

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

Request For Proposal

For Leasing of the Transnet Rail Infrastructure Manager Sidings/Facilities, Siding Number 201197 (Putsonderwater) for a minimum period of ten (10) years

Siding/ Facility Name:	Putsonderwater
Request For Proposal Number:	TRIMRFP1CC
Issue Date:	07 October 2025
Non-Compulsory Briefing:	14 October 2025
Closing Date:	18 November 2025
Proposal Validity Period:	180 Business Days from closing date



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Commercial Proposal Annexures:

Annexure A TRIM Siding/Facility Profile
Annexure B Transnet's General Bid Conditions
Annexure C Transnet's Supplier/Lessee Integrity Pact
Annexure D Non-Disclosure Agreement
Annexure E Supplier Declaration Form
Annexure F Bid Evaluation Response
Annexure G Risk Questionnaire
Annexure H Health and Safety Questionnaire
Annexure I Lease Agreement
Annexure J Environmental Management Plan
Annexure K Lease Technical Requirements Guidelines
Annexure L Security Plans
Annexure M Environmental Management Plan Evaluation Schedule
Annexure N Risk Management Evaluation Criteria

Leasing of the Transnet Rail Infrastructure Manager (TRIM) Sidings/Facilities, Siding number 201197 (Putsonderwater) for a minimum period of ten (10) years

SECTION 1: SBD1 Form

**PART A
INVITATION For Proposal**

YOU ARE HEREBY INVITED SUBMIT A PROPOSAL FOR REQUIREMENTS OF TRANSNET RAIL INFRASTRUCTURE MANAGER (TRIM), A DIVISION TRANSNET SOC LTD							
Proposal NUMBER:	TRIMRFP1CC	ISSUE DATE:	07 October 2025	CLOSING DATE:	18 November 2025	CLOSING TIME:	12:00 noon
DESCRIPTION	Proposal for the Leasing of the Transnet Rail Infrastructure Manager Sidings/Facilities, siding number 201197 (Putsonderwater) for a minimum period of ten (10) years						
PROPOSAL RESPONSE DOCUMENTS SUBMISSION							
RESPONDENTS ARE TO UPLOAD THEIR PROPOSAL RESPONSE ONTO THE TRANSNET SYSTEM AGAINST EACH PROPOSAL SELECTED (please refer to section 2, paragraph 3 for a detailed process on how to upload submissions): https://www.transnet.net							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Ephraim Sebopela			CONTACT PERSON	Ephraim Sebopela		
TELEPHONE NUMBER				TELEPHONE NUMBER			
E-MAIL ADDRESS	TRIMSidings@transnet.net			E-MAIL ADDRESS	TRIMSidings@transnet.net		
BIDDER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHONE NUMBER							
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							

BIDDER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO
- DOES THE ENTITY HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO
- DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO
- DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO
- IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? ☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.

PART B

TERMS AND CONDITIONS FOR BIDDING

1. TAX COMPLIANCE REQUIREMENTS
1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.

NB:

FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

Signature of bidder:

Capacity under which this bid is signed:

(Proof of authority must be submitted e.g., company resolution)

Date:

SECTION 2: Notice to Bidders

1 Invitation to Bid

Responses to this Request For Proposal [hereinafter referred to as a **Bid** or a **Proposal**] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as an **entity, Respondent** or **Bidder**].

DESCRIPTION	Leasing of Transnet Rail Infrastructure Manager (TRIM) Sidings/ Facilities for a minimum period of ten (10) years.
REQUEST FOR PROPOSAL DOWNLOADING	This Request For Proposal may be downloaded directly from National Treasury's e-Tender Publication Portal at www.etenders.gov.za free of charge. To download the Request For Proposal and Annexures: - Click on "Tender Opportunities"; - Select "Advertised Tenders"; - In the "Department" box, select Transnet SOC Ltd. Once the tender has been located in the list, click on the "Tender documents" tab and process to download all uploaded documents. The Request For Proposal may also be downloaded from the Transnet website at www.transnet.net free of charge. To access the Transnet eTender portal, please click here (refer to section 2, paragraph 3 below for detailed steps)
COMMUNICATION	Any addenda to the Request For Proposal or clarifications will be published on the e-tender portal and Transnet website. Bidders are required to check the e-tender portal or Transnet website prior to finalising their bid submissions for any changes or clarifications to the Request For Proposal. Transnet will not be held liable if Bidders do not receive the latest information regarding this Request For Proposal with the possible consequence of either being disadvantaged or disqualified as a result thereof.
BRIEFING SESSION	There will be a non-compulsory briefing session for this transaction 14 October 2025 @ 11:00-12:00 via MS Teams. Bidders who wish to attend the briefing session must email or leave their email address for MS Teams invitation to TRIMSidings@transnet.net by no later than (13 October 2025 @ 12:00 noon)
SITE VISITS	There will be non-compulsory site visits for the rail facility that have been advertised on (21 October 2025 @ TBC) Refer to Annexure A for the facility profile. Bidders interested in attending the site visits are requested to communicate their interest by sending an email to TRIMSidings@transnet.net 3 days before the site visit. The subject of email must be the name of Rail Siding in question.
CLOSING DATE	(18 November 2025 @ 12:00 noon) Bidders must ensure that bids are delivered timeously to the correct address. As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.

VALIDITY PERIOD	180 Business Days from Closing Date Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final lease agreement (Annexure I) has been concluded. With regard to the validity period of next highest ranked bidders, please refer to Section 2, paragraph 8.12
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Any additional information or clarification will be emailed to all Respondents, if necessary. Any additional information or clarification will be published on the e-Tender portal and Transnet website, if necessary.

2 Proposal Submission

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

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

- Log on to the Transnet eTenders management platform website (<https://www.transnet.net>);
- Click on "TENDERS";
- Scroll towards the bottom right hand side of the page;
- On the blue window click on "register on our new eTender Portal";
- Click on "ADVERTISED TENDERS" to view advertised tenders;
- Click on "SIGN IN/REGISTER – for bidder to register their information (must fill in all mandatory information);
- Click on "SIGN IN/REGISTER" - to sign in if already registered;
- Toggle (click to switch) the "Log an Intent" button to submit a bid;
- Submit bid documents by uploading them into the system against each tender selected.

3 Request For Proposal Instructions

- 3.1 Please sign documents [sign, stamp and date the bottom of each page] before uploading them on the system. The person or persons signing the submission must be legally authorised by the respondent to do so.
- 3.2 All returnable documents tabled in the Proposal Form [Section 5] must be returned with proposals.
- 3.3 Unless otherwise expressly stated, all Proposals furnished pursuant to this Commercial Proposal shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 3.4 Any additional conditions must be embodied in an accompanying letter. Subject only to clause 15 [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions (Annexure B) and Section 6 of the Commercial Proposal, alterations, additions or deletions must not be made by the Respondent to the actual Commercial Proposal documents.

