

## **TRANSNET FREIGHT RAIL**

an Operating Division of **TRANSNET SOC LTD**

[hereinafter referred to as **Transnet**]

Registration Number 1990/000900/30

## **REQUEST FOR QUOTATION [RFQ] No ERACMV-VAR-36163**

**FOR THE PROVISION OF: WASTE MANAGEMENT SERVICES AT ERMELO, OGIES, WELGEDAG, DELMAS, FRANS DU TOIT , PANBUILT, PIETRETIEF AND PAUL PIETERSBURG FOR A PERIOD OF TWENTY-FOUR (24) MONTHS**

**ISSUE DATE: 24 August 2021**

**CLOSING DATE: 02 September 2021**

**CLOSING TIME: 10:00 AM**

**PREFERENTIAL PROCUREMENT PREQUALIFICATION CRITERIA - ONLY THE FOLLOWING RESPONDENTS MAY RESPOND TO THIS RFQ:**

- **EXEMPTED MICRO ENTERPRISES (EMEs) AND/OR QUALIFYING SMALL ENTERPRISES (QSEs);**

**SECTION 1: SBD1 FORM****PART A****INVITATION TO BID****YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET FREIGHT RAIL A DIVISION TRANSNET SOC LTD**

|                                                                                                                                                                       |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------------|---------------|----------|
| BID NUMBER:                                                                                                                                                           | ERACMV-VAR-36163                                                                                                                                                                    | ISSUE DATE: | 24 August 2021                      | CLOSING DATE:                                  | 02 September 2021                                                                     | CLOSING TIME: | 10:00 AM |
| DESCRIPTION                                                                                                                                                           | FOR THE PROVISION OF WASTE MANAGEMENT SERVICES AT ERMELO, OGIES, WELGEDAG, DELMAS, FRANS DU TOIT, PANBUILT, PIETRETIEF AND PAUL PIETERSBURG FOR A PERIOD OF TWENTY FOUR (24) MONTHS |             |                                     |                                                |                                                                                       |               |          |
| <b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>                                                                            |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| TRANSNET FREIGHT RAIL, TENDER ADVICE CENTRE,                                                                                                                          |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| 3 GROUND FLOOR, NZASM BUILDING, ROOM G16,                                                                                                                             |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| CORNER OF PAUL KRUGER AND MINNAAR STREET, PRETORIA, 0001                                                                                                              |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| TRANSNET FREIGHT RAIL, TENDER ADVICE CENTRE,                                                                                                                          |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>                                                                                                                 |                                                                                                                                                                                     |             |                                     | <b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b> |                                                                                       |               |          |
| CONTACT PERSON                                                                                                                                                        | Modiehi Mokoena                                                                                                                                                                     |             |                                     | CONTACT PERSON                                 | Modiehi Mokoena                                                                       |               |          |
| TELEPHONE NUMBER                                                                                                                                                      | 013 658 2458                                                                                                                                                                        |             |                                     | TELEPHONE NUMBER                               | 013 658 2458                                                                          |               |          |
| FACSIMILE NUMBER                                                                                                                                                      |                                                                                                                                                                                     |             |                                     | FACSIMILE NUMBER                               |                                                                                       |               |          |
| E-MAIL ADDRESS                                                                                                                                                        | <a href="mailto:modiehi.mokoena@transnet.net">modiehi.mokoena@transnet.net</a>                                                                                                      |             |                                     | E-MAIL ADDRESS                                 | <a href="mailto:modiehi.mokoena@transnet.net">modiehi.mokoena@transnet.net</a>        |               |          |
| <b>SUPPLIER INFORMATION</b>                                                                                                                                           |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| NAME OF BIDDER                                                                                                                                                        |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| POSTAL ADDRESS                                                                                                                                                        |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| STREET ADDRESS                                                                                                                                                        |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| TELEPHONE NUMBER                                                                                                                                                      | CODE                                                                                                                                                                                |             | NUMBER                              |                                                |                                                                                       |               |          |
| CELLPHONE NUMBER                                                                                                                                                      |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| FACSIMILE NUMBER                                                                                                                                                      | CODE                                                                                                                                                                                |             | NUMBER                              |                                                |                                                                                       |               |          |
| E-MAIL ADDRESS                                                                                                                                                        |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| VAT REGISTRATION NUMBER                                                                                                                                               |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |
| SUPPLIER COMPLIANCE STATUS                                                                                                                                            | TAX COMPLIANCE SYSTEM PIN:                                                                                                                                                          |             | OR                                  | CENTRAL SUPPLIER DATABASE                      | UNIQUE REGISTRATION REFERENCE NUMBER:<br>MAAA                                         |               |          |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE                                                                                                                          | TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                |             | B-BBEE STATUS LEVEL SWORN AFFIDAVIT |                                                | [TICK APPLICABLE BOX]<br><br><input type="checkbox"/> Yes <input type="checkbox"/> No |               |          |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b> |                                                                                                                                                                                     |             |                                     |                                                |                                                                                       |               |          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                                                                                                                |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</b><br><br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>[IF YES ENCLOSE PROOF]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | <b>2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</b><br><br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>[IF YES, ANSWER QUESTIONNAIRE BELOW ] |  |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                                                                                                                                                                |  |
| <p>IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>DOES THE ENTITY HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p>IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span></p> <p><b>IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.</b></p> |  |                                                                                                                                                                                                |  |

## PART B TERMS AND CONDITIONS FOR BIDDING

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. TAX COMPLIANCE REQUIREMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>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.</p> <p>1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.</p> <p>1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> |

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

|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DESCRIPTION</b>                        | For the Provision of Waste Management Services at Ermelo, Ogies, Welgedag, Delmas, Frans du Toit , Panbuilt, Pietretief and Paul Pietersburg for a period of twenty Four (24) Months                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>RFQ DOWNLOADING</b>                    | <p>This RFQ may be downloaded directly from National Treasury's e-Tender Publication Portal at <a href="http://www.etenders.gov.za">www.etenders.gov.za</a> free of charge.</p> <p>To download RFQ and Annexures:</p> <ul style="list-style-type: none"> <li>Click on "Tender Opportunities";</li> <li>Select "Advertised Tenders";</li> <li>In the "Department" box, select Transnet SOC Ltd;</li> </ul> <p>Once the tender has been located in the list, click on the 'Tender documents' tab and process to download all uploaded documents.</p> <p>This Tender may be downloaded directly from the Transnet Freight Rail Tender portal<br/> <a href="https://www.transnetfreightrail-tfr.net/Supplier/Pages/Tenders.aspx">https://www.transnetfreightrail-tfr.net/Supplier/Pages/Tenders.aspx</a></p> <p>Alternatively, this RFQ may be purchased at R100 [inclusive of VAT] per set for those bidders that require a hard copy from Transnet rather than downloading from the website. Tenderers are however encouraged to download the RFQ from the National Treasury eTender Portal instead.</p> <p><b>If a RFQ is required, prior arrangements must be made one (1) day in advance with the contact person listed below.</b> This tender document maybe collected during work hours.</p> <p>Payment is to be made as follows:</p> <p>Bank: Standard Bank<br/> Account Number: 203158598<br/> Branch: Braamfontein<br/> Branch code: 004805<br/> Account Name: Transnet Freight Rail<br/> Reference: ERACMV-VAR-36163</p> <p>NOTE – This amount is not refundable. A receipt for such payment made must be presented when collecting the RFQ documents and submitted thereafter with your Proposal.</p> |
| <b>EMAIL ADDRESS FOR COMMUNICATION</b>    | <p>Once Bidders download the RFQ off the Portal, they are required to send their contact details to the following address: <a href="mailto:Dudu.Mkhwebane@transnet.net">Dudu.Mkhwebane@transnet.net</a></p> <p>This is to ensure that any required communication in relation to this RFQ reaches those intending to respond. Furthermore, any addenda to the RFQ or clarifications will be published on the e-tender portal. Bidders are required to check the e-tender portal prior to finalising their bid submissions for any changes or clarifications to the RFQ.</p> <p>Transnet will not be held liable if Bidders do not receive the latest information regarding this RFQ with the possible consequence of either being disadvantaged or disqualified as a result thereof.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>ISSUE AND COLLECTION DATE DEADLINE</b> | Bidders are to note that the RFQ documents will be available for download from <b>24 August 2021</b> or may be collected between 09:00 am and 03:00 pm from <b>24 August 2021</b> until <b>01 September 2021</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | <p>Bidders wishing to collect a CD, USB or hard copy of such RFQ documents from the Transnet issuing office, are required to inform that office at the contact details indicated below on the day before collection in order to allow for timeous reproduction of the documentation.</p> <p>Name: Dudu Mkhwebane<br/> Email address: Dudu.Mkhwebane@transnet.net<br/> Transnet Freight Rail Tender Office<br/> Ground Floor , Foyer Nzasm Building,<br/> Corner of Paul Kruger and Minnaar Street Pretoria,<br/> 0001</p>                                                                                                                                   |
| <b>BRIEFING SESSION</b> | No – Non-compulsory Refer to paragraph 2 for details.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>CLOSING DATE</b>     | <p><b>10:00 am on Thursday 02 September 2021</b></p> <p>Bidders must ensure that bids are delivered timeously to the correct address.</p> <p><b>The Chairperson, Transnet Freight Rail Tender Advice Centre, Ground Floor, Tender Box in the Foyer Nzasm Building, Corner of Paul Kruger and Minnaar Street Pretoria, 0001</b></p> <p>As a general rule, if a bid is late or delivered to the incorrect address, it will not be accepted for consideration.</p>                                                                                                                                                                                             |
| <b>VALIDITY PERIOD</b>  | <p><b>90 Business Days from Closing Date: 03 January 2022</b></p> <p>Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.</p> <p>With regard to the validity period of next highest ranked bidders, please refer to Section 2, paragraph 9.13</p> |

Any additional information or clarification will be faxed or emailed to all Respondents, if necessary.

