. Safety Stewardship

7A	Are incident reports and report summaries sent to the following and how often?	Yes	No	Monthly	Quarterly	Annually
	Project/Site Manager					
	Vice President/Managing Director					
	Safety Director/Manager					
	President/Chief Executive Officer					

7B	How are incident records and summaries kept? How often are they reported internally?	Yes	No	Monthly	Quarterly	Annually
	Incidents totalled for the entire company					
	Incidents totaled by project					
	Subtotaled by superintendent					
	Subtotaled by foreman					
7C	How are the costs of individual incidents kept? How often are they reported internally?	Yes	No	Monthly	Quarterly	Annually
	Costs totaled for the entire company					
	Costs totaled by project					
	Subtotaled by superintendent					
	Subtotaled by foreman/general foreman					
7D	Does your company track non-injury incidents?	Yes	No	Monthly	Quarterly	Annually
	Near Miss					
	Property Damage					
	Fire					
	Security					
	Environmental					

8. Personnel

List key health and safety officers planned for this project. Attach resume.

Name	Position / Title	Designation

Supply name, address and phone number of your company's corporate health and safety representative. Does this individual have responsibilities other than health, safety and environment?

Name	Address	Telephone Number

Other responsibilities:

9. References

List the last three company's your form has worked for that could verify the quality and management commitment to your occupational Health & Safety program

Name and Company	Address	Telephone Number

T2.2-08: Evaluation Schedule: Previous experience

Note to tenderers:

Tenderers are required to demonstrate their overall experience in the delivery of similar works over the last 10 years, and to this end shall supply a sufficiently detailed reference list with contact details of existing customers and also demonstrate their relevant experience with regards to the Construction of similar works as detailed in the Works Information with reference to:

- Construction of Structural concrete or multi-storey building works
- Mechanical installations which includes fire protection systems, HVAC, Elevator or similar
- Alteration of existing multi-storey buildings which included addition or removal of main structural elements

References to substantiate experience indicated showing:

- Project description
- Customer name and contact details
- Contract value and duration
- Evidence of project completion i.e. Completion Certificate

The tenderer to submit the following :

- Previous experience based on similar work (specific to the scope)
- Sufficient references to substantiate experience indicated (project description, Client name and contact details, contract value and duration)

Construction of Structural concrete or multi-storey building works

Project Description	Client name and contact details	contract value and duration	Date of project completion

Mechanical installations which includes fire protection systems, HVAC, Elevator or similar

Project Description	Client name and contact details	contract value and duration	Date of project completion

Alteration of existing multi-storey buildings which included addition or removal of main structural elements

Project Description	Client name and contact details	contract value and duration	Date of project completion

Attach the index of documentation to this schedule to substantiate your submission:

.....
.....
.....

The table below indicate the method of scoring that will be followed to evaluate the previous experience submitted by the Tenderer:

Points (20)	Construction of Structural concrete or multi-storey building works (4)	Mechanical installations which includes fire protection systems, HVAC, Elevator or similar (3)	Alteration of existing multi-storey buildings which included addition or removal of main structural elements (3)	Evidence of project completion (10)
Score 0	The tenderer has submitted no information or inadequate information to determine a score.			
Score 20	Tenderer has submitted previous experience that is not acceptable, as the tender have undertaken insufficient project of a similar nature/value. (between 1 and 3 similar projects)			
Score 40	The tenderer previous experience is not acceptable, as the tender have undertaken insufficient project of a similar nature/value. (between 4 and 5 similar projects)			
Score 60	Tenderer has submitted previous experience relating to supply of similar works with minor deviations from the nature or value of the current scope of works to be undertaken. (between 6 and 8 similar projects)			

Score 80	Tenderer has submitted an extensive previous experience with no deviations from the nature or value of the current scope of works to be undertaken. (between 9 and 11 similar projects)	The tenderer has submitted above 80% but less than 100% references provided to substantiate experience indicated.
Score 100	Tenderer has submitted an outstanding previous experience with no deviations from the nature or value of the current scope of works to be undertaken. (12 or more similar)	The tenderer has submitted 100% of stipulated references to substantiate experience indicated.

T2.2-09: Evaluation Schedule – Method Statement

Submit an method statement which responds to the scope of work and outlines construction methodology including that relating but not limited to programme, quality, safety and an understanding of the project objective.