4 Joint Ventures or Consortiums

Respondents who would wish to respond to this Commercial Proposal as a Joint Venture [JV] or consortium with B-BBEE entities, must state their intention to do so in their Commercial Proposal submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If at the time of the bid submission such a JV or consortium agreement has not been concluded, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Transnet through this Commercial Proposal process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Transnet.

5 Compliance to B-BBEE

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

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

B-BBEE verification agencies can be obtained on website: www.sanas.co.za

Enterprise	B-BBEE Certificate and Sworn Affidavit
Large	• Certificate issued by SANAS accredited verification agency
QSE (Qualifying)	• Certificate issued by SANAS accredited verification agency

Small Enterprise)	Sworn Affidavit signed by the authorised QSE representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership (only black-owned QSEs - 51% to 100% Black owned) <i>[Sworn affidavits must substantially comply with the format that can be obtained on the DTI's website at www.dti.gov.za/economic_empowerment/bee_codes.jsp.]</i>
EME (Exempt Micro Enterprise)	- Sworn Affidavit signed by the authorised EME representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership - Certificate issued by CIPC (formerly CIPRO) confirming annual turnover and black ownership. - Certificate issued by SANAS accredited verification agency only if the EME is being measured on the QSE scorecard.

6 Bid Queries

- 6.1 For specific queries relating to this Request For Proposal, a Commercial Proposal Clarification Request Form should be submitted to **Ephraim Sebopela; TRIMSidings@transnet.net** before **12:00 noon on 11 November 2025**, substantially in the form set out Section 8 hereto. In the interest of fairness and transparency, Transnet's response to such a query will be published on the e-tender portal.
- 6.2 After the closing date of the Request For Proposal, a Respondent may only communicate with **Ephraim Sebopela; TRIMSidings@transnet.net** on any matter relating to its Request For Proposal.
- 6.3 Respondents are to note that changes to their submission will not be considered after the closing date.
- 6.4 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in respect of this Request Commercial Proposal between the closing date and the date of the award of the business.
- 6.5 Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.

7 Confidentiality

All information related to this Request For Proposal is to be treated with strict confidence. In this regard Respondents are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent lease agreement, both during and after completion thereof, will be treated with strict confidence. Should the need, however, arise to divulge any information related to this Request For Proposal or the subsequent lease agreement, written approval must be obtained from Transnet.

8 Disclaimers

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

- 8.1 Modify any aspect of the leasing of sidings set out in this Request For Proposal, and request Respondents to re-bid on any such changes;
- 8.2 Reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 8.3 Disqualify Proposals submitted after the stated submission deadline **(18 November 2025 @ 12:00 noon)**
- 8.4 Award a Lease Agreement in connection with this Proposal at any time after the Request For Proposal's closing date;
- 8.5 Award a Lease Agreement for only a portion of the proposed premises which are reflected in the scope of this Request For Proposal;
- 8.6 Split the award of the Lease Agreement between more than one Bidder, should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations;
- 8.7 Cancel the bid process;
- 8.8 Validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence in any medium or form that it requires. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Transnet to do so;
- 8.9 Request audited financial statements or other documentation for the purposes of a due diligence exercise;

- 8.10 Not accept any changes or purported changes by the Respondent to any aspects of the proposal after the closing date and/or after the award of the business, unless the Lease Agreement specifically provided for it;
- 8.11 To cancel the Lease Agreement and/or request that National Treasury place the Respondent on its Database of Restricted Suppliers for a period not exceeding 10 years, on the basis that a Lease Agreement was awarded on the strength of incorrect information furnished by the Respondent, or on any other basis recognised in law;
- 8.12 To award the business to the next ranked bidder, provided that he/she/it is still prepared to lease the siding at the quoted price, should the successful/preferred bidder fail to sign or commence with the Lease Agreement within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to lease the siding at their quoted price, even after they have been issued with a Letter of Regret.

Note that Transnet will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Proposal, whether or not the Respondent is awarded a lease agreement.

9 Tax Compliance

- 9.1 Respondents must be compliant when submitting a proposal to Transnet and remain compliant for the entire lease agreement term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).
- 9.2 It is a condition of this bid that the tax matters of the successful Respondents be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Respondents tax obligations.
- 9.3 The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids.
- 9.4 Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

10 Protection of Personal Data

In responding to this bid, Transnet acknowledges that it may obtain and have access to personal data of the Respondents. Transnet agrees that it shall only process the information disclosed by Respondents in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with

any applicable law. Furthermore, Transnet will not otherwise modify, amend or alter any personal data submitted by Respondents or disclose or permit the disclosure of any personal data to any Third Party without the prior written consent from the Respondents. Similarly, Transnet requires Respondents to process any personal information disclosed by Transnet in the bidding process in the same manner. The detailed mutual duties of Transnet and the Respondents to protect personal information is contained in paragraph 35 of the General Bid Conditions.

Transnet urges its clients, suppliers and the general public to report any fraud or corruption to TIP-OFFS ANONYMOUS: 0800 003 056

SECTION 3: Background, Overview and Scope of Requirements

1 Background

On 1 October 2024, in line with the Rail Reform mandate, Transnet Freight Rail (TFR) prior to that a vertically integrated operating division of Transnet, was vertically separated into TFR, as a Rail Operating division and Transnet Rail Infrastructure Manager (TRIM) as a separate operating division responsible for the rail network and associated rail infrastructure, notably the sidings portfolio.

The sidings portfolio is a key enabler to connect to the core network from road to rail and a strategic and productive asset. It is a vehicle for economic development, service delivery and transformation. TRIM is mandated to ensure compliance to the Rail Reform mandate set out in the National Rail Policy, 2022 and the Roadmap for the Freight Logistics System in South Africa, 2023.

In the light of the above, TRIM set out to review the processes for leasing / letting TRIM sidings/facilities to ensure the effective utilisation of these properties as strategic enablers. TRIM has also implemented the necessary policies and governance structures to ensure that sidings are awarded in line with the TRIM strategy.

These includes but not limited to a process that:

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

TRIM is therefore embarking on an open market process for Proposals for leasing of sidings/facilities to allow all sectors to have open access to compete for the lease of sidings.

2 General

2.1 The successful bidder must agree to sign the Standard TRIM Lease Agreement.

2.2 The sidings are leased for the purpose of storing, loading and movement of cargo to facilitate the transportation of such cargo by the Lessee. The primary purpose of the leased siding should be reserved

for facilitating the transportation of cargo by rail. Any other models must be done with prior consultation and approval by TRIM.