## 1 Responses to RFQ

Responses to this RFQ [**Quotations**] must not include documents or reference relating to any other quotation or proposal. Any additional conditions must be embodied in an accompanying letter.

## 2 Formal Briefing

A formal briefing session will not be held but should Respondents have specific queries they should email these to the Transnet employee(s) indicated in paragraph 4 [*Communication*] below:

## 3 Preferential Procurement Prequalification Criteria

### 3.1 Exempted Micro Enterprises & Qualifying Small Enterprises

Transnet has set a prequalification criterion that only Exempted Micro Enterprises (EMEs) **and/or** Qualifying Small Enterprises (QSEs) may participate in this RFQ process. A bid that fails to meet this pre-qualifying criteria will be regarded as an unacceptable bid.

## 4 Communication

4.1 Specific queries relating to this RFQ before the closing date of the RFQ should be submitted to [**Modiehi Mokoena, modiehi.mokoena@transnet.net**] before **11:00 am on 01 September 2021**. In the

interest of fairness and transparency Transnet's response to such a query will then be made available to other bidders.

- 4.2 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in respect of this RFQ between the closing date and the date of the award of the business.
- 4.3 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.
- 4.4 Respondents may also, at any time after the closing date of the RFQ, communicate with the Secretariat of the Transnet Freight Rail Acquisition Council on any matter relating to its RFQ response:

Name: Prudence Nkabinde

Telephone 011-584 0821

Email: [prudence.nkabinde@transnet.net](mailto:prudence.nkabinde@transnet.net)

## **5 Legal Compliance**

The successful Respondent shall be in full and complete compliance with any and all applicable national and local laws and regulations.

## **6 Employment Equity Act**

Respondents must comply with the requirements of the Employment Equity Act 55 of 1998 applicable to it including (but not limited to) Section 53 of the Employment Equity Act.

## **7 Changes to Quotations**

Changes by the Respondent to its submission will not be considered after the closing date and time.

## **8 Binding Offer**

Any Quotation furnished pursuant to this Request shall be deemed to be an offer. Any exceptions to this statement must be clearly and specifically indicated.

## **9 Disclaimers**

Respondents are hereby advised that Transnet is not committed to any course of action as a result of its issuance of this RFQ and/or its receipt of a Quotation in response to it. Please note that Transnet reserves the right to:

- modify the RFQ's goods / service(s) and request Respondents to re-bid on any changes;
- reject any Quotation which does not conform to instructions and specifications which are detailed herein;
- disqualify Quotations submitted after the stated submission deadline;
- not necessarily accept the lowest priced Quotation or an alternative bid;
- place an order in connection with this Quotation at any time after the RFQ's closing date;
- award only a portion of the proposed goods / services which are reflected in the scope of this RFQ;
- split the award of the order/s between more than one Supplier/Service Provider should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations;
- cancel the quotation process;
- validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Transnet to do so;
- request audited financial statements or other documentation for the purposes of a due diligence exercise;

- not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provides for it;
- to cancel the contract and/request that National Treasury place the Respondent on its Database of Restricted Suppliers for a period not exceeding 10 years, on the basis that a contract was awarded on the strength of incorrect information furnished by the Respondent or on any other basis recognised in law;
- award the business to the next ranked bidder, provided that he/she is still prepared to provide the required Goods/Services at the quoted price, should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the 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 provide the required Goods/Services at their quoted price, even after they have been issued with a Letter of Regret.

## **10 Specification/Scope of Work**

**Please refer Annexure A.**

## **11 Legal review**

A Proposal submitted by a Respondent will be subjected to review and acceptance or rejection of its proposed contractual terms and conditions by Transnet's Legal Counsel, prior to consideration for an award of business.

## **12 Security clearance**

Acceptance of this bid could be subject to the condition that the Successful Respondent, its personnel providing the goods and its subcontractor(s) must obtain security clearance from the appropriate authorities to the level of CONFIDENTIAL/ SECRET/TOP SECRET. Obtaining the required clearance is the responsibility of the Successful Respondent. Acceptance of the bid is also subject to the condition that the Successful Respondent will implement all such security measures as the safe performance of the contract may require.

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

Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Transnet is required to ensure that price quotations are invited and accepted from prospective bidders listed on the CSD. Business may not be awarded to a respondent who has failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD. The CSD can be accessed at <https://secure.csd.gov.za/>.

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

## **14 Tax Compliance**

Respondents must be compliant when submitting a proposal to Transnet and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).

It is a condition of this bid that the tax matters of the successful Respondents be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Respondents tax obligations.

The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids.

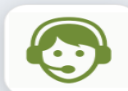
Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

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

### TIP-OFFS ANONYMOUS:


**Ethics Helpdesk**  
Ethics Management System™

You can choose to be Anonymous or Non-Anonymous on ANY of the the platforms  
**PLEASE RETAIN YOUR REFERENCE NUMBER**

|                                                                                                                                                                           |                                                                                                                                                                                                                                                                                 |                                                                                                                                             |                                                                                                                                                                                  |                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <br><b>Complete a Form</b><br>Complete a form with all the details, with no data charge. | <br><b>AI Voice Bot "Jack"</b><br>Speak to our AI Voice Chat Bot "JACK", you converse with him like chatting to a human, with the option to record a message and speak to an agent at anytime. | <br><b>What's App</b><br>Speak to an Agent via What's App. | <br><b>Speak to an Agent</b><br>Speak to an Agent via the platform with no call or data charge | <br><b>Telegram</b><br>Speak to an Agent via Telegram |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

 **0800 033 056**

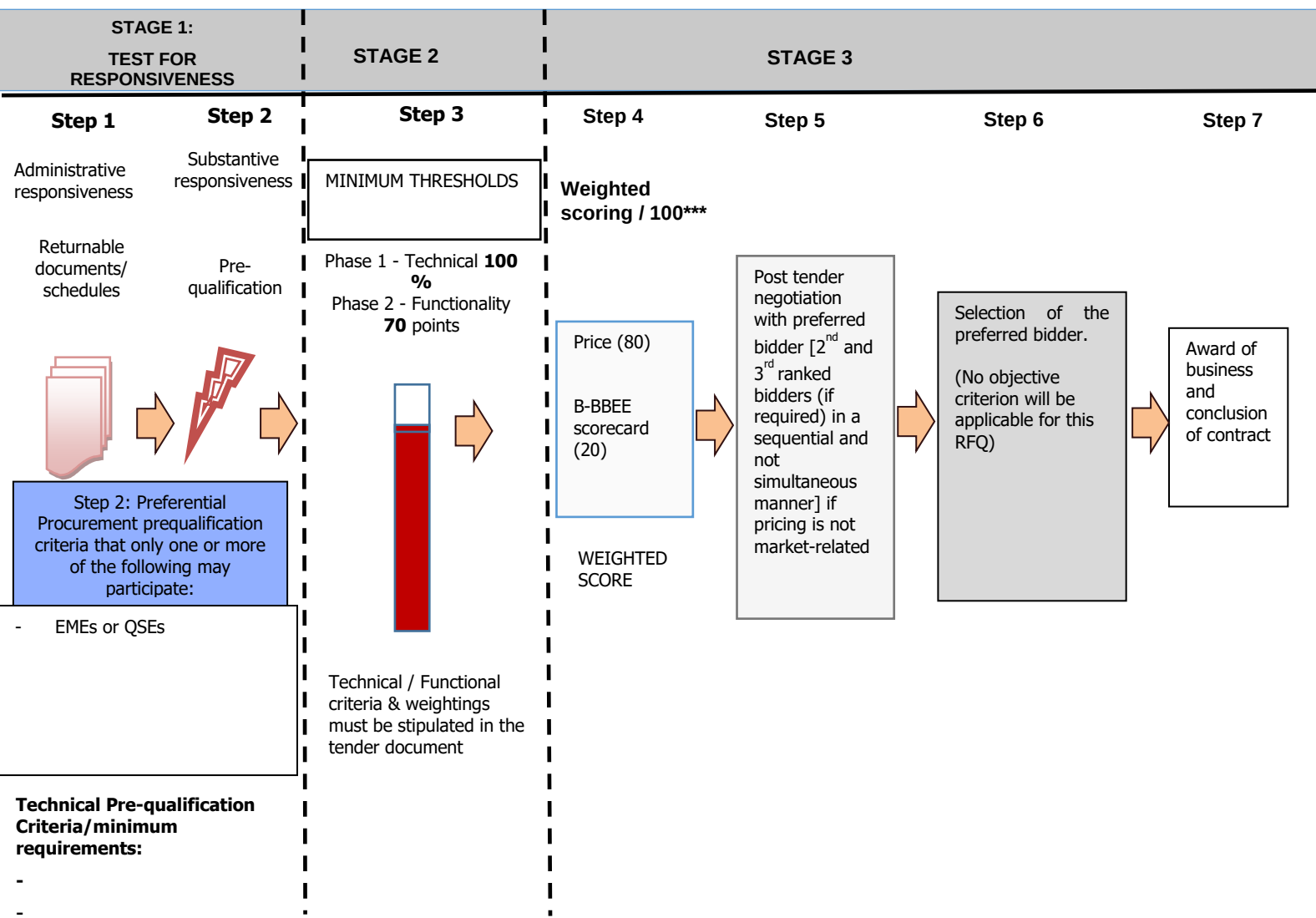
 **086 551 4153**

 [reportit@ethicshelpdesk.com](mailto:reportit@ethicshelpdesk.com)