The method statement should articulate what the Tenderer will provide in achieving the stated objectives for the project and demonstrate alignment to Programme as contained under T2.2-04. Tenderers to also exhibit a clear understanding of the project and has shown a concise method statement for all activities incorporating best practice.

The Tenderer must as such explain his / her understanding of the objectives of the works and the Employer's stated and implied requirements, highlight the issues of importance, and explain the construction sequencing they would adopt to address them. The method statement should explain the methodologies which are to be adopted and demonstrate its compatibility. The approach should also include and outline processes, procedures and associated resources, to meet the requirements and indicate how risks will be managed.

The Method statement should cover:

- Outline of proposed approach
- Narrative related to the programme
- Detailed method statement, technical approach and construction sequencing in terms of the Works Information (design philosophy)
- Demonstrate an understanding of the project objectives
- Detailed list of equipment and number thereof to execute the works, and areas it will be utilised

The Tenderer must attach his / her method statement to this page.

The method statement shall include as a minimum but not limited to the following (the contractor must refer to the works information for a full description of the scope of the works):

1. Structural building works
 - i. Methodology for demolition,
 - ii. temporary works,
 - iii. structural concrete works,
 - iv. building works
 - v. electrical,
 - vi. Mechanical works including fire systems and HVAC
 - vii. Commissioning

2. Schedule for works (including construction sequencing).
3. Details of equipment to be used for the works.

Index of documentation attached to this schedule:

	The method statement must respond to the scope of work and outline the proposed methodology including that relating to the Programme, quality, health and safety and environmental considerations.	The method statement should articulate what value add the tenderer will provide in achieving the stated objectives for the project.	Explain his/her understanding of the objectives of the assignment and the Employers stated and implied requirements.	Method of construction and commissioning process. Tender to narratively demonstrate the approach to site establish, pre-construction activities and meetings, interfaces with other discipline including the client, construction logistics, commissioning procedures and handover.
Points (10)	3	2	2	3
Score 0	The Tenderer has submitted no information or inadequate information to determine a score.			
Score 20	The method statement is not acceptable, as it will not satisfy project objectives or requirements. The tenderer has misunderstood the scope of work and does not deal with the critical aspects of the project.			
Score 40	Tenderer has submitted a method statement with major omissions and/or irregularities. Tenderers technical approach and / methodology is poor, not realistic, generic and unlikely to satisfy project objectives or requirements. The tenderer misunderstood the scope of works and does not deal with the critical aspects of the project. The approach to managing works too generic.			
Score 60	Tenderer has submitted an acceptable method statement with minor omissions and/or irregularities and / or partially complete, and does encompass and detail the works objectives and requirements to be undertaken; the approach does not deal fully with the characteristics of the project.			
Score 80	Tenderer has submitted an extensive method statement: 1. Approach clearly articulated and based on this project; the works are aligned with scope of works and project schedule;			

	<ol style="list-style-type: none">2. The proposed construction methodology will ensure that the design meets the specifications and quality standards. The proposed tools/equipment meets the requirements set out in the Works Information/applicable technical specifications, and relates to the programme.3. The method statement covers all the aspects of the Works Information.4. Sufficiently flexible to accommodate changes that may occur during Executions.
Score 100	<p>Tenderer has submitted an outstanding method statement:</p> <ol style="list-style-type: none">1. Approach clearly articulated and based on this project; the works are aligned with the scope of works and project schedule;2. The proposed construction methodology will ensure that the design meets the specifications and quality standards. The proposed tools/equipment meets the requirements set out in the Works Information/applicable technical specifications, and relates to the programme.3. Besides meeting the "80" rating, the important issues are approached in an innovative and efficient way, indicating that the Tenderer has outstanding knowledge of state-of-the-art approaches. <p>The methodology details ways to improve the project outcomes and quality of outputs</p>

T2.2-10 Letter/s of Good Standing with the Workmen's Compensation Fund

Attached to this schedule is the Letter/s of Good Standing.

- 1.
- 2.
- 3.
- 4.

Name of Company/Members of Joint Venture:

T2.2-11: Risk Elements

Tenderers to identify and evaluate the potential risk elements associated with the Works and possible mitigation thereof. The risk elements and the mitigation as identified thereof by the Tenderer are to be submitted.