- 2.3 The process to allocate rail capacity forms part of the slot allocation process (refer to the Network Statement for more information) and is done independently from the sidings process.
- 2.4 It remains lessee's responsibility to develop the facility and secure the requisite volumes required that underpins the investment within the current transport logistics systems, governances and legislative prescripts. The facilities scalability to the transport systems operating capability will be dealt with during contract negotiations. Therefore, proposals and operating models should respond to the contracted footprint.
- 2.5 The successful bidder appointed to lease the siding is responsible to directly conclude and/or manage contracts with TOC's or cargo owners who have contracted with the Siding operator.
- 2.6 Successful bidders are required, from time to time and upon due notice being provided, to adhere to any changes to TRIM management policies, procedures or processes which may be applicable to a Lessee.

3 Scope of Requirements

3.1 Siding information

- | | | |
|-------|------------------------------------|--|
| 3.1.1 | Siding: | The lease of siding number 201197 _Siding Name Putsonderwater |
| 3.1.2 | Siding map: | Refer to Annexure A (Facility Profile) |
| 3.1.3 | Siding capacity: | ±57 612 m² |
| 3.1.4 | Commodity/ies: | As determined by TRIM. (Bulk siding/Various) |
| 3.1.5 | Purpose: | The purpose of the Request For Proposal is to find suitable lessee(s)/ operator(s) for the siding to invest in and develop a consolidation hub and/or a container rail terminal to serve the industry within the Corridor. |
| 3.1.6 | Market related rental: | R 57 000 Per Month |
| 3.1.7 | Market related rental expiry date: | (If the property valuation expires prior to tender award, it will have to be reviewed, and the rental charged could be amended as a result.) |
| 3.1.8 | Siding capacity: | Current capacity quoted is minimum based on existing operations. Future siding capacity determined by the operational solution and investment made by the bidder. |

3.2 Lease tenure

- 3.2.1 Bidders need to submit a Request For Proposal for a minimum of ten (10) years.
- 3.2.2 The Bidder has to indicate the number of years that they bid for (Annexure F).
- 3.2.3 TRIM is entitled to offer the winning bidder a lease period shorter than the period that was indicated in Annexure F of the bid submission.
- 3.2.4 The Bidder's Business Case and Financial Model must be premised on the lease period.

3.3 Experience, Track Record and Expertise

3.3.1 Experience, Track Record and Expertise

- a. Bidders are required to provide a company profile of their organisation including holding company.

- b. Bidders must provide a reference letter of minimum one customer what has been serviced by them. The letter should clearly illustrate the scope of service provided, number of years of service offered and contact details of company used as reference.
- c. The portfolio of evidence must be verifiable through relevant contact details and must form part of the Bidder's Bid Response as this is a critical requirement of the Due Diligence process
- d. The contact details of the person who could be possibly interviewed by TRIM as part of the due diligence process should be minimum management level.
- e. The preferred mode of transport is rail. The bidder to ensure rail has first right of refusal in market opportunities.
- f. TRIM reserves the right to review and perform a due diligence on the reference letters in order to authenticate experience.

3.4 Safety

3.4.1 Legislative Compliance

Special consideration must be provided to the Environmental Management Programme (EMPr), Risk Assessment as well as the Business Continuity Plan Guidelines;

Where relevant, bidders are required to obtain Water Use Licenses through relevant authorities, i.e., Department of Water and Sanitation. Such licence (s) must be inclusive of all relevant water uses taking place on site (i.e., uses c, i, h, and g as it relates to section 21 of the said Act);

Bidders will also be required to obtain other Environmental Approvals (i.e. authorisations, air emission licenses and/or permits) relevant to the proposed activities before commencing with operations.

Compliance to the Occupational Health and Safety Act, 85 of 1993 (as amended or replaced from time to time) (the "OHS Act"), any regulations made thereunder and any other applicable health and safety legislation, where applicable,

Compliance to the requirements from time to time of the Railway Safety Regulator, which is established in terms of the Railway Safety Regulator Act (including being in possession of a valid certificate of compliance from the Railway Safety Regulator).

All successful tenderers are required to comply with all TRIM maintenance standards applicable sidings.

3.5 Risk Management and Business Continuity Management Requirements

3.5.1. Risk Management Plan

Bidders are required to submit a Detailed Risk Management Plan to enable TRIM comply with PFMA Section 51 and Section 54 and Transnet Integrated Risk Management Policy based on bidders' submissions of their respective Risk Management Policy Framework aligned with relevant standard covering all detailed Risk Management elements amongst others business and project risk assessment, risk register, applied business and project risk assessment methodology, risk mitigation strategies and actions together with application. A detailed guideline is attached hereto as Annexure N

3.5.2. Business Continuity Management

Bidders are required to submit a detailed and overall BCM Plan to comply with Disaster Management Act covering the Bidder's BCM Policy Framework aligned with relevant standard; Business Continuity Plan (BCP); Business Impact Assessment (BIA) and Business Continuity Management Risk Assessment Methodology together with application. A guideline is attached hereto as Annexure N.

3.6 Compliance with relevant Industry Laws and regulations and protection of information Requirements (bidder to comment)

Overall Compliance with requirements to conform with reform policy framework and related industry rail related laws and regulations

Bidders are required to submit their respective legal compliance universe and commit to comply with relevant industry specific Laws and Regulations and any other newly promulgated related Laws post signing Lease agreement. A guideline is attached hereto as Annexure O.

3.7 Financial Capacity

- a. Bidders have to provide a minimum of 2 years audited and signed Financial Statements or Proof of Funding or Provisional Funding from a recognised Financial Institution or proof of self-funding.
- b. In instances where investment is self-funded, bidders are to provide company financials and a letter from the bank that supports financials.
- c. TRIM will calculate the averaged Key Financial Ratios which will be used to assess the Bidder's liquidity and solvency.
- d. The Bidder is responsible to ensure the following data is provided:

- a. Current Ratio = Current Assets / Current Liabilities (Norm 2:1)
- b. Solvency Ratio = Total Assets / Total Liabilities (Norm 1:1)

3.8 Business Case

3.6.1. Operational Model

- a. The operational model used in the siding to deliver on the throughput volume should align to the investment proposed, design layout, equipment deployed and operational methodology. The bidder has to provide a high-level simulation of the operational model. The purpose of this is to articulate/confirm how the volume throughput will be achieved.
- b. The winning bidder needs to implement initiatives to reduce the cost of logistics. A plan with the initiatives aimed at achieving cost reduction needs to be included in the bid. This plan will form part of the contracting process.
- c. Operational Readiness: The successful bidder must ensure that the siding has all required environmental approvals (i.e. authorisations, permits and licences) before commencing with operations.
- d. The siding must be managed in accordance with section 28 of the National Environmental Management Act, 1998, as amended and related provisions in other applicable legislations.
- e. Environmental Incidents must be reported in accordance with section 30 of the National Environmental Management Act, 1998, as amended and related provisions in other applicable legislations.
- f. TRIM reserves the right to review the operational plan times submitted by the bidder, and should they prove not to be feasible, adjust these times accordingly.

3.6.1.1. Facility Utilisation and Concept Design (Qualitative Scoring ["QL"])

- a. Bidders must submit concept designs to demonstrate how the facility would be used optimally. This must include receiving cargo from conventional carriers and cargo storage.
- b. These concept designs have to detail material flow, storage optimisation, and turnaround times.