 **\*120\*0785980808#**

**SECTION 3****EVALUATION METHODOLOGY, CRITERIA AND RETURNABLE DOCUMENTS****15 Evaluation Criteria**

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

**1.1 STEP ONE: Test for Administrative Responsiveness**

The test for administrative responsiveness will include the following:

| Administrative responsiveness check                                                                                             | RFQ Reference       |
|---------------------------------------------------------------------------------------------------------------------------------|---------------------|
| • 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 | <i>Section 3</i>    |
| • Verify the validity of all returnable documents                                                                               | <i>Section 3</i>    |
| • Verify if the Bid document has been duly signed by the authorised respondent                                                  | <i>All sections</i> |

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

## 1.2 STEP TWO: Test for Substantive Responsiveness to RFQ

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

| Check for substantive responsiveness                                                                                                                                                                                                                           | RFQ Reference                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Whether any general pre-qualification criteria set by Transnet, have been met</li> </ul>                                                                                                                                | <i>All sections including: Section 2 paragraphs 3.31</i> |
| <ul style="list-style-type: none"> <li>Whether the Bid contains a priced offer</li> </ul>                                                                                                                                                                      | <i>Section 4 - Quotation Form</i>                        |
| <ul style="list-style-type: none"> <li>Whether the Bid materially complies with the scope and/or specification given</li> </ul>                                                                                                                                | <i>All Sections</i>                                      |
| <ul style="list-style-type: none"> <li>Whether any set prequalification criteria for preferential procurement have been met: <ul style="list-style-type: none"> <li>Indicate whether only EMEs and/or QSEs may participate in this RFQ.</li> </ul> </li> </ul> | <i>Section 2 - Paragraph 3</i>                           |

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

## 1.3 STEP THREE:

### (A) Phase 1 - Minimum Threshold 100% for Technical Criteria

At this stage, the CFET shall evaluate if the bids complies with the technical requirements of the RFQ:

The test for the Technical threshold will include the following:

| Technical Evaluation Criteria                                      | % Weightings | Scoring guideline (0 to 5) |
|--------------------------------------------------------------------|--------------|----------------------------|
| A valid Waste Transportation Certificate from any accredited body. | 100%         |                            |
| <b>Total Weighting:</b>                                            | <b>100%</b>  |                            |
| <b>Minimum qualifying score required:</b>                          | 100%         |                            |

The Respondents will be required to pass the minimum Threshold in Phase 1 in order to progress to Phase 2.

### (B) Phase 2 - Minimum Threshold 80% for Functional Criteria

The test for the Functional threshold will include the following:

| Technical Evaluation Criteria                                                                                                                                                                                                             | % Weightings | Scoring guideline (0 to 5) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------|
| <b>Section 9: Schedule of Plant and Equipment (in relation relating to Waste Removal and it surrounding environment)</b><br>List of plant and equipment available to carry out operation for this project as per requirements in the RFQ. | 60%          |                            |

| Technical Evaluation Criteria                                                                                                                                                                                                         | % Weightings | Scoring guideline (0 to 5) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------|
| <b>Section 10: Previous experience in the Provision of Waste Management Services</b><br>Proof of completion of relevant project. Providing details of company, type of work completed and contactable references relevant to this RFQ | 40%          |                            |
| <b>Total Weighting:</b>                                                                                                                                                                                                               | <b>100%</b>  |                            |
| <b>Minimum qualifying score required:</b>                                                                                                                                                                                             | 100%         |                            |

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

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

#### 1.4 STEP FOUR: Evaluation and Final Weighted Scoring

a) **Price Criteria** [Weighted score 80 points]:

| Evaluation Criteria | RFQ Reference    |
|---------------------|------------------|
| • Commercial offer  | <i>Section 4</i> |

Transnet will utilise the following formula in its evaluation of Price:

$$PS = 80 \left( 1 - \frac{Pt - Pmin}{Pmin} \right)$$

Where:

$Ps$  = Score for the Bid under consideration

$Pt$  = Price of Bid under consideration

$Pmin$  = Price of lowest acceptable Bid

b) **Broad-Based Black Economic Empowerment criteria** [Weighted score 20 points]

- B-BBEE - current scorecard / B-BBEE Preference Points Claims Form
- Preference points will be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table indicated in Section 4.1 of the B-BBEE Preference Points Claim Form.

#### 1.5 STEP FIVE: Post Tender Negotiations (if applicable)

- Respondents are to note that Transnet may not award a contract if the price offered is not market-related. In this regard, Transnet reserves the right to engage in PTN with the view to achieving a market-related price or to cancel the tender. Negotiations will be done in a sequential manner i.e.:
  - first negotiate with the highest ranked bidder or cancel the bid, should such negotiations fail,
  - negotiate with the 2nd and 3rd ranked bidders (if required) in a sequential manner.
- In the event of any Respondent being notified of such short-listed/preferred bidder status, his/her bid, as well as any subsequent negotiated best and final offers (BAFO), will automatically be deemed to remain valid during the negotiation period and until the ultimate award of business.

- Should Transnet conduct post tender negotiations, Respondents will be requested to provide their best and final offers to Transnet based on such negotiations. Where a market related price has been achieved through negotiation, the contract will be awarded to the successful Respondent(s).

#### **1.6 STEP SIX: Objective Criteria (if applicable)**

- No objective criterion will be applicable for this RFQ

#### **1.7 STEP SEVEN: Award of business and conclusion of contract**

- Immediately after approval to award the contract has been received, the successful or preferred bidder(s) will be informed of the acceptance of his/their Quotation by way of a Letter of Award. Thereafter the final contract will be concluded with the successful Respondent(s).
- Otherwise, a final contract will be concluded and entered into with the successful Bidder at the acceptance of a letter of award by the Respondent.

### **16 Validity Period**

Transnet requires a validity period of 90 [ninety] Business Days from the closing date of this RFQ, excluding the first day and including the last day.

#### **End of validity period: 03 January 2022**

Bidders are to note that they may be requested to extend the validity period of their bid, on the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.

### **17 Disclosure of contract information**

#### **Prices Quoted**

Respondents are to note that, on award of business, Transnet is required to publish the tendered prices and preferences claimed of the successful and unsuccessful Respondents *inter alia* on the National Treasury e-Tender Publication Portal, ([www.etenders.gov.za](http://www.etenders.gov.za)), as required per National Treasury Instruction Note 01 of 2015/2016.

#### **Johannesburg Stock Exchange Debt Listing Requirements**

Transnet may also be required to disclose information relating to the subsequent contract i.e. the name of the company, goods/services provided by the company, the value and duration of the contract, etc. in compliance with the Johannesburg Stock Exchange (JSE) Debt Listing Requirements.

#### **Domestic Prominent Influential Persons (DPIP) OR Foreign Prominent Public Officials (FPPO)**

Transnet is free to procure the services of any person within or outside the Republic of South Africa in accordance with applicable legislation. Transnet shall not conduct or conclude business transactions, with any Respondents without having:

- Considered relevant governance protocols;
- Determined the DPIP or FPPO status of that counterparty; and

**Returnable Document**

- Conducted a risk assessment and due diligence to assess the potential risks that may be posed by the business relationship.

As per the Transnet Domestic Prominent Influential Persons (DPIP) and Foreign Prominent Public Officials (FPPO) and Related Individuals Policy available on Transnet website <https://www.transnet.net/search/pages/results.aspx?k=FPIDP#k=DPIP>, Respondents are required to disclose any commercial relationship with a DPIP or FPPO (as defined in the Policy) by completing the following section:

| The below form contains personal information as defined in the Protection of Personal Information Act, 2013 (the "Act"). By completing the form, the signatory consents to the processing of her/his personal information in accordance with the requirements of the Act. Consent cannot unreasonably be withheld. |                           |                                                                      |                |                                          |                                                  |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------|----------------|------------------------------------------|--------------------------------------------------|------------|
| <b>Is the Respondent</b><br>(Complete with a "Yes" or "No")                                                                                                                                                                                                                                                        |                           |                                                                      |                |                                          |                                                  |            |
| <b>A DPIP/FPPO</b>                                                                                                                                                                                                                                                                                                 |                           | <b>Closely Related to a DPIP/FPPO</b>                                |                | <b>Closely Associated to a DPIP/FPPO</b> |                                                  |            |
| <b>List all known business interests, in which a DPIP/FPPO may have a direct/indirect interest or significant participation or involvement.</b>                                                                                                                                                                    |                           |                                                                      |                |                                          |                                                  |            |
| No                                                                                                                                                                                                                                                                                                                 | Name of Entity / Business | Role in the Entity / Business<br>(Nature of interest/ Participation) | Shareholding % | Registration Number                      | Status<br>(Mark the applicable option with an X) |            |
|                                                                                                                                                                                                                                                                                                                    |                           |                                                                      |                |                                          | Active                                           | Non-Active |
| 1                                                                                                                                                                                                                                                                                                                  |                           |                                                                      |                |                                          |                                                  |            |
| 2                                                                                                                                                                                                                                                                                                                  |                           |                                                                      |                |                                          |                                                  |            |
| 3                                                                                                                                                                                                                                                                                                                  |                           |                                                                      |                |                                          |                                                  |            |

Respondents declaring a commercial relationship with a DPIP or FPPO are to note that Transnet is required to annually publish on its website a list of all business contracts entered into with DPIP or FPPO. This list will include successful Respondents, if applicable.