If No Risks are identified "No Risks" must be stated on this schedule.

Tenderers are also to evaluate any risk/s stated by the Employer in Contract Data Part C1, and provide possible mitigation thereof.

Tenders to note: Notwithstanding this information, all costs related to risk elements which are at the Contractor's risk are deemed to be included in the tenderer's offered total of the Prices.

T2.2-12: Site Establishment Requirements

Tenderers to indicate their Site establishment area requirements:

T2.2-13: Availability of Equipment and Other Resources

The Tenderer to submit a list of all Equipment and other resources that will be used to execute the works as described in the Works Information.

T2.2-14: Capacity and Ability to meet Delivery Schedule

Note to tenderers:

The Tenderer is required to demonstrate to the Employer that the tenderer has sufficient current and future capacity to carry out the work as detailed in the Works Information and that the tenderer has the capacity and plans in place to meet the required delivery schedule as required. To this end, the following must be provided by the Tenderer:

A schedule detailing the following:

- Maximum quantity of work concurrently performed by the Tenderer in the recent past in order to illustrate his potential capacity to design, fabricate and/or construct work of a similar nature;
- Current and future work on his order book, showing quantity and type of equipment;
- Quantity of work for which the Tenderer has tenders in the market or is currently tendering on;
- The work as covered in this Works Information, planned and scheduled as per the Tenderer's capacities and methods but meeting the required delivery schedule.

Index of documentation attached to this schedule:

.....
.....
.....
.....
.....
.....
.....

T2.2-15: Authority to submit a Tender

Indicate the status of the tenderer by ticking the appropriate box hereunder. The tenderer must complete the certificate set out below for his category of organisation or alternatively attach a certified copy of a company / organisation document which provides the same information for the relevant category as requested here.

A - COMPANY	B - PARTNERSHIP	C - JOINT VENTURE	D - SOLE PROPRIETOR

A. Certificate for Company

I, _____ chairperson of the board of directors _____
_____, hereby confirm that by resolution of the
board taken on _____ (date), Mr/Ms _____,
acting in the capacity of _____, was authorised to sign all
documents in connection with this tender offer and any contract resulting from it on behalf of
the company.

Signed

Date

Name

Position

Chairman of the Board of Directors

B. Certificate for Partnership

We, the undersigned, being the **key partners** in the business trading as _____

_____ hereby authorise Mr/Ms _____

acting in the capacity of _____, to sign all documents in
connection with the tender offer for Contract _____ and any
contract resulting from it on our behalf.

Name	Address	Signature	Date

NOTE: This certificate is to be completed and signed by the full number of Partners necessary
to commit the Partnership. Attach additional pages if more space is required.

C. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise

Mr/Ms _____, an authorised signatory of the company

_____, acting in the capacity of lead

partner, to sign all documents in connection with the tender offer for Contract _____

_____ and any contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

Furthermore we attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners.

Name of firm	Address	Authorising signature, name (in caps) and capacity

D. Certificate for Sole Proprietor

I, _____, hereby confirm that I am the sole owner of the
business trading as _____.

Signed

Date

Name

Position

Sole Proprietor

T2.2-16: Record of Addenda to Tender Documents

This schedule as submitted confirms that the following communications received from the Employer before the submission of this tender offer, amending the tender documents, have been taken into account in this specific tender offer:

	Date	Title or Details
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

T2.2-17: Agreement in terms of Protection of Personal Information Act, 4 of 2013 ("POPIA")

1. PREAMBLE AND INTRODUCTION

- 1.1. The rights and obligation of the Parties in terms of the Protection of Personal Information Act, 4 of 2013 ("POPIA") are included as forming part of the terms and conditions of this contract.