3.6.1.2. Throughput and Logistics Efficiency (QL)

- a. The throughput and logistics efficiency operational model must maximize siding throughput while ensuring cargo safety and operational efficiency.

- b. The operation model must show access to site via rail and road. If required, it should include a proposal for truck staging/holding areas outside the facility.
- c. The plan should list handling equipment, and plant and machinery acquisition and maintenance strategies.

3.6.1.3. Organisational Structure and Skills (QL)

- a. The operational model should contain a detailed description of the bidder's organisational structure, including roles, responsibilities, and reporting lines.
- b. The skills profiles of Board of Directors, Executive Leadership, and key operational personnel need to be included, and relevant CVs attached.

3.6.1.4. Technology and Innovation (QL)

- a. Operational model/ plans for innovation and modernisation in operations and siding efficiency
- b. Technologies and cargo handling methods to improve safety and operational efficiency.

3.6.2. Maintenance Commitment

- a. Bidders are expected to improve Operational Efficiency and ensure technical maintenance standards are adhered to in line with the TRIM minimum network maintenance standard.
- b. All maintenance conducted on the siding must comply to all Rail Safety Regulator policy.
- c. Bidder's minimum maintenance spend on rail line should be per km per annum guided by the table below.
- d. This maintenance plan should form part of the bidders Business Case submission.

The estimated maintenance cost over a 10 year period for the proposed TFR Sidings										
	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10
Condition Based. Formation Repairs after 10th year										26,600,000
Cleaning the loading spillages	405,600	405,600	405,600	405,600	405,600	405,600	405,600	405,600	405,600	405,600
Turnout General maintenance	105,600	105,600	105,600	105,600	105,600	105,600	105,600	105,600	105,600	105,600
Stock & switches	65,000									
Crossing & guard rails	160,000									
Ballast Offloading and screening	800,000				800,000					800,000
Repair slacks	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800	100,800
Rail replacements	1,940,947									
Replace damaged sleepers and fastenings	2,571,426									
Repair the Incident Damages/vandalism				10,000,000				10,000,000		
Track MICA	7,595	7,595	7,595	7,595	7,595	7,595	7,595	7,595	7,595	7,595
Rail to mast bonding	390,000									
Re-set stagger	110,400	110,400	110,400	110,400	110,400	110,400	110,400	110,400	110,400	110,400
Total	6,657,368	729,995	729,995	10,729,995	1,529,995	729,995	729,995	10,729,995	729,995	28,129,995

Table 1: Estimated maintenance cost per km per annum over a 10 year period

3.6.3. Security

- a. Bidders are responsible to provide a Security Management Plan and the Security Response Plan
- b. Refer Annexure L for complete security plan template.

3.7. Siding Investment

3.7.1. Handling and Storage Rate (Rand per Ton/TEU)

- a. Bidders need to provide the handling (loading, offloading and all other associated activities) and storage rate (R/ton or R/TEU) that will be offered to the market. The winning bidder will commit to this rate in the contracting process.

3.7.2. Investment Plan

- a. As part of the bid response a bidder must submit a plan that details their investment commitment detailing how they would optimally develop the siding. There are two returnable documents.
 - In **Annexure F2A_DCF** the bidder needs to provide a discounted cash flow.
 - In **Annexure F2B_Detailed Investment** needs to be completed with full details of the intended investment.
- b. For bid evaluation purposes, the investment commitment would be worked back to a per annum figure. Investment commitments beyond the first year is discounted at an annual rate of 12%.

3.7.3. Discounted Cash flow

- a. The bidder should submit a detailed Discounted Cash Flow (Annexure F2A_DCF) containing the following information:
 - i. Amount/ quantum of the investment
 - ii. Projected Asset Value at the end of Lease tenure.
 - iii. A detailed Investment Plan

3.7.4. Detailed Investment Plan

The bidder should submit a detailed investment plan **Annexure F2B_Detailed Investment** containing the following information about investment within the siding boundary; investment outside the siding boundary; and investment in rolling stock.

- a. The investment plan should distinguish between fixed and moveable assets.
- b. The investment plan needs to include all planned investment (fixed and moveable assets).
- c. The scoring of the investment plan will only take into consideration investment in fixed items that will revert to TRIM at the end of the lease period. Temporary structures and moveable assets will not be considered in the evaluation.
- d. All investment commitments in the bid response will form part of the lease agreement and the winning bidder is bound to provide investment as required in this plan.
- e. The lease are managed against the full investment plan (fixed and moveable assets).
- f. Bidders are required to submit one set of figures, and not several scenarios.
- g. Bidders need to provide information on investment inside the siding boundary. Investment categories include but are not limited to:
 - i. Rail line refurbishment and maintenance of siding
 - ii. Loading area surface to accommodate loading equipment
 - iii. Access road to siding to be upgraded and maintained
 - iv. Drainage in siding to be upgraded and maintained
 - v. Lighting in siding to be provided and maintained
 - vi. Buildings to be upgraded and maintained
 - vii. Fencing to be erected and maintained around siding
 - viii. Security controls to be provided
 - ix. Loading and offloading equipment and resources to load/offload train in specified time
 - x. Rail line refurbishments and upgrades (e.g. Rehabilitation of Line or Upgrade of line from 40 to 75 wagons)
- h. In their investment plan, bidders should include plans for investment outside the siding boundary. Investment categories include but not limited to yard upgrades and/or operations that is required to support Siding investments (as specified above).

3.8. Commercial Rental Offer

- 3.8.1. Information regarding the market related rental is provided in **Sections 3:** 3.1.6 and 3.1.7

- 3.8.2. Bidder are required to indicate whether they are willing to pay a stipulated minimum market related rental. Bidders are allowed to propose to offer rentals above market related rentals.
- 3.8.3. In case the valuation had expired by the time of award, rental is based on an updated market valuation.