**18 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        | <b><i>Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this RFQ <u>will</u> result in a Respondent's disqualification.</i></b>                                                                                                                    |
| Returnable Documents Used for Scoring | <b><i>Failure to provide all Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent's disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion.</i></b> |
| Essential Returnable Documents        | <b><i>Failure to provide essential Returnable Documents <u>will</u> result</i></b>                                                                                                                                                                                                           |

|  |                                                                                                                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <i><b>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.</b></i> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

**a) Mandatory Returnable Documents**

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

| <b>Mandatory Returnable Documents</b>                                                                                                                                                                                                     | <b>Submitted [Yes or No]</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| SECTION 1: SBD1 Form                                                                                                                                                                                                                      |                              |
| SECTION 2: Proof of CSD Registration                                                                                                                                                                                                      |                              |
| SECTION 4: Quotation Form & All Items on pricing schedule Priced                                                                                                                                                                          |                              |
| Valid and original (or a certified copy) proof of Respondent's compliance to B-BBEE requirements stipulated in Section 7 of this RFQ.<br>(Pre-qualification eligibility criteria set: only EMEs and/or QSEs may participate in this RFQ.) |                              |

**b) Returnable Documents Used for Scoring**

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

| <b>RETURNABLE DOCUMENTS USED FOR SCORING</b>                                                                                                                                                                                              | <b>SUBMITTED [Yes or No]</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| A valid Waste Transportation Certificate from any accredited body.                                                                                                                                                                        |                              |
| <b>Section 9: Schedule of Plant and Equipment (in relation relating to Waste Removal and it surrounding environment)</b><br>List of plant and equipment available to carry out operation for this project as per requirements in the RFQ. |                              |
| <b>Section 10: Previous experience in the Provision of Waste Management Services</b><br>Proof of completion of relevant project. Providing details of company, type of work completed and contactable references relevant to this RFQ     |                              |

**c) Essential Returnable Documents:**

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:

**Returnable Document**

| <b>ESSENTIAL RETURNABLE DOCUMENTS &amp; SCHEDULES</b>                                                                                                 | <b>SUBMITTED<br/>[Yes or No]</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| In the case of Joint Ventures, a copy of the Joint Venture Agreement or written confirmation of the intention to enter into a Joint Venture Agreement |                                  |
| SECTION 5: Certificate of Acquaintance with RFQ Documents                                                                                             |                                  |
| SECTION 6: RFQ Declaration and Breach of Law Form                                                                                                     |                                  |
| SECTION 7: B-BBEE Preference Claim Form                                                                                                               |                                  |
| SECTION 8: SBD 9 - Certificate of Independent Bid Determination                                                                                       |                                  |
| SECTION 12: Protection of Personal Information                                                                                                        |                                  |
| SECTION 13: General Bid Conditions                                                                                                                    |                                  |

**19 CONTINUED VALIDITY OF RETURNABLE DOCUMENTS**

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

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 Respondent's Signature

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 Date & Company Stamp

## **SECTION 4**

### **QUOTATION FORM**

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

hereby offer to supply the goods/services at the prices quoted in the Price Schedule below, in accordance with the conditions related thereto.

I/We agree to be bound by those terms and conditions in:

- the Standard RFQ Terms and Conditions for the Supply of Goods or Services to Transnet; and
- any other standard or special conditions embodied in this Request for Quotation.

I/We accept that unless Transnet should otherwise decide and so inform me/us, this Quotation [and, if any, its covering letter and any subsequent exchange of correspondence], together with Transnet's acceptance thereof shall constitute a binding contract between Transnet and me/us. I/We further agree that if, after I/we have been notified of the acceptance of my/our Quotation, I/we fail to deliver the said goods/service/s within the delivery lead-time quoted, Transnet may, without prejudice to any other legal remedy which it may have, cancel the order and recover from me/us any expenses incurred by Transnet in calling for Quotations afresh and/or having to accept any less favourable offer.

**Returnable Document****Price Schedule**

I/We quote as follows for the goods required, on a “delivered nominated destination” basis, excluding VAT:

**RENTAL OF WASTE SKIP BIN, WASTE TRANSPORTATION AND DISPOSAL FOR A PERIOD OF TWENTY-FOUR (24) MONTHS**

| <b>RENTAL OF WASTE SKIP BIN, WASTE TRANSPORTATION AND DISPOSAL FOR YEAR ONE (01)</b> |                                                           |                                      |                            |                                       |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
|--------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------|----------------------------|---------------------------------------|------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>Item No</b>                                                                       | <b>Station/Asset No</b>                                   | <b>Description of Goods/Services</b> | <b>No of Bins required</b> | <b>No of lifts required per month</b> | <b>Bin Rental Per Month (Unit Price)</b> | <b>Waste Transportation and Disposal Per Month (Unit Price)</b> | <b>Total Unit price of Bin rental x 12 months</b> | <b>Total Unit price of Waste Transportation and Disposal x 12 months</b> | <b>Total Price for Bin Rental and Waste Transportation and Disposal for Year One (01)</b> |
| 1.                                                                                   | ERMELO - Area Manager complex: 2AH192A                    | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 2.                                                                                   | Diesel Loco main Building ERMELO: 02AH195A                | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 3.                                                                                   | Diesel Loco ablutions ERMELO: 02AH193A                    | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 4.                                                                                   | Vacuum Yard - Yard Master complex ERMELO: 02AH230A        | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 5.                                                                                   | Vacuum Yard - Special control and offices ERMELO:02AH230A | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 6.                                                                                   | CTC ERMELO complex ERMELO: 02AH180A                       | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 7.                                                                                   | 11 E loco Depot-Main complex ERMELO: 02BH085A             | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 8.                                                                                   | 11 E loco Depot- Sanddry room ERMELO: 02AH225A            | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 9.                                                                                   | Tower complex ERMELO: 02BM009A                            | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |

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 Respondent's Signature

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 Date & Company Stamp

**Returnable Document**

|     |                                               |                                 |   |   |  |  |                                         |  |  |
|-----|-----------------------------------------------|---------------------------------|---|---|--|--|-----------------------------------------|--|--|
| 10. | 10E Loco Main building<br>ERMELO: 02BH084A    | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 11. | 10E Loco sand drying area<br>ERMELO: 02BH084A | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 12. | Airbrake Yard<br>ERMELO: 02AH230A             | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
|     | Managers 111 complex<br>ERMELO                | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 13. | Customer service<br>Frans du Toit: 02AH148A   | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 14. | Control Points Frans du Toit                  | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 15. | Traction offices Frans du Toit                | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 16. | Wagons Airbrake<br>Frans du Toit : 03RH013A   | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 17. | Wagons vacuum Frans du Toit                   | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 18. | Welding Depot<br>Frans du Toit: 02AH155A      | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 19. | DE Office Frans du Toit                       | Skip Waste Bins 6m <sup>2</sup> | 2 | 2 |  |  |                                         |  |  |
| 20. | Welgedag                                      | Skip Waste Bins 6m <sup>2</sup> | 2 | 2 |  |  |                                         |  |  |
| 21. | Delmas                                        | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 22. | Hawerklip                                     | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |                                         |  |  |
| 23. | Ogies                                         | Skip Waste Bins 6m <sup>2</sup> | 2 | 2 |  |  |                                         |  |  |
|     |                                               |                                 |   |   |  |  | <b>Sub-total for Year One excl. vat</b> |  |  |

Respondent's Signature

Date &amp; Company Stamp

**Returnable Document**

| <b>RENTAL OF WASTE SKIP BIN, WASTE TRANSPORTATION AND DISPOSAL FOR YEAR TWO (02)</b> |                                                           |                                      |                            |                                       |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
|--------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------|----------------------------|---------------------------------------|------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>Item No</b>                                                                       | <b>Station/Asset No</b>                                   | <b>Description of Goods/Services</b> | <b>No of Bins required</b> | <b>No of lifts required per month</b> | <b>Bin Rental Per Month (Unit Price)</b> | <b>Waste Transportation and Disposal Per Month (Unit Price)</b> | <b>Total Unit price of Bin rental x 12 months</b> | <b>Total Unit price of Waste Transportation and Disposal x 12 months</b> | <b>Total Price for Bin Rental and Waste Transportation and Disposal for Year One (01)</b> |
| 1.                                                                                   | ERMELO - Area Manager complex: 2AH192A                    | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 2.                                                                                   | Diesel Loco main Building ERMELO: 02AH195A                | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 3.                                                                                   | Diesel Loco ablutions ERMELO: 02AH193A                    | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 4.                                                                                   | Vacuum Yard - Yard Master complex ERMELO: 02AH230A        | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 5.                                                                                   | Vacuum Yard - Special control and offices ERMELO:02AH230A | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 6.                                                                                   | CTC ERMELO complex ERMELO: 02AH180A                       | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 7.                                                                                   | 11 E loco Depot-Main complex ERMELO: 02BH085A             | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 8.                                                                                   | 11 E loco Depot- Sanddry room ERMELO: 02AH225A            | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 9.                                                                                   | Tower complex ERMELO: 02BM009A                            | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |
| 10.                                                                                  | 10E Loco Main building ERMELO: 02BH084A                   | Skip Waste Bins 6m <sup>2</sup>      | 1                          | 1                                     |                                          |                                                                 |                                                   |                                                                          |                                                                                           |