2. PROTECTION OF PERSONAL INFORMATION

- 2.1. The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Person information act, No. 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.
- 2.2. The Operator will process all information by the Transnet 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.
- 2.3. The Parties acknowledge and agree that, in relation to personal information of Transnet and the information of a third party that will be processed pursuant to this Agreement , the Operator is (..... **insert name of Tenderer/Contractor**) hereinafter Operator and the Data subject is "Transnet". Operator will process personal information only with the knowledge and authorisation of Transnet and will treat personal information and the information of a third party 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.
- 2.4. Transnet reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this Agreement and the Operator is required to comply with all prescripts as detailed in the POPIA relating to all information concerning Transnet.
- 2.5. In terms of this Agreement, the Operator acknowledges that it will obtain and have access to personal information of Transnet and the information of a third party and agrees that it shall only process the information disclosed by Transnet in terms of this Agreement and only for the purposes as detailed in this Agreement and in accordance with any applicable law.
- 2.6. Should there be a need for the Operator to process the personal information and the information of a third party in a way that is not agreed to in this Agreement, the Operator must request consent

from Transnet to the processing of its personal information or and the information of a third party in a manner other than that it was collected for, which consent cannot be unreasonably withheld.

- 2.7. Furthermore, the Operator will not otherwise modify, amend or alter any personal information and the information of a third party submitted by Transnet or disclose or permit the disclosure of any personal information and the information of a third party to any third party without prior written consent from Transnet.
- 2.8. The Operator 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 the services offered to Transnet in terms of this Agreement (physically, through a computer or any other form of electronic communication).
- 2.9. The Operator shall notify Transnet in writing of any unauthorised access to personal information and the information of a third party , 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 Operator must inform Transnet of the breach as soon as it has occurred to allow Transnet to take all necessary remedial steps to mitigate the extent of the loss or compromise of personal information and the information of a third party and to restore the integrity of the affected personal information as quickly as is possible.
- 2.10. Transnet may, in writing, request the Operator to confirm and/or make available any personal information and the information of a third party in its possession in relation to Transnet and if such personal information has been accessed by third parties and the identity thereof in terms of the POPIA.
- 2.11. Transnet may further request that the Operator correct, delete, destroy, withdraw consent or object to the processing of any personal information and the information of a third party relating to the Transnet or a third party in the Operator's possession in terms of the provision of the POPIA and utilizing Form 2 of the POPIA Regulations .
- 2.12. In signing this addendum that is in terms of the POPIA, the Operator hereby agrees that it has adequate measures in place to provide protection of the personal information and the information of a third party given to it by Transnet in line with the 8 conditions of the POPIA and that it will provide to Transnet satisfactory evidence of these measures whenever called upon to do so by Transnet.

The Operator is required to provide confirmation that all measures in terms of the POPIA are in place when processing personal information and the information of a third party received from Transnet:

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

2.13. Further, the Operator acknowledges that it will be held liable by Transnet should it fail to process personal information in line with the requirements of the POPIA. The Operator will be subject to 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 Transnet submitted to it.

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

3. SOLE AGREEMENT

3.1. The Agreement, constitute the sole agreement between the parties relating to the subject matter referred to in paragraph 1.1 of this and no amendment/variation/change shall be of any force and effect unless reduced to writing and signed by or on behalf of both parties.

Signed at _____ on this _____ day of _____ 2021

Name: _____

Title: _____

Signature: _____

..... **(Pty) Ltd**

(Operator)

Authorised signatory for and on behalf of (Pty) Ltd who warrants that he/she is duly authorised to sign this Agreement.

AS WITNESSES:

1. Name: _____ Signature: _____

2. Name: _____ Signature: _____

the dti Campus, 77 Meintjies Street, Sunnyside, Pretoria, 0002
Tel: +27 (12) 394 1535 Fax: +27 (12) 394 2535
Private Bag X84, Pretoria, Gauteng, 0001
Email: RamareM@beecommission.gov.za



T2.2-18 B-BBEE Verification

THE BROAD-BASED BLACK ECONOMIC EMPOWERMENT

PRACTICE GUIDE 01 of 2018

DETERMINING THE VALIDITY OF A BROAD-BASED BLACK ECONOMIC EMPOWERMENT VERIFICATION CERTIFICATE, B-BBEE CERTIFICATE AND SWORD AFFIDAVIT