3.9. Company and Credit Risk Assessment

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

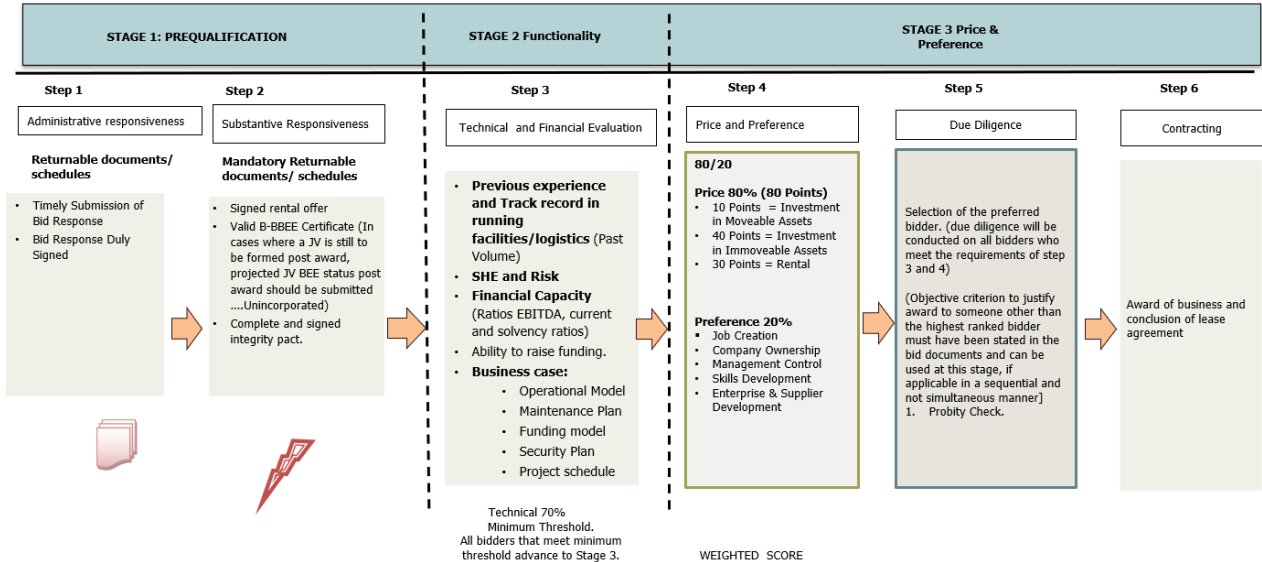
4 General Bidder Obligations

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

5 Evaluation Methodology

TRIM will utilise the following methodology and criteria in selecting a preferred Lessee:

TRIM Siding Lease Evaluation & Scoring Methodology



5.1 Stage 1: Prequalification

Step 1: The test for administrative responsiveness will include the following:

• Whether the Bid has been lodged on time
• Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time
• Verify the validity of all returnable documents
• Verify if the Bid document has been duly signed by the authorised respondent

Step 2: The test for substantive responsiveness will include the following:

• Signed Rental offer ≥ TRIM Property Valuation.
• B-BBEE certificate/ Sworn Affidavit
• Completed and Signed Supplier/ Lessee Integrity Pact.

The Prequalification [Stage One, Step 1 and 2] must be passed for a Respondent's Proposal to progress to Stage Two, Functional Evaluation

5.2 Stage Two: Functional Evaluation, Minimum Threshold 70%

Step 3: The test for the Technical and Functional threshold will include the following:

Measures	Description	Score	Scoring Table
Experience and Track Record	Expertise and experience (years) in integrated logistics planning and operations, warehousing, commercial, industrial engineering and continuous improvement of the end-to-end supply value chains	10	Provide Company Profile together with portfolio of evidence and minimum 1 reference letter from customer as proof of years of experience aligned to measure 0 = Failure to submit all necessary documentation/ No portfolio of evidence 2 Points = 1 Year 4 Points = > 1 Year ≤ 2 Years 6 Points = > 2 Years and ≤ 3 Years 8 Points = > 3 and ≤ 4 Years 10 Points = > 4 Years
	Track Record (proof of volume moved)	10	Sidings operated and/or are currently operated supported by portfolio of evidence Experience aligned to output of sidings put out in the market. (Design output of facility required in market) 0 = Failure to submit all necessary documentation/ No portfolio of evidence 2 Point = ≤ 25% of lease siding volume output 4 Points = > 25% ≤ 50% of lease siding volume output 6 Points = > 50% ≤ 75% of lease siding volume output 8 Points = > 75% ≤ 100% of lease siding volume output 10 Points = > 100% of lease siding volume output

Measures	Description	Score	Scoring Table
	Letter of commitment to acquiring railway safety permit - Statement of commitment to acquiring railway safety Permit - Statement of commitment to comply with occupational health and safety Act 85 of 1993 and its regulations - Letter on company letterhead - Dated and Signed by CEO/Director	4	0 = no submission 20% = 1 element covered 40% = 2 elements covered 60% = 3 elements covered 80% = 4 elements covered 100% = 5 elements covered

Measures	Description	Score	Scoring Table
Safety, Health, Environment & Risk	Business address NB: Reference Railway Safety Regulator (RSR) website and declare understanding of the requirements for the safety permits and if the Tenderer does not put in the statement of commitment score of ZERO will be awarded		
	Environmental Management Plan addressing the following: - Key Environmental Impacts and Possible Mitigation Measures (40%) - Key Roles and Responsibilities (20%) - Environmental Monitoring, Training and Reporting (40%)	5	Refer to annexure M & J for detail - Item 1 = 0 no submission 1 point = 1-5 items addressed 2 points = 6-10 items addressed - Item 2 = 0 no submission 0.5 point = 1-5 items addressed 1 point = 6-10 items addressed - Item 3 = 0 no submission 1 point = 1-5 items addressed 2 points = 6-10 items addressed
	Risk Management - Business Continuity Management plan. - Risk Management Plan	6	Business Continuity Plan and Risk Management Plan covered in annexure N. - Business Continuity is 4 points 1 points = 1-5 items addressed 2 points = 6-10 items addressed 3 points = 11-15 items addressed 4 points = 15-21 items addressed - Risk Management is 2 points 1 point = 1-5 items addressed 2 points = 6-10 items addressed

Measures	Description	Score	Scoring Table
	Proof of Funding Proof of funding relating to investment Letter from Financial Institution.	10	- No documentation submitted = Zero - Documents in line with RFP request = 10

Measures	Description	Score	Scoring Table
Financial Capacity	2. If self-funded, Company financials and letter from bank to support		
	Profitability EBITDA	4	Bidder EBITDA 0 Point= <R1 million 1 Points = R1 million 2 Points =>R1 million ≤ R1.5 million 3 Points => R1.5 million ≤ R2 million 4 Points = > R2 million
	SOLVENCY RATIO (NORM IS 1:1 - TOTAL ASSETS DIVIDED BY TOTAL LIABILITIES)	3	0 Point = Ratio < 0.5 1 Point = Ratio ≥ 0.5 < 0.8 2 Point = Ratio ≥ 0.8 < 1 3 Point = Ratio ≥ 1
	CURRENT RATIO (NORM IS 2:1 – CURRENT ASSETS DIVIDED BY CURRENT LIABILITIES)	3	0 Point = Ratio < 1 1 Point = Ratio ≥ 1 < 1.5 2 Point = Ratio ≥ 1.5 < 2 3 Point = Ratio ≥ 2