Respondent's Signature

Date &amp; Company Stamp

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|                                         |                                               |                                 |   |   |  |  |  |  |  |
|-----------------------------------------|-----------------------------------------------|---------------------------------|---|---|--|--|--|--|--|
| 11.                                     | 10E Loco sand drying area<br>ERMELO: 02BH084A | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 12.                                     | Airbrake Yard<br>ERMELO: 02AH230A             | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 13.                                     | Managers 111 complex<br>ERMELO                | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 14.                                     | Customer service<br>Frans du Tiot: 02AH148A   | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 15.                                     | Control Points Frans du Toit                  | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 16.                                     | Traction offices Frans du Toit                | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 17.                                     | Wagons Airbrake<br>Frans du Toit : 03RH013A   | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 18.                                     | Wagons vacuum Frans du Toit                   | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 19.                                     | Welding Depot<br>Frans du Toit: 02AH155A      | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 20.                                     | DE Office Frans du Toit                       | Skip Waste Bins 6m <sup>2</sup> | 2 | 2 |  |  |  |  |  |
| 21.                                     | Welgedag                                      | Skip Waste Bins 6m <sup>2</sup> | 2 | 2 |  |  |  |  |  |
| 22.                                     | Delmas                                        | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 23.                                     | Hawerklip                                     | Skip Waste Bins 6m <sup>2</sup> | 1 | 1 |  |  |  |  |  |
| 24.                                     | Ogies                                         | Skip Waste Bins 6m <sup>2</sup> | 2 | 2 |  |  |  |  |  |
| <b>Sub-total for Year One excl. vat</b> |                                               |                                 |   |   |  |  |  |  |  |

Respondent's Signature

Date &amp; Company Stamp

**Returnable Document****WASTE SKIP BIN PLACEMENT AND REMOVAL (ONCE OFF) FOR A PERIOD OF TWENTY-FOUR (24) MONTHS**

| <b>Item No</b> | <b>Station</b>                                            | <b>Description of Goods /Services</b> | <b>No of Bins required</b> | <b>Waste Skip Bin Placement Once off Price excl. VAT @15%</b> | <b>Waste Skip Bin Removal Once off Price excl. VAT @15%</b> | <b>Total Price excl. VAT @15%</b> |
|----------------|-----------------------------------------------------------|---------------------------------------|----------------------------|---------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------|
| 1.             | ERMELO - Area Manager complex: 2AH192A                    | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 2.             | Diesel Loco main Building ERMELO: 02AH195A                | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 3.             | Diesel Loco ablutions ERMELO: 02AH193A                    | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 4.             | Vacuum Yard - Yard Master complex ERMELO: 02AH230A        | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 5.             | Vacuum Yard - Special control and offices ERMELO:02AH230A | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 6.             | CTC ERMELO complex ERMELO: 02AH180A                       | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 7.             | 11 E loco Depot-Main complex ERMELO: 02BH085A             | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 8.             | 11 E loco Depot- Sanddry room ERMELO: 02AH225A            | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 9.             | Tower complex ERMELO: 02BM009A                            | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 10.            | 10E Loco Main building ERMELO: 02BH084A                   | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 11.            | 10E Loco sand drying area ERMELO: 02BH084A                | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 12.            | Airbrake Yard ERMELO: 02AH230A                            | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 13.            | Managers 111 complex ERMELO                               | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |
| 14.            | Customer service Frans du Toit: 02AH148A                  | Skip Waste Bins 6m <sup>2</sup>       | 1                          |                                                               |                                                             |                                   |

Respondent's Signature

Date &amp; Company Stamp

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|     |                                             |                                    |   |  |  |  |
|-----|---------------------------------------------|------------------------------------|---|--|--|--|
| 15. | Control Points Frans du Toit                | Skip Waste Bins<br>6m <sup>2</sup> | 1 |  |  |  |
| 16. | Traction offices Frans du Toit              | Skip Waste Bins<br>6m <sup>2</sup> | 1 |  |  |  |
| 17. | Wagons Airbrake<br>Frans du Toit : 03RH013A | Skip Waste Bins<br>6m <sup>2</sup> | 1 |  |  |  |
| 18. | Wagons vacuum Frans du Toit                 | Skip Waste Bins<br>6m <sup>2</sup> | 1 |  |  |  |
| 19. | Welding Depot<br>Frans du Toit: 02AH155A    | Skip Waste Bins<br>6m <sup>2</sup> | 1 |  |  |  |
| 20. | DE Office Frans du Toit                     | Skip Waste Bins<br>6m <sup>2</sup> | 2 |  |  |  |
| 21. | Welgedag                                    | Skip Waste Bins<br>6m <sup>2</sup> | 2 |  |  |  |
| 22. | Delmas                                      | Skip Waste Bins<br>6m <sup>2</sup> | 1 |  |  |  |
| 23. | Hawerklip                                   | Skip Waste Bins<br>6m <sup>2</sup> | 1 |  |  |  |
| 24. | Ogies                                       | Skip Waste Bins<br>6m <sup>2</sup> | 2 |  |  |  |

**Total Required: 27 Waste Skip Bins****SUMMARY FOR ALL STATIONS**

|                                                                                                                       |          |
|-----------------------------------------------------------------------------------------------------------------------|----------|
| <b>Sub Total Price for Rental of Waste Skip Bin and Waste Transportation and Disposal Year One<br/>excl. VAT @15%</b> | <b>R</b> |
| <b>Sub Total Price for Rental of Waste Skip Bin and Waste Transportation and Disposal Year Two<br/>excl. VAT @15%</b> | <b>R</b> |
| <b>Sub Total Price for Placement and Removal of Waste Skip Bin excl. VAT @15%</b>                                     | <b>R</b> |
| <b>Overall Total Price for a Period of Twenty Four Months excl. of VAT</b>                                            | <b>R</b> |
| <b>VAT @ 15%</b>                                                                                                      | <b>R</b> |
| <b>Overall Total Price for a Period of Twenty Four (24) Months Inclusive of VAT</b>                                   | <b>R</b> |

Respondent's Signature

Date &amp; Company Stamp

**Delivery Lead-Time from date of purchase order:** \_\_\_\_\_ **[days/weeks]**

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

**Notes to Pricing:**

- a) Respondents are to note that if the price offered by the highest scoring bidder is not market-related, Transnet may not award the contract to that Respondent. Transnet may-
- (i) negotiate a market-related price with the Respondent scoring the highest points or cancel the RFQ;
  - (ii) if that Respondent does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the second highest points or cancel the RFQ;
  - (iii) if the Respondent scoring the second highest points does not agree to a market-related price, negotiate a market-related price with the Respondent scoring the third highest points or cancel the RFQ.

If a market-related price is not agreed with the Respondent scoring the third highest points, Transnet must cancel the RFQ.

- b) All Prices must be quoted in South African Rand, inclusive of VAT
- c) Any disbursement not specifically priced for will not be considered/accepted by Transnet.
- d) To facilitate like-for-like comparison bidders must submit pricing strictly in accordance with this price schedule and not utilise a different format. Deviation from this pricing schedule will result in a bid being disqualified.
- e) Please note that should you have offered a discounted price(s), Transnet will only consider such price discount(s) in the final evaluation stage if offered on an unconditional basis.

**SECTION 5****CERTIFICATE OF ACQUAINTANCE WITH RFQ 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 RFQ. 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 will recognise no claim for relief based on an allegation that the Respondent overlooked any such term or condition or failed properly to take it into account in calculating tendered prices or any other purpose:**

|                                                                                      |
|--------------------------------------------------------------------------------------|
| 1. Transnet's General Bid Conditions                                                 |
| 2. Standard RFQ Terms and Conditions for the supply of Goods or Services to Transnet |
| 3. Transnet's Supplier Integrity Pact                                                |
| 4. Non-disclosure Agreement                                                          |

**Note:** Should a Respondent be successful and awarded the bid, they will be required to complete a Supplier Declaration Form for registration as a vendor onto the Transnet vendor master database.

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFQ 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 the Standard terms or conditions could result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid to which they intend to respond, 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 RFQ was unclear but in respect of which he/she failed to obtain clarity.