A. Introduction

1. The Broad Based Black Economic Empowerment Commission ("B-BBEE Commission") is an entity established by the Broad-Based Black Economic Empowerment Act 53 of 2003 as amended by Act 46 of 2013 ("the Act"), to oversee the implementation of the Act, which includes provision of explanatory notices, non-binding advisory opinions and clarification services to improve the understanding of the Act.
2. This Practice Guide is issued as a non-binding guide purely to assist with the interpretation to ensure consistency in the application of the Act. Should this Practice Guide not be clearly applicable to your specific set of facts at any given time, you are advised to approach the B-BBEE Commission for a non-binding advisory opinion, which will be more specific to your set of facts.
3. This Practice Guide does not constitute a legal document or a ruling of the B-BBEE Commission on the issue concerned. Further, although this Practice Guide is not binding on the B-BBEE Commission, it does set out the approach that the B-BBEE Commission is likely to take on any matter relating to implementation of B-BBEE including determining the validity of B-BBEE certificates.
4. Section 9 (1) of the Act empowers Minister of Trade and Industry to issue Codes of Good Practice ("the Codes") on broad-based black economic empowerment ("B-BBEE") to promote the purposes of the Act. The Codes as amended are underpinned by the need to drive inclusive economy, and must at all times be interpreted and applied in a manner that is consistent with the objectives and purposes of the Act, and in compliance with the Constitution.

5. B-BBEE is an integrated coherent framework that seeks to advance the economic transformation of South Africa and bring about significant increase in the number of black people that manage, own and control the country's economy. The form in which economic transformation is realised is guided by the B-BBEE Act with the Codes guiding the implementation to achieve the outcome, not to aid measured entities to circumvent the B-BBEE Act.

B. Purpose of this practice guide

6. The B-BBEE Commission has issued a number of letters requiring entities to withdraw their B-BBEE Verification Certificates or sworn affidavits due to invalidity or incomplete information provided or fraudulent conduct by either the measured entities or issuing officers/verifiers. Thus, the purpose of this practice guide is to set out the approach the B-BBEE Commission is likely to take on matters relating to determining the validity of B-BBEE certificates for consistency
7. The five elements of B-BBEE adopted in the Codes each have a specific purpose and together provide an integrated intervention to empower black people as envisaged in the B-BBEE Act. Further, the B-BBEE Act allows for B-BBEE verification, which is a measure used to determine compliance with the B-BBEE Act, and results in the issuing of a B-BBEE Certificate.
8. A B-BBEE Verification Certificate, a sworn affidavit and a B-BBEE Certificate issued by the Companies and Intellectual Property Commission (CIPC) is evidence of a measured entity's compliance with the B-BBEE Act over a particular period. Such compliance is based on B-BBEE related information of a measured entity in line with the applicable Codes as per Section 9 (1) of the B-BBEE Act.
9. It is illegal for a measured entity to trade with an invalid/inconclusive or incorrect B-BBEE Verification Certificate. The procurement spend as a result of such an invalid document cannot be recognised during B-BBEE measurement, therefore, it is critical to determine the validity of B-BBEE certificates measured entities present in order to access an economic opportunity.

C. Determining validity of a sworn affidavit for B-BBEE compliance

10. The legal dictionary (<https://legal-dictionary.thefreedictionary.com/Affadavit>) defines a sworn affidavit as a written statement of facts voluntarily made by a person under an oath or affirmation administered by a person authorized to do so by law.
11. In terms of the Codes, Exempted Micro-Enterprises (EMEs) and black controlled and owned Qualifying Small Enterprises (QSEs) only have to use a sworn affidavit to indicate their B-BBEE compliance status. Government introduced this mechanism specifically to reduce the cost of doing business and regulatory burden for these entities.
12. The Department of Trade and Industry (**the dti**) has designed affidavit templates and qualifying measured entities must use these templates, which can be accessed on **the dti** website through the following URL http://www.thedti.gov.za/economic_empowerment/bee_codes.jsp. It is acceptable to use the templates on the letterhead of the measured entity.