Measures	Description	Score	Scoring Table
Business Case (Operational Model)	Operational Model Operational model used in siding to deliver on throughput volume. (Bidder to provide high level simulations of proposed operational model to reflect volume throughput)	5	Facility Utilization and Concept Design (QL) - Bidders to demonstrate optimal use of the facility to receive commodities / cargo directly from conventional carriers and store cargo. Concept designs. - Submission of concept designs detailing material flow, storage optimization, and turnaround time
		5	Throughput and Logistics Efficiency (QL) - Operational model for siding throughput to maximize cargo safety and operational efficiency. - Access to site via rail and road including a proposal for truck staging/holding areas outside the facility (if required). - Handling equipment, plant, and machinery acquisition and maintenance strategies.
		5	Organizational Structure and Skills (QL) - Detailed description of the bidder's organisational structure, including roles, responsibilities, and reporting lines. - Skills profiles of Board of Directors, Executive Leadership, and key operational personnel. CVs

		5	needs to be included as supporting documentation. Technology and Innovation (QL) - Operational model/ plans for innovation and modernization in operations and siding efficiency - Technologies and cargo handling methods to improve safety and operational efficiency.
Qualitative (QL) scoring methodology			
Poor Response	Fair Response	Good Response	
Score between a minimum of 0% - 19% of the total points allocated per measure.	Score between a minimum of 20% - 69% of the total points allocated per measure.	Score between a minimum of 70% - 100% of the total points allocated per measure.	
The Operational Model does not cover and/or lacks the required detail with respect to the requirements outlined above.	The Operational Model covers sufficient detail and has credible supporting and/or motivating information with respect to the requirements outlined above.	The Operational Model covers in comprehensive detail and demonstrates how the targeted performance will be achieved and comprehensively describes and indicates how this will be achieved.	

Measures	Description	Score	Scoring Table
Business Case	Siding Maintenance Plans	5	- Sustaining maintenance commitments on TRIM Facility. - Itemized maintenance including frequency and costing over period of the lease. - Submission meets each element of the maintenance plan template. ≥ 100% - 5 ≥ 80% - 3 < 80% - 0
	Security A security management plan that includes the following principles: - Legal compliance (PSIRA, PAPA, Firearms) - Technology deployment plan		Effective planning for security inside sidings. - Elements in the Security Management Plan totals 6 points. - Elements in the Security Emergency Response Plan 4 points.

Measures	Description	Score	Scoring Table
	3. Target hardening measures in line with Minimum Physical Security Standards (MPSS) 4. Security Emergency Response Plan, including: 5. Incident management system (Smart technology) 6. Deter, deny, delay, detect, defend threat functions	10	
	Handling Rate Rate should include storage and handling and should align with cargo handling methods (Front End Loading, Baloon or Rapid Loading)	5	The lowest rate offer will receive the maximum points allocated to this segment. All other bidders with higher rate offers will receive proportionally less points, based on the formula Loading rates for sidings that were issued through IDA shall serve as the reference point Formula $Pr = Ap(Xlow + (Pt - Phigh) \frac{(Xhigh - Xlow)}{(Plow - Phigh)})$ Pr: Points to be awarded for the offer under consideration Pt: Offer under consideration Phigh: Highest offer received Plow: Lowest offer received Xhigh: Score for highest offer received Xlow: Score for lowest offer received Ap: Percentage allocated for this segment.
	Project Schedule Bidders are required to articulate a clear and concise Siding development /construction plan, which outlines how and within what timeframes it will implement the desired upgrades/modernization, providing clearly outlined project schedule and project delivery timeframes	5	Project Schedule level (1-3) Project Delivery schedule timeframes (Shorter highest score)

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

The minimum threshold of 70% for technical/functionality [Stage 2, Step 3] must be met or exceeded for a Respondent's Proposal to progress to the Stage 3 for final evaluation.

5.3 Stage Three: Price and Preference

Step 4: Price 80/Preference 20

PRICE

Measures	Description	Score	Scoring Table
Investment offer and Rental Price Offer (80)	Siding Investment Investment categories to be covered in plan can include but is not limited to: 1. Rail line refurbishments and upgrades 2. Land side upgrades on storage and loading area. 3. Building upgrades (e.g., Office, ablution facilities, lighting etc.) 4. Security upgrades at siding (e.g. fencing/walling, guard house etc.)* *Minimum investment requirement, all sidings to be fenced. The timing and cost for each aspect of the investment over the period of the lease need to be included.	40 Points (Calculations based on Immovable Assets) 10 Points (Calculations based on Moveable Assets)	The highest offer will receive the maximum points allocated to this segment. All other bidders with lower offers will proportionally receive points based on the following formula: Formula $Pr = Ap(X_{high} + (Pt - Phigh) \frac{(X_{low} - X_{high})}{(Plow - Phigh)})$ Pr: Points to be awarded for the offer under consideration Pt: Offer under consideration Phigh: Highest offer received Plow: Lowest offer received Xhigh: Score for highest offer received Xlow: Score for lowest offer received Ap: Percentage allocated for this segment.
	Rental Offer: The highest acceptable annual Basic Rental offer will obtain the maximum percentage allocated for price. The other Applicants with lower Basic Rentals will proportionately obtain lower percentages based on this formula.	30	Pr = (Pt/P high) x Ap Where: Pr = points to be awarded for the offer under consideration Pt = the annual Basic Rental offer under consideration P high = the highest annual Basic Rental offer received

Measures	Description	Score	Scoring Table
			Ap = percentage allocated for the price (80 points)
	Notes on the Rental Offer: If the highest scoring bidder did not offer a market-related Rental Offer, TRIM reserve the right not to award the lease to that Bidder. TRIM may: - Negotiate a market-related rental with the Bidder with the highest score or cancel the RFP; - If the highest scoring Bidder does not agree to a market-related rental, TRIM may negotiate a market-related rental with the Bidder with the second highest score or cancel the RFP; - If the Bidder with the second highest score does not agree to a market-related rental, TRIM may negotiate a market-related rental with the Bidder with the third highest score or cancel the RFP. - If a market-related rental is not agreed upon with the Bidder with the third highest score, TRIM must cancel the RFP. *For monthly rental, TRIM shall commission a Registered Professional Valuer and Member of the South African Institute of Valuers to conduct market evaluation study for each siding it takes out to the market to avoid anti-competitive behaviors from bidders (limit, restrict or eliminate competition/abuse of dominance).		