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

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

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 \_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

**SECTION 6****RFQ 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 RFQ Clarification purposes;
2. We have received all information we deemed necessary for the completion of this Request for Quotation [**RFQ**];
3. We have been provided with sufficient access to the existing Transnet facilities/sites and all relevant information relevant to the Supply of the Goods as well as Transnet information and Employees, and have had sufficient time in which to conduct and perform a thorough due diligence of Transnet's operations and business requirements and assets used by Transnet. Transnet will therefore not consider or permit any pre- or post-contract verification or any related adjustment to pricing, service levels or any other provisions/conditions based on any incorrect assumptions made by the Respondent in arriving at his Bid Price.
4. At no stage have we received additional information relating to the subject matter of this RFQ from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the RFQ documents;
5. We have complied with all obligations of the Bidder/Supplier as indicated in the Transnet Supplier Integrity Pact 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;
6. We are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this RFQ and the requirements requested from Bidders in responding to this RFQ have been conducted in a fair and transparent manner;
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 Transnet 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 the 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 RFQ; 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:

---



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***[Failure to furnish complete and accurate information in this regard will lead to the disqualification of a response and may preclude a Respondent from doing future business with Transnet]. Information provided in the declarations may be used by Transnet and/or its affiliates to verify the correctness of the information provided.***

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

#### **DECLARATION OF INTEREST REGARDING PERSONS EMPLOYED BY THE STATE (SBD4)**

12. Any legal person, including persons employed by the state<sup>1</sup>, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
- the bidder is employed by the state; and/or
  - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

#### **13. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid:**

13.1. Full Name of bidder or his or her representative: .....

13.2. Identity Number: .....

---

<sup>1</sup> "State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

**Returnable Document**13.3. Position occupied in the Company (director, trustee, shareholder<sup>2</sup>): .....

13.4. Company Registration Number: .....

13.5. Tax Reference Number: .....

13.6. VAT Registration Number: .....

|                                                                                                                                                                                                                                                   |                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 13.7. Are you or any person connected with the bidder presently employed by the state?                                                                                                                                                            | <b>YES / NO</b> |
| 13.7.1. If so, furnish the following particulars:                                                                                                                                                                                                 |                 |
| Name of person / director / trustee / shareholder/ member:                                                                                                                                                                                        | .....           |
| Name of state institution at which you or the person connected to the bidder is employed :                                                                                                                                                        | .....           |
| Position occupied in the state institution:                                                                                                                                                                                                       | .....           |
| Any other particulars:                                                                                                                                                                                                                            | .....           |
| 13.8. If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?                                                                                | <b>YES / NO</b> |
| 13.8.1. If yes, did you attached proof of such authority to the bid document? (Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.                                                  | <b>YES / NO</b> |
| 13.8.2. If no, furnish reasons for non-submission of such proof:                                                                                                                                                                                  | .....           |
| 13.9. Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?                                                               | <b>YES / NO</b> |
| 13.9.1. If so, furnish particulars:                                                                                                                                                                                                               | .....           |
| 13.10. Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?                            | <b>YES / NO</b> |
| 13.10.1. If so, furnish particulars:                                                                                                                                                                                                              | .....           |
| 13.11. Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid? | <b>YES / NO</b> |
| 13.11.1. If so, furnish particulars:                                                                                                                                                                                                              | .....           |
| 13.12. Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?                                                      | <b>YES / NO</b> |

<sup>2</sup> "Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

**Returnable Document**

13.12.1. If so, furnish particulars:

.....

The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 14 below.

**14. Full details of directors / trustees / members / shareholders.**

| Full Name | Identity Number | Personal Tax Reference Number | State Employee Number / Persal Number |
|-----------|-----------------|-------------------------------|---------------------------------------|
|           |                 |                               |                                       |
|           |                 |                               |                                       |
|           |                 |                               |                                       |

**BREACH OF LAW**

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

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

NATURE OF BREACH:

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

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

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

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

**SECTION 7****B-BBEE PREFERENCE POINTS CLAIM FORM**

This preference form must form part of all bids invited. It contains general information and serves as a claim for preference points for Broad-Based Black Economic Empowerment [**B-BBEE**] Status Level of Contribution.

Transnet will award preference points to companies who provide valid proof of their B-BBEE status using either the latest version of the generic Codes of Good Practice or Sector Specific Codes (if applicable).

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.**

**1. GENERAL CONDITIONS**

- 1.1 The following preference point systems are applicable to all bids:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).
- 1.2 The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable. Despite the stipulated preference point system, Transnet shall use the lowest acceptable bid to determine the applicable preference point system in a situation where all received acceptable bids are received outside the stated preference point system.
- 1.3 Either the 80/20 preference point system will be applicable to this tender.
- 1.4 Preference points for this bid shall be awarded for:
- (a) Price; and
  - (b) B-BBEE Status Level of Contribution.
- 1.5 The maximum points for this bid are allocated as follows:

|                                                          | POINTS     |
|----------------------------------------------------------|------------|
| <b>PRICE</b>                                             | <b>80</b>  |
| <b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>                | <b>20</b>  |
| <b>Total points for Price and B-BBEE must not exceed</b> | <b>100</b> |

- 1.6 Failure on the part of a bidder to submit proof of B-BBEE status level of contributor together with the bid will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.
- 1.7 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

**2. DEFINITIONS**

- (a) **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based

on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

- (d) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the supply/provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- (e) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **"EME"** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (g) **"functionality"** means the ability of a bidder to provide goods or services in accordance with specification as set out in the bid documents;
- (h) **"Price"** includes all applicable taxes less all unconditional discounts.
- (i) **"Proof of B-BBEE Status Level of Contributor"** means:
  - 1) B-BBEE status level certificate issued by an unauthorised body or person;
  - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
  - 3) Any other requirement prescribed in terms of the B-BBEE Act.
- (j) **"QSE"** means a Qualifying Small EEnterprise in terms of a Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 ( Act No. 53 of 2003);
- (k) **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties.

### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

**80/20**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

- $P_s$  = Points scored for comparative price of bid under consideration
- $P_t$  = Comparative price of bid under consideration
- $P_{\min}$  = Comparative price of lowest acceptable bid

### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTION

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

| B-BBEE Status Level of Contributor | Number of points (80/20 system) |
|------------------------------------|---------------------------------|
| 1                                  | 20                              |
| 2                                  | 18                              |
| 3                                  | 14                              |
| 4                                  | 12                              |

|                           |   |
|---------------------------|---|
| 5                         | 8 |
| 6                         | 6 |
| 7                         | 4 |
| 8                         | 2 |
| Non-compliant contributor | 0 |

4.2 The table below indicates the required proof of B-BBEE status depending on the category of enterprises:

| Enterprise             | B-BBEE Certificate & Sworn Affidavit                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Large</b>           | Certificate issued by SANAS accredited verification agency                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>QSE</b>             | Certificate issued by SANAS accredited verification agency<br>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)<br>[Sworn affidavits must substantially comply with the format that can be obtained on the DTI's website at <a href="http://www.dti.gov.za/economic_empowerment/bee_codes.jsp">www.dti.gov.za/economic_empowerment/bee_codes.jsp</a> .] |
| <b>EME<sup>3</sup></b> | Sworn Affidavit signed by the authorised EME representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership<br>Certificate issued by CIPC (formerly CIPRO) confirming annual turnover and black ownership<br>Certificate issued by SANAS accredited verification agency only if the EME is being measured on the QSE scorecard                                                                                                                                      |

4.3 A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level verification certificate for every separate bid.

4.4 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

4.5 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

4.6 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

4.7 Bidders are to note that the rules pertaining to B-BBEE verification and other B-BBEE requirements may be changed from time to time by regulatory bodies such as National Treasury or the DTI. It is the Bidder's responsibility to ensure that his/her bid complies fully with all B-BBEE requirements at the time of the submission of the bid.

## 5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

## 6. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND

<sup>3</sup> In terms of the Implementation Guide: Preferential Procurement Regulations, 2017, Version 2, paragraph 11.11 provides that in the Transport Sector, EMEs can provide a letter from accounting officer or get verified and be issued with a B-BBEE certificate by SANAS accredited professional or agency as the Transport Sector Code has not been aligned to the generic Codes. EMEs in the Transport Sector are not allowed to provide a Sworn Affidavit as the generic codes are not applicable to them.

**6.1**

6.1 B-BBEE Status Level of Contribution: . = .....(maximum of 20 points)

(Points claimed in respect of paragraph 6.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?

( ***Tick applicable box*** )

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted.....%

ii) The name of the sub-contractor.....

iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE

(***Tick applicable box***)

|     |  |    |  |
|-----|--|----|--|
| YES |  | NO |  |
|-----|--|----|--|

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

| <b>Designated Group: An EME or QSE which is at last 51% owned by:</b> | <b>EME √</b> | <b>QSE √</b> |
|-----------------------------------------------------------------------|--------------|--------------|
| Black people                                                          |              |              |
| Black people who are youth                                            |              |              |
| Black people who are women                                            |              |              |
| Black people with disabilities                                        |              |              |
| Black people living in rural or underdeveloped areas or townships     |              |              |
| Cooperative owned by black people                                     |              |              |
| Black people who are military veterans                                |              |              |
| <b>OR</b>                                                             |              |              |
| Any EME                                                               |              |              |
| Any QSE                                                               |              |              |

**8. DECLARATION WITH REGARD TO COMPANY/FIRM**

8.1 Name of company/firm:.....

8.2 VAT registration number:.....

8.3 Company registration number:.....

**8.4 TYPE OF COMPANY/ FIRM**

- ☐ Partnership/Joint Venture / Consortium  
☐ One person business/sole propriety  
☐ Close corporation  
☐ Company  
☐ (Pty) Limited

[TICK APPLICABLE BOX]

**8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES**

.....  
 .....

**8.6 COMPANY CLASSIFICATION**

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[ TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE status level of contribution indicated in paragraphs 4.1 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraph 4.1 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have-
  - (a) disqualify the person from the bidding process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  - (d) if the successful bidder subcontracted a portion of the bid to another person without disclosing it, Transnet reserves the right to penalise the bidder up to 10 percent of the value of the contract;
  - (e) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  - (f) forward the matter for criminal prosecution.

**WITNESSES**

1. ....

2. ....

.....  
SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

.....