13. The only time an EME can be verified by a South African National Accreditation System (SANAS) accredited verification professional is when it wishes to maximise its B-BBEE points and move to a higher B-BBEE recognition level, and that must be done using the QSE Scorecard.
14. The exception to this is only in the Transport Sector where EMEs have a choice of obtaining accounting officer letter or get verified and be issued with a B-BBEE certificate by SANAS accredited professional or agency because the Transport Sector Code has not been aligned to the amended generic Codes. Also, start-ups that are EMEs but wish to tender for contracts of R10 million in value or above must be verified using the QSE scorecard, and for tenders of R50 million and above must be verified using the generic scorecard.
15. Further, the Construction Sector Code, provides for EMEs whose annual turnover is R1.8 million for Built Environment Professionals and R3 million for contractors or less to obtain automatic recognition levels and these do not require to undergo verification except in instances where they elect to enhance their B-BBEE status levels. In those circumstances there is a requirement for these EMEs to contribute towards empowerment by complying with the 40% sub-minimum on skills development element and in ensuring compliance with the skills development element, these EMEs are required to be verified by a SANAS accredited verification professional or agency.
16. Furthermore, the Financial Services Sector Code, has granted an option to 51% and 100% black owned QSEs to undergo a verification process from a SANAS accredited verification professional or agency instead of a sworn affidavit. However, for consistent application, EMEs in the Financial Services Sector should only obtain a sworn affidavit, and not a B-BBEE Verification Certificate as there is nothing to verify.
17. The following pointers are key in determining the validity of a sworn affidavit:
 - a) Name/s of deponent as they appear in the identity document and the identity number.
 - b) Designation of the deponent as either the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit
 - c) Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
 - d) Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected.
 - e) Indicate total revenue for the year under review and whether it is based on audited financial statements or management account.
 - f) Financial year end as per the enterprise's registration documents, which was used to determine the total revenue.
 - g) B-BBEE Status level. An enterprise can only have one status level.
 - h) Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.
 - i) Date deponent signed and date of Commissioner of Oath must be the same.
 - j) Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.

D. B-BBEE Certificate issued by the Companies and Intellectual Property Commission

18. **the dti** through government Gazette Number 38765 published on 6 May 2015, mandated CIPC to issue B-BBEE certificates for EMEs and start-up enterprises, in its efforts to reduce cost of business for small businesses. A certificate issued by CIPC has the same status as a sworn affidavit.
19. Subsequently, CIPC issued a Customer Notice indicating that B-BBEE certificates can be applied for via e-services on the CIPC website (www.cipc.co.za), at CIPC Self Services Terminals when registering or filing Annual Returns.
20. The following conditions apply when an enterprise uses the CIPC services for obtaining a B-BBEE certificate:
 - a) Only directors of a company or members of close corporations can apply for a B-BBEE certificate;
 - b) Only companies and close corporations with a turnover of less than R10 million can apply via CIPC;
 - c) The enterprise's status must be "In Business";
 - d) All Annual Return filings for the relevant company or close corporation need to be up to date;
 - e) Application for a B-BBEE certificate can be done at any time (not only when registering a company or filing returns), provided that an application for the certificate which is still valid, was not done already.
 - f) Applicant must agree to the B-BBEE terms and conditions; and
 - g) A director or member amendment must be filed if the director or member's email address or telephone is not correct or up to date.
21. A CIPC certificate can be submitted to the B-BBEE Commission for attention of Mr. Madidimalo Ramare at MRamare@beecommission.gov.za to confirm if it was generated from the CIPC system. However, on face value, the following information must appear on the certificate:
 - a) Name of enterprise, registration number and business address.
 - b) Date of issue and expiry adding to twelve months (e.g 9 June 2018 to 8 June 2019) must be indicated.
 - c) Percentage of total black ownership, black female ownership and total white ownership.
 - d) Certificate number.
 - e) Barcode with tracking number.
 - f) Barcode with enterprise number.
 - g) B-BBEE Status and procurement recognition level.
 - h) **the dti** logo on the top left corner, and CIPC logo on the top right corner.
 - i) CIPC watermark.

E. Determining validity of a B-BBEE Verification Certificate for B-BBEE compliance

22. An entity that qualifies in terms of the B-BBEE Act to undergo a B-BBEE verification process, can only do so with a verification professional or agency that has been accredited by SANAS or a B-BBEE Verification Professional Regular that may be appointed by the Minister of Trade and Industry.