PREFERENCE

Measures	Description	Score	Scoring Table
Specific Goals	Job Creation Jobs created for Citizens, Black People (including Black Women, Black Youth and PWD) and Citizens from Local Communities.	4	No. of Jobs created in this category as a % of total staff compliment. Highest number of jobs created will receive the maximum points allocated to this segment. All other bidders with fewer jobs created will receive proportionally less points based on the formula. Formula $Pr = Ap(X_{high} + (Pt - Phigh) \frac{(X_{low} - X_{high})}{(Plow - Phigh)})$ Pr: Points to be awarded for the offer under consideration Pt: Offer under consideration Phigh: Highest offer received Plow: Lowest offer received Xhigh: Score for highest offer received Xlow: Score for lowest offer received Ap: Percentage allocated for this segment.
	Company Ownership Ownership by Black People (including Black Women, Black Youth and PWD), in the Company. Ownership by Local Communities in the company.	4	Number of individuals in this category as a % of total directorship. Ownership of the enterprise i.e. 25%+1 voting rights in the hands of Black people ≥ 90% - 4

Measures	Description	Score	Scoring Table
			• $\geq 80\%$ - 3 • $\geq 70\%$ - 2 • $< 70\%$ - 0
	Management Control Which focuses on the involvement of Black People (in particular Black Women, Black Youth and PWD) in board directorship, Executive Management, and Senior Management.	4	No. of individuals in this category as a % of total in category. $\geq 90\%$ - 4 • $\geq 80\%$ - 3 • $\geq 70\%$ - 2 • $< 70\%$ - 0
	Skills Development Which focuses on the contributions made by the Company to improve the skills of Employees, local learners at higher education institutions (Black Women, Black Youth and PWD).	4	Amount projected to spend as a % of Turnover. • Highest offer will receive the maximum points allocated to this segment. All other bidders with lower offers will receive proportionally less points based on the formula
	Enterprise and Supplier Development: Which focuses on the contribution by the bidding company towards buying goods and services from local SMMEs and company's plans to supplier development and enterprise development initiatives intended to assist and accelerate growth and sustainability of enterprises owned by Black Women, Youth and PWD	4	• Amount projected to spend as a % of Turnover. • Highest offer will receive the maximum points allocated to this segment. All other bidders with lower offers will receive proportionally less points based on the formula

Step 5: Objective Criteria

Selection of the preferred bidder.

Objective criteria to justify award to someone other than the highest ranked bidder can be used at this stage, if applicable, in a sequential and not simultaneous manner. The follow objective criteria will apply:

1. Outcomes of a Probity check. A probity check is a due diligence process carried out before awarding a lease to a company, mitigating risk for Transnet.
2. The following aspects is a broad illustration of what the Probity check would consider however this list is not full exhaustive,
 - A. The company financial position.
 - B. Credit Risk Assessment.
 - C. Companies flagged by National Treasury

Step 5: Award of Lease and Conclusion of Lease Agreement

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

Thereafter the final lease agreement will be concluded with the successful Respondent(s).

Should the parties fail to reach agreement on the terms of the Lease Agreement, TRIM reserves the right to withdraw the award letter and proceed to engage the next ranked bidder in Stage 3.

SECTION 4: Summary of Offer

1. National Railway Safety Regulator Act

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

2. Service Levels

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

3. Total Cost of Ownership and Continuous Improvement Initiatives

3.1 Respondents commit, for the duration of any lease agreement which may be awarded through this Request For Proposal process, to participate with Transnet in its continuous improvement initiatives to reduce the total cost of ownership [TCO], which will reduce the overall cost of siding maintenance and logistics provided by Transnet's operating divisions within South Africa to the ultimate benefit of all end-users.

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

4. Risk

Respondents must elaborate on the control measures put in place by their entity, which would mitigate the risk to Transnet pertaining to potential non-performance by the Respondent, in relation to:

4.1 Continuity of service:

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

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

SIGNED at _____ on this _____ day of _____ 20____

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____
Name _____

2 _____
Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

SECTION 5: Business Proposal Form and list of required documents

I/We _____

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

carrying on business trading/operating as

represented by _____

in his / her capacity as

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

FULL NAME(S)

CAPACITY

SIGNATURE

I/We hereby offer to lease the abovementioned siding at the Rental Offer quoted in the bid submission. The offer to lease also includes delivering on all commitments in the bid submission including but not limited to the implementation of the Operational Model and investment in the siding. This will be done in accordance with the terms set forth in the documents listed in the accompanying schedule of Request Commercial Proposal documents.

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

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

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

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

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

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

Address for Notices

The law of the Republic of South Africa shall govern this Request For Proposal, and any contract or lease agreement created by the acceptance of this Request For Proposal or entered into pursuant to this Request For Proposal.

The *domicilium citandi et executandi* shall be an address in the Republic of South Africa to be specified by the Respondent hereunder, at which all legal documents may be served on the Respondent, who shall agree

to submit to the jurisdiction of the courts of the Republic of South Africa. Foreign Respondents shall, therefore, state hereunder the name of their authorised representative in the Republic of South Africa who has the power of attorney to sign any lease agreement which may have to be entered into in the event of their Proposal being accepted, and to act on their behalf in all matters relating to such lease agreement.

Respondent to indicate the details of its *domicilium citandi et executandi* hereunder:

Name of Entity: _____

Address: _____

A. Notification of award of Request For Proposal

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

B. Validity Period

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

C. Name(s) and Address (Addresses) of Director(s) or Member(s)

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

- (i) Registration number of company / C.C.

- (ii) Registered name of company / C.C.

(iii) Full name(s) of director/member(s) Address/Addresses ID Number(s)

D. Returnable Documents

Returnable Documents means all the documents, Sections and Annexures, as listed in the tables below. There are three types of returnable documents as indicated below and Respondents are urged to ensure that these documents are returned with their bids based on the consequences of non-submission as indicated below:

Mandatory Returnable Documents	Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this Request For Proposal <u>will</u> result in a Respondent's disqualification.
Returnable Documents Used for Scoring	Failure to provide all Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent's disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion.
Essential Returnable Documents	Failure to provide essential Returnable Documents <u>will</u> result in Transnet affording Respondents a further opportunity to submit by a set deadline. Should a Respondent thereafter fail to submit the requested documents, this may result in a Respondent's disqualification.

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

a) Mandatory Returnable Documents

Respondents are required to submit with their bid submissions the following **Mandatory Returnable Documents**, and also to confirm submission of these documents by so indicating [Yes or No] in the tables below:

MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Bid documentation duly signed by the bidder	
Minimum of 2 year audited and signed Financial Statements * if not audited and signed by an auditor, bidder will be disqualified * Financial Statements must come from the bidding company and not a Holding Company or Group If bidding company has been in existence for less than 2 years, the bidder needs to provide a Letter of Credit from recognised Financial Institution (obtain rating of financial institutions from Finance)	
SBD1 form Section 1	
Valid proof of Bidder's compliance to B-BBEE requirements stipulated in Section 9 of this Request For Proposal	

b) Returnable Documents Used for Scoring

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

RETURNABLE DOCUMENTS USED FOR SCORING	SUBMITTED [Yes/No]
Operational plan to introduce innovation in order to improve Operational Efficiency. Bidders to provide operational plan which addresses the following topics: Daily loading and offloading capabilities (Number of trains/wagons); Operational hours/ days (i.e., 24/7)	
Hours per day that the siding will be operational	
Rate for Handling and storage (Rand per ton)	
Annexure F1: Volume Source Confirmation	
Annexure F2A_DCF Template	
Annexure F2B_Detailed Investment Plan	
Annexure F3_Community Development Plan	
Annexure G: Risk Assessment	