## **SECTION 8**

### **SBD 9- CERTIFICATE OF INDEPENDENT BID DETERMINATION**

1. Section 4(1)(b)(iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging). Collusive bidding is a per se prohibition meaning that it cannot be justified under any grounds. Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.
2. Transnet will take all reasonable steps to prevent abuse of the supply chain management system and to:
  - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
  - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
3. This SBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
4. In order to give effect to the above, the following certificate of Bid Determination (SBD 9) must be completed and submitted with the bid:

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

I, the undersigned, in submitting the accompanying bid:

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(Bid Number and Description)

in response to the invitation for the bid made by:

---

(Name of Institution)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: \_\_\_\_\_ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
  - a. has been requested to submit a bid in response to this bid invitation;
  - b. could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - c. provides the same goods and services as the bidder and/or is in the same line of business as the bidder
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium<sup>4</sup> will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
  - a. prices;
  - b. geographical area where product or service will be rendered (market allocation)
  - c. methods, factors or formulas used to calculate prices;
  - d. the intention or decision to submit or not to submit, a bid;

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<sup>4</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract

**Returnable Document**

- e. the submission of a bid which does not meet the specifications and conditions of the bid; or
  - f. bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....

Signature

.....

Date

.....

Position

.....

Name of Bidder

**SECTION 9:****SCHEDULE OF PLANT AND EQUIPMENT (IN RELATION RELATING TO WASTE REMOVAL AND IT SURROUNDING ENVIRONMENT):**

The service provider must demonstrate if they have the necessary capacity to provide the required service. The respondent must have the following plant and equipment listed below in order to carry out the project.

- a) Skip Bins
- b) And or Mobile compactor with skip functionality
- c) Waste Trucks
- d) Waste net
- e) Brooms & Refuse Plastics

***[Note: If not provided, it will have a negative influence on your technical evaluation scoring.]***

Schedule of plant and equipment to be used in the execution of this agreement in terms of the Agreement Conditions and specifications. The respondent must state the plant and equipment they will have in order to execution of this project

**(i) Plant and Equipment available for work tendered for:**

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**SECTION 10:****PREVIOUS EXPERIENCE IN THE PROVISION OF WASTE MANAGEMENT SERVICES**

Proof of completion of relevant project. Providing details of company, type of work completed and contactable references relevant to this RFQ. Please indicate below company names and contact details of previous and/or existing customers whom Transnet may contact to seek third party evaluations of your service levels:

***Note: If not provided/completed, it will have a negative influence on your technical evaluation scoring***

**REFERENCE 1**

|                                   |  |                                      |  |
|-----------------------------------|--|--------------------------------------|--|
| <b>Name of Company</b>            |  |                                      |  |
| <b>Contract description</b>       |  |                                      |  |
| <b>Contract number</b>            |  | <b>Contact person</b>                |  |
| <b>Approximate contract value</b> |  | <b>Designation of contact person</b> |  |
| <b>Services</b>                   |  | <b>Email address</b>                 |  |
| <b>Contract start date</b>        |  | <b>Telephone number (landline)</b>   |  |
| <b>Contract end date</b>          |  | <b>Telephone number (cell)</b>       |  |

**REFERENCE 2**

|                                   |  |                                      |  |
|-----------------------------------|--|--------------------------------------|--|
| <b>Name of Company</b>            |  |                                      |  |
| <b>Contract description</b>       |  |                                      |  |
| <b>Contract number</b>            |  | <b>Contact person</b>                |  |
| <b>Approximate contract value</b> |  | <b>Designation of contact person</b> |  |
| <b>Services</b>                   |  | <b>Email address</b>                 |  |
| <b>Contract start date</b>        |  | <b>Telephone number (landline)</b>   |  |
| <b>Contract end date</b>          |  | <b>Telephone number (cell)</b>       |  |

**REFERENCE 3**

|                                   |  |                                      |  |
|-----------------------------------|--|--------------------------------------|--|
| <b>Name of Company</b>            |  |                                      |  |
| <b>Contract description</b>       |  |                                      |  |
| <b>Contract number</b>            |  | <b>Contact person</b>                |  |
| <b>Approximate contract value</b> |  | <b>Designation of contact person</b> |  |
| <b>Services</b>                   |  | <b>Email address</b>                 |  |
| <b>Contract start date</b>        |  | <b>Telephone number (landline)</b>   |  |
| <b>Contract end date</b>          |  | <b>Telephone number (cell)</b>       |  |

**REFERENCE 4**

|                                   |  |                                      |  |
|-----------------------------------|--|--------------------------------------|--|
| <b>Name of Company</b>            |  |                                      |  |
| <b>Contract description</b>       |  |                                      |  |
| <b>Contract number</b>            |  | <b>Contact person</b>                |  |
| <b>Approximate contract value</b> |  | <b>Designation of contact person</b> |  |
| <b>Services</b>                   |  | <b>Email address</b>                 |  |
| <b>Contract start date</b>        |  | <b>Telephone number (landline)</b>   |  |
| <b>Contract end date</b>          |  | <b>Telephone number (cell)</b>       |  |

**REFERENCE 5**

|                                   |  |                                      |  |
|-----------------------------------|--|--------------------------------------|--|
| <b>Name of Company</b>            |  |                                      |  |
| <b>Contract description</b>       |  |                                      |  |
| <b>Contract number</b>            |  | <b>Contact person</b>                |  |
| <b>Approximate contract value</b> |  | <b>Designation of contact person</b> |  |
| <b>Services</b>                   |  | <b>Email address</b>                 |  |
| <b>Contract start date</b>        |  | <b>Telephone number (landline)</b>   |  |
| <b>Contract end date</b>          |  | <b>Telephone number (cell)</b>       |  |

**REFERENCE 6**

|                                   |  |                                      |  |
|-----------------------------------|--|--------------------------------------|--|
| <b>Name of Company</b>            |  |                                      |  |
| <b>Contract description</b>       |  |                                      |  |
| <b>Contract number</b>            |  | <b>Contact person</b>                |  |
| <b>Approximate contract value</b> |  | <b>Designation of contact person</b> |  |
| <b>Services</b>                   |  | <b>Email address</b>                 |  |
| <b>Contract start date</b>        |  | <b>Telephone number (landline)</b>   |  |
| <b>Contract end date</b>          |  | <b>Telephone number (cell)</b>       |  |

## NAME OF BIDDER: \_\_\_\_\_

**Description of Works: For the Provision of Waste Management Services at Ermelo, Ogies, Welgedag, Delmas, Frans du Toit , Panbuilt, Pietretief and Paul Pietersburg for a period of twenty-Four (24) Months**

|                              |                  |
|------------------------------|------------------|
|                              | <b>THRESHOLD</b> |
| <b>TECHNICAL EVALUATION</b>  | <b>100 %</b>     |
| <b>FUNCTIONAL EVALUATION</b> | <b>70 %</b>      |

| Quality Criteria                                                                                                                                                                                                                                                                                                                                                                                                                 | Weightings  | Scoring Guideline (0-5)                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Technical Capability:</b>                                                                                                                                                                                                                                                                                                                                                                                                     |             |                                                                                                                                                                                                                       |
| <b>Qualifications required for Firebreaks:</b> <ul style="list-style-type: none"> <li>- NQF level 4: Crew Leader / Fire Boss / Supervisor</li> <li>- Valid and accredited certificates: 14 x Wild/ Veld fires basic firefighting certificate</li> </ul><br><b>What evidence is submitted:</b><br><br><hr/><br><br><hr/><br><br><b>Where in your Tender file, is the evidence located?</b><br><br><hr/><br><br><hr/><br><br><hr/> | <b>100%</b> | 5 (100 %) – Respondent has submitted a Valid Waste Transportation Certificate from any accredited body.<br><br>0 (0 %) – Respondent did not submit a Valid Waste Transportation Certificate from any accredited body. |

**PHASE 2 ~ FUNCTIONAL EVALUATION**

| Quality Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Weightings                          | Scoring Guideline (0-5)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Technical/Functional Capability:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Section 9: Schedule of Plant and Equipment (in relation relating to Waste Removal and it surrounding environment)</b></p> <p>List of plant and equipment available to carry out operation for this project as per requirements in the RFQ.</p> <p><b>What evidence is submitted:</b></p> <p>_____</p> <p>_____</p> <p><b>Where in your Tender file, is the evidence located?</b></p> <p>_____</p> <p>_____</p> <p><b>Section 10: Previous experience in the Provision of Waste Management Services</b></p> <p>Proof of completion of relevant project.<br/>Providing details of company, type of work completed and contactable references relevant to this RFQ.</p> <p><b>What evidence is submitted:</b></p> <p>_____</p> <p>_____</p> <p><b>Where in your Tender file, is the evidence located?</b></p> <p>_____</p> <p>_____</p> | <p><b>60%</b></p> <p><b>40%</b></p> | <p>0 = No list of plant and equipment were submitted/no equipment available</p> <p>1 = only got 1 of the equipment required as per specification stated in the RFQ document</p> <p>2 = only got 2 of the equipment required as per specification stated in the RFQ document</p> <p>3 = only got 3 of the equipment required as per specification stated in the RFQ document</p> <p>4 = Got 4 of the equipment required as per specification stated in the RFQ document</p> <p>5 = Got 5 of the equipment required as per specification stated in the RFQ document</p> <p>0 = No relevant experience submitted relating to the Waste Removal</p> <p>1 = Submitted at least 1 completed projects relating to the Waste Removal. Supporting documents must be provided.</p> <p>2 = Submitted at least 2 completed projects relating to the Waste Removal. Supporting documents must be provided.</p> <p>3 = Submitted at least 3 completed projects relating to the Waste Removal. Supporting documents must be provided.</p> <p>4 = Submitted at least 4 completed projects relating to the Waste Removal. Supporting documents must be provided.</p> <p>5 = Completed ≥ 5 projects relating to the Waste Removal. Supporting documents must be provided.</p> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>100%</b>                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## **SECTION 12**

### **PROTECTION OF PERSONAL INFORMATION**

1. The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Person information act, No.4 of 2013.(“POPIA”):

consent; data subject; electronic communication; information officer; operator; person; personal information; processing; record; Regulator; responsible party; special information; as well as any terms derived from these terms.

2. Transnet will process all information by the Respondent in terms of the requirements contemplated in Section 4(1) of the POPIA:

Accountability; Processing limitation; Purpose specification; Further processing limitation; Information quality; Openness; Security safeguards and Data subject participation.

3. The Parties acknowledge and agree that, in relation to personal information that will be processed pursuant to this RFQ, the Responsible party is “Transnet” and the Data subject is the “Respondent”. Transnet will process personal information only with the knowledge and authorisation of the Respondent and will treat personal information which comes to its knowledge as confidential and will not disclose it, unless so required by law or subject to the exceptions contained in the POPIA.
4. Transnet reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this RFQ and the Respondent is required to comply with all prescripts as detailed in the POPIA relating to all information concerning Transnet.
5. In responding to this bid, Transnet acknowledges that it will obtain and have access to personal information of the Respondent. Transnet agrees that it shall only process the information disclosed by Respondent in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law.
6. Transnet further agrees that in submitting any information or documentation requested in this RFQ, the Respondent is consenting to the further processing of their personal information for the purpose of, but not limited to, risk assessment, assurances, contract award, contract management, auditing, legal opinions/litigations, investigations (if applicable), document storage for the legislatively required period, destruction, de-identification and publishing of personal information by Transnet and/or its authorised appointed third parties.
7. Furthermore, Transnet will not otherwise modify, amend or alter any personal data submitted by the Respondent or disclose or permit the disclosure of any personal data to any third party without the prior written consent from the Respondent. Similarly, Transnet requires the Respondent to process any personal information disclosed by Transnet in the bidding process in the same manner.
8. Transnet shall, at all times, ensure compliance with any applicable laws put in place and maintain sufficient measures, policies and systems to manage and secure against all forms of risks to any information that may be

shared or accessed pursuant to this RFQ (physically, through a computer or any other form of electronic communication).

9. Transnet shall notify the Respondent in writing of any unauthorised access to information, cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such crimes or suspected crime. The Respondent must take all necessary remedial steps to mitigate the extent of the loss or compromise of personal information and to restore the integrity of the affected personal information as quickly as is possible.
10. The Respondent may, in writing, request Transnet to confirm and/or make available any personal information in its possession in relation to the Respondent and if such personal information has been accessed by third parties and the identity thereof in terms of the POPIA. The Respondent may further request that Transnet correct (excluding critical/mandatory or evaluation information), delete, destroy, withdraw consent or object to the processing of any personal information relating to the Respondent in Transnet's possession in terms of the provision of the POPIA and utilizing Form 2 of the POPIA Regulations.
11. In submitting any information or documentation requested in this RFQ, the Respondent is hereby consenting to the processing of their personal information for the purpose of this RFQ and further confirming that they are aware of their rights in terms of Section 5 of POPIA

**Respondents are required to provide consent below:**

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

12. Further, the Respondent declares that they have obtained all consents pertaining to other data subject's personal information included in its submission and thereby indemnifying Transnet against any civil or criminal action, administrative fines or other penalty or loss that may arise as a result of the processing of any personal information that the Respondent submitted.
13. The Respondent declares that the personal information submitted for the purpose of this RFQ is complete, accurate, not misleading, is up to date and may be updated where applicable.

Signature of Respondent's authorised representative: \_\_\_\_\_

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

**SECTION 13:****GENERAL BID CONDITIONS****1 DEFINITIONS**

Where the following words or phrases are used in this Agreement, such words or phrases shall have the meaning assigned thereto in this clause, except where the context clearly requires otherwise:

- 1.1 **Bid** shall mean a Respondent's tendered response / proposal to a Transnet RFP or RFQ;
- 1.2 **Bid Document(s)** shall mean a reference to a Request for Proposal or Request for Quotation;
- 1.3 **Business Day** shall mean any day other than a Saturday, Sunday or public holiday;
- 1.4 **Goods** shall mean the goods required by Transnet as specified in its Bid Document;
- 1.5 **Parties** shall mean Transnet and the Respondents **to a Bid Document**;
- 1.6 **Respondent(s)** shall mean a respondent/bidder to a Bid Document;
- 1.7 **RFP** shall mean Request for Proposal;
- 1.8 **RFQ** shall mean Request for Quotation;
- 1.9 **RFX** shall mean RFP or RFQ, as the case may be;
- 1.10 **Services** shall mean the services required by Transnet as specified in its Bid Document;
- 1.11 **Service Provider or Supplier** shall mean the successful Respondent;
- 1.12 **Tax Invoice** shall mean the document as required by Section 20 of the Value-Added Tax Act, 89 of 1991, as may be amended from time to time;
- 1.13 **Transnet** shall mean Transnet SOC Ltd, a State-Owned Company; and
- 1.14 **VAT** shall mean Value-Added Tax in terms of the Value-Added Tax Act, 89 of 1991, as may be amended from time to time.

**2 GENERAL**

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

**3 SUBMITTING OF BID DOCUMENTS**

- 3.1 A Bid, which shall hereinafter include reference to an RFP or RFQ, shall be submitted to Transnet no later than the closing date and time specified in accordance with the directions issued in the Bid Documents. Late Bids will not be considered.
- 3.2 The Bid Documents must be completed in their entirety and Respondents are required to complete their Bid submissions legibly in non-erasable ink.
- 3.3 Bids shall be delivered in a sealed envelope in accordance with the instructions indicated in the Bid Documents with the Bid number and subject marked on the front of the envelope.
- 3.4 The Respondent's return address must be stated on the reverse side of the sealed envelope.

**4 USE OF BID FORMS**

- 4.1 Where special forms and/or formats are issued by Transnet for the submission of Bids, Respondents are required to submit their Bids by completion of the appropriate sections on such official forms and/or formats and not in other forms and/or formats or documents bearing their own terms and conditions of contract. Non-compliance with this condition may result in the rejection of a Bid.
- 4.2 Respondents must note that the original Bid forms and/or formats must be completed for submission.
- 4.3 Only if insufficient space has been allocated to a particular response may a Respondent submit additional information under separate cover using the Company's letterhead. This must be duly cross-referenced in the RFX.

**5 BID FEES**

- 5.1 A non-refundable fee may be charged for Bid Documents, depending on the administrative cost of preparing and issuing the Bid Document provided the Bid Documents are also made available free of charge on the National Treasury eTender Publication Portal.

**6 VALIDITY PERIOD**

- 6.1 The Respondents must hold their Bid valid for acceptance by Transnet at any time within the requested validity period after the closing date of the bid.
- 6.2 Respondents may be requested to extend their validity period for a specified additional period. In such instances, Respondents will not be allowed to change any aspect of their Bid, unless they are able to demonstrate that the proposed change/s is as a direct and unavoidable consequence of Transnet's extension of the validity period.

**7 SITE VISITS / BRIEFING SESSIONS**

Respondents may be requested to attend a site visit or briefing session where it is necessary to view the site in order to prepare their Bids, or where Transnet deems it necessary to provide Respondents with further information to allow them to complete their Bids properly. Where such visits or sessions are indicated as compulsory in the RFX Document, Respondents are obliged to attend these meetings as failure to do so will result in their disqualification.

**8 CLARIFICATION BEFORE THE CLOSING DATE**

Should clarification be required on any aspect of the Bid before the closing date, the Respondent must direct such queries to the contact person listed in the RFX Document in the stipulated manner.

**9 COMMUNICATION AFTER THE CLOSING DATE**

After the closing date of a Bid (i.e. during the evaluation period) the Respondent may only communicate with the Chairperson or the Secretary of the relevant Acquisition Council.

**10 UNAUTHORISED COMMUNICATION ABOUT BIDS**

Where Bids are submitted to the Secretary of an Acquisition Council, Respondents may at any time communicate with the Secretary on any matter relating to its Bid but, in the absence of written authority from the Secretary, no communication on a question affecting the subject of a Bid shall take place between

Respondents or other potential service providers or any member of the Acquisition Council or official of Transnet during the period between the closing date for the receipt of the Bid and the date of the notification of the successful Respondent(s). A Bid, in respect of which any such unauthorised communication has occurred, may be disqualified.

## **11 RETURNABLE DOCUMENTS**

All returnable documents listed in the RFX Documents must be submitted with Respondent's Bid. Failure to submit mandatory returnable schedules / documents will result in disqualification. Failure to submit other schedules / documents may result in disqualification.

## **12 DEFAULTS BY RESPONDENTS**

12.1 If the Respondent, after it has been notified of the acceptance of its Bid fails to:

12.2 enter into a formal contract when called upon to do so within such period as Transnet may specify; or

12.3 accept an order in terms of the Bid;

12.4 furnish satisfactory security when called upon to do so for the fulfilment of the contract; or

12.5 comply with any condition imposed by Transnet,

Transnet may, in any such case, without prejudice to any other legal remedy which it may have, proceed to accept any other Bid or, if it is necessary to do so, call for Bids afresh, and may recover from the defaulting Respondent any additional expense incurred by Transnet in calling for new offers or in accepting a less favourable offer.

## **13 CURRENCY**

All monetary amounts referred to in a Bid response must be in Rand, the currency of the Republic of South Africa [**ZAR**], save to the extent specifically permitted in the RFP.

## **14