23. Verification means the process and activities conducted by a verification professional or agency to assess, verify and validate that the score awarded to a measured entity is a result of individual scorecard elements supplied by a measured entity, and to evaluate B-BBEE transactions in order to provide an indicative B-BBEE score and certification based on the principles of B-BBEE as per the Codes.
24. A B-BBEE verification process is important in assuring parties that rely on the score achieved by the measured entity and reflected on their B-BBEE Verification Certificate (refers to the B-BBEE Verification Certificate issued by the verification professional or agency which reflects the overall B-BBEE Status of a measured entity and scoring allocated for each scorecard element verified in respect of the measured entity) that the information on which the certificate was issued is acceptable, and has been independently verified, and is free from misstatements.
25. Therefore, the role of a verifier is to assess, verify and validate both disclosed and undisclosed B-BBEE related information of the measured entity. The verification thereof should be based on the principles contained in the B-BBEE Act and relevant Codes, by applying the verification methodologies outlined in the Framework for accreditation and verification by all verification agencies (also known as the verification manual) as well as the Accreditation of B-BBEE Verification Agencies document issued by SANAS (also referred to as the R47-02). Important to note that a verifier, is not to provide clarity or opinion on interpretation of any B-BBEE matter, such clarity must be sought from the B-BBEE Commission using the contact details mentioned below.
26. A B-BBEE Verification Certificate shall identify the following information:
 - a) Name of enterprise as per enterprise registration documents issued by CIPC, and enterprise business address.
 - b) Value-Add Tax number, where applicable.
 - c) The B-BBEE Scorecard against which the certificate is issued, indicating all elements and scores achieved for each element. The actual score achieved must be linked to the total points as per the relevant Codes.
 - d) B-BBEE status with corresponding procurement recognition level.
 - e) The relevant Codes used to issue the B-BBEE Verification Certificate.
 - f) Date of issue and expiry (e.g. 9 June 2018 to 8 June 2019). Where a measured entity was subjected to a re-verification process, due to material change, the B-BBEE Verification Certificate must reflect the initial date of issue, date of re-issue and the initial date of expiry. Re-verification does not extend the lifespan of the B-BBEE Verification Certificate.
 - g) Financial period which was used to issue the B-BBEE Verification Certificate.

- h) Unique identification number of the B-BBEE verification professional or agency (e.g. BVA...).
- i) Name and logo/mark of the B-BBEE verification professional or agency.
- j) A B-BBEE Verification Certificate must be signed by the technical signatory at the bottom with full name and surname. The details of the technical signatory can be checked from the SANAS website www.sanas.co.za. No other person is allowed to sign the B-BBEE Verification Certificate apart from the technical signatory.
- k) The SANAS logo on the B-BBEE Verification Certificate.

27. The recipient or user of a B-BBEE Verification Certificate can contact any of the accredited verification professionals or agency that is said to have issued the B-BBEE Verification Certificate, to request confirmation on the issuance of B-BBEE Verification Certificate. The recipient or user is also advised to use the SANAS website to verify the accreditation status, accreditation period and scope of accreditation for the verification professional or agency. The SANAS website also has a list of all verification professionals or agencies whose accreditation status has been withdrawn, or suspended, because a verification professional or agency cannot issue a B-BBEE Verification Certificate if the accreditation status has expired, withdrawn or suspended.

28. The recipient or user of the B-BBEE Verification Certificate, sworn affidavit or B-BBEE Certificate issued by CIPC is also allowed as part of its due diligence processes, to request any relevant additional information or documents from the measured entity in order to validate the credibility of the information recorded on the B-BBEE Verification Certificate, sworn affidavit or CIPC B-BBEE Certificate.

F. Penalties as per the B-BBEE Act

29. Trading with an invalid or fraudulent B-BBEE Verification Certificate may constitute an offence in terms of Section 130 (1) (a) of the B-BBEE Act, which states that a person commits an offence if that person knowingly misrepresents or attempts to misrepresent the broad-based black economic empowerment status of an enterprise, and the B-BBEE Commission may institute an investigation in terms of Section 13J of the B-BBEE Act. In addition, Section 13A of the B-BBEE Act has empowered organs of state and public entities to cancel any contract or authorisation awarded on account of false information knowingly furnished by or on behalf of an enterprise in respect of its broad-based black economic empowerment status.

30. If an entity is found to have violated the B-BBEE Act, an entity could be fined up to 10% of its annual turnover, and individuals involved could be imprisoned for up to 10 years, and / or fined. Specifically, an

offence under section 130 (2) could lead to imprisonment of up to 12 months, or a fine, or both the fine and imprisonment.

31. In terms of section 130 (2) a verification professional, procurement officer or any official of an organ of state or public entity who becomes aware of the commission of, or attempt to commit, any offence referred to under section 130 (1) and fails to report it, is guilty of an offence.
32. This Practice Guide is issued as a guide purely to assist with the interpretation and testing the validity of a B-BBEE sworn affidavit/CIPC B-BBEE certificate as well as a B-BBEE Verification Certificate issued by an accredited verification professional or agency, and does not constitute a legal document or ruling of the B-BBEE Commission.
33. This Practice Guide may be updated anytime by the B-BBEE Commission if there are any material changes arising from developments in the application of the B-BBEE Act. In such an instance, an amended version will be published to replace this one.
34. For any queries or further clarity on this Practice Guide, kindly feel free to contact us at the following contact details:

B-BBEE Commission
Private Bag X31
Pretoria
0001
Telephone: +27 12 649 0910
Email: info@beecommission.gov.za

Issued by the B-BBEE Commission

3 September 2018

REGULATIONS GOVERNING THE ADMINISTERING OF AN OATH OR AFFIRMATION

Act

Published under

GN R1258 in GG 3619 of 21 July 1972

as amended by

GN 1648 in GG 5716 of 19 August 1977

GN R1428 in GG 7119 of 11 July 1980

GN R774 in GG 8169 of 23 April 1982

The State President has, in terms of section 10 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act 16 of 1963), been pleased to make the following regulations:

1 (1) An oath is administered by causing the deponent to utter the following words: 'I swear that the contents of this declaration are true, so help me God'.

(2) An affirmation is administered by causing the deponent to utter the following words: 'I truly affirm that the contents of this declaration are true'.

2 (1) Before a commissioner of oaths administers to any person the oath or affirmation prescribed by regulation 1 he shall ask the deponent-

- (a) whether he knows and understands the contents of the declaration;
- (b) whether he has any objection to taking the prescribed oath; and
- (c) whether he considers the prescribed oath to be binding on his conscience.

(2) If the deponent acknowledges that he knows and understands the contents of the declaration and informs the commissioner of oaths that he does not have any objection to taking the oath and that he considers it to be binding on his conscience the commissioner of oaths shall administer the oath prescribed by regulation 1(1).

(3) If the deponent acknowledges that he knows and understands the contents of the declaration but objects to taking the oath or informs the commissioner of oaths that he does not consider the oath to be binding on his conscience the commissioner of oaths shall administer the affirmation prescribed by regulation 1 (2).

3 (1) The deponent shall sign the declaration in the presence of the commissioner of oaths.

(2) If the deponent cannot write he shall in the presence of the commissioner of oaths affix his mark at the foot of the declaration: Provided that if the commissioner of oaths has any doubt as to the deponent's inability to write he shall require such inability to be certified at the foot of the declaration by some other trustworthy person.

4 (1) Below the deponent's signature or mark the commissioner of oaths shall certify that the deponent has acknowledged that he knows and understands the contents of the declaration and he shall state the manner, place and date of taking the declaration.

(2) The commissioner of oaths shall-

- (a) sign the declaration and print his full name and business address below his signature; and
- (b) state his designation and the area for which he holds his appointment or the office held by him if he holds his appointment *ex officio*.

[Subreg. (2) substituted by GN 1648 of 19 August 1977]

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[Reg. 5 deleted by GN R774 of 23 April 1982]

6 A commissioner of oaths shall not charge any fee for administering any oath or affirmation or attesting any declaration.

7 (1) A commissioner of oaths shall not administer an oath or affirmation relating to matter in which he has interest.

(2) Subregulation (1) shall not apply to an affidavit or a declaration mentioned in the Schedule.

8 Government Notice R1206, dated 15 December 1961, is hereby withdrawn.

T2.2-19: REQUEST FOR PROPOSAL – BREACH OF LAW

NAME OF COMPANY: _____

I / We _____ do hereby certify that **I/we have/have not been** 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 Tenderer is required to disclose excludes relatively minor offences or misdemeanours, e.g. traffic offences.

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 Tenderer from the tendering process, should that person or company have been found guilty of a serious breach of law, tribunal or regulatory obligation.

Signed on this _____ day of _____ 20 _____

SIGNATURE OF TENDER