RETURNABLE DOCUMENTS USED FOR SCORING	SUBMITTED [Yes/No]
Proof of security of funding	
Monthly Proposed rental Rate (Total for siding)	
Documentation regarding the management of environment matters (including compliance), risk, safety, and business continuity	
Community Development Plan	
B-BBEE status	
Job-Creation Schedule	

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

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

ESSENTIAL RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Certificate of Incorporation or any amendment thereto	
Certificate to Commence Business	
Memorandum of Articles of Association	
Resolution signed by the company Secretary or Chairperson and copy/copies of identity document/s of person/s authorised to act on behalf of the company and sign the lease agreement and in what capacity	
Certificate from Secretary / Auditor of the company confirming address of registered office where processes are to be served	
Operational readiness plan	

E. CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

The successful Respondent will be required to ensure the validity of all returnable documents, including but not limited to its valid proof of B-BBEE status, for the duration of any lease agreement emanating from this Request For Proposal. Should the Respondent be awarded the lease agreement [**the Agreement**] and fail to present Transnet with such renewals as and when they become due, Transnet shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement immediately without any liability and without prejudice to any claims which Transnet may have for damages against the Respondent.

SIGNED at _____ on this _____ day of _____ 20____

WITNESSES

Name: _____ Date: _____

Signature: _____

Name: _____ Date: _____

Signature: _____

RESPONDENT'S AUTHORISED REPRESENTATIVE:

Name: _____ Date: _____

Signature: _____

SECTION 6: Certificate of Acquaintance with Request For Proposal, Master Agreements (Standard Lease Agreement) and applicable documents

By signing this certificate, the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with and agrees with all the conditions governing this Request for Proposal. This includes those terms and conditions contained in any printed form stated to form part hereof, including but not limited to the documents stated below. As such, Transnet SOC Ltd will recognise no claim for relief based on an allegation that the Respondent overlooked any such term or condition or failed to properly take it into account for the purpose of calculating tendered prices or for any other purpose:

1	Transnet's General Bid Conditions
2	Master Agreements attached (Standard Lease Agreement Annexure I)
3	Transnet Integrity Pact
4	Non-disclosure Agreement
5	Facility specifications and drawings attached to this Request For Proposal
6	Supplier Declaration Form and all supporting documents (new customers only).

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the Request For Proposal unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by Transnet's Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from any term or condition may result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid to which they intend to respond on, before submitting the bid. **The Bidder agrees that he/she will have no claim or cause of action based on an allegation that any aspect of this Request For Proposal was unclear but in respect of which he/she failed to obtain clarity.**

The Bidder understands that his/her Bid will be disqualified if the Certificate of Acquaintance with Request For Proposal documents included in the Request For Proposal as a returnable document, is found not to be true and complete in every respect.

SIGNED at _____ on this _____ day of _____ 20____

WITNESSES

Name: _____

Date: _____

Signature: _____

Name: _____

Date: _____

Signature: _____

RESPONDENT'S AUTHORISED REPRESENTATIVE:

Name: _____

Date: _____

Signature: _____

SECTION 7: Request For Proposal Declaration and Breach of Law Form

NAME OF ENTITY: _____

We _____ do hereby certify that:

1. Transnet has supplied and we have received appropriate responses to any/all questions [as applicable] which were submitted by ourselves for Request For Proposal Clarification purposes;
2. We have received all information we deemed necessary for the completion of this Request For Proposal;
3. We have been provided with sufficient access to the existing Transnet facilities/sites and any and all relevant information relevant to the sidings and/or the leasing of such sidings as well as related Transnet information and employees, and have had sufficient time in which to conduct and perform a thorough due diligence of Transnet's operations, business requirements and assets owned and/or used by Transnet. Transnet will therefore not consider or permit any pre- or post-contract verification or any related adjustment to pricing, service levels or any other provisions/conditions based on any incorrect assumptions made by us (the Respondent) in arriving at our Bid Price or our conclusion of the relevant contracts.
4. At no stage have we received additional information relating to the subject matter of this Request For Proposal from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the Request For Proposal documents;
5. We are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this Request For Proposal and the requirements requested from Bidders in responding to this Request For Proposal have been conducted in a fair and transparent manner;
6. We have complied with all obligations of the Bidder/Supplier as indicated in the Transnet Supplier Integrity document which includes but are not limited to ensuring that we take all measures necessary to prevent corrupt practices, unfairness and illegal activities in order to secure or in furtherance to secure a contract with Transnet;
7. We declare that a family, business and/or social relationship **exists / does not exist** [delete as applicable] between an owner / member / director / partner / shareholder of our entity and an employee or board member of the Transnet Group including any person who may be involved in the evaluation and/or adjudication of this Bid;

8. We declare that an owner / member / director / partner / shareholder of our entity **is / is not** [delete as applicable] an employee or board member of Transnet;
9. In addition, we declare that an owner / member / director / partner / shareholder/employee of our entity **has / has not been** [delete as applicable] a former employee or board member of Transnet in the past 10 years. I further declare that if they were a former employee or board member of Transnet in the past 10 years that they **were/were not** involved in the bid preparation or had access to the information related to this Request For Proposal; and
10. If such a relationship as indicated in paragraph 7, 8 and/or 9 exists, the Respondent is to complete the following section:

FULL NAME OF OWNER/MEMBER/DIRECTOR/

PARTNER/SHAREHOLDER/EMPLOYEE:

ADDRESS:

Indicate nature of relationship with Transnet:

Failure to furnish complete and accurate information in this regard will lead to the disqualification of a response and may preclude a Respondent from doing future business with Transnet

11. We declare, to the extent that we are aware or become aware of any relationship between ourselves and Transnet [other than any existing and appropriate business relationship with Transnet] which could unfairly advantage our entity in the forthcoming adjudication process, we shall notify Transnet immediately in writing of such circumstances.

Breach of Law

12. We further hereby certify that *I/we* (the bidding entity and/or any of its directors, members or partners) **have/have not been** [delete as applicable] found guilty during the preceding 5 [five]

years of a serious breach of law, including but not limited to a breach of the Competition Act, 89 of 1998, by a court of law, tribunal or other administrative body. The type of breach that the Respondent is required to disclose excludes relatively minor offences or misdemeanours, e.g. traffic offences. This includes the imposition of an administrative fine or penalty.

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

NATURE OF BREACH:

DATE OF BREACH: _____

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

SIGNED at _____ on this _____ day of _____ 20____

DULY AUTHORISED AND FOR AND ON BEHALF OF	Registered Company name:
	Registration No of Company/CC
Name:	
Position:	
Signature:	
Date:	
Place:	

AS WITNESS:	
Name:	
Position:	
Signature:	

SECTION 9: Job-Creation Schedule

THIS SECTION NEEDS TO BE COMPLETED AND INCLUDED IN THE BID SUBMISSION

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

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

Total number and value of new jobs created	Total number of new jobs	Total rand value of new jobs created

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

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

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

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

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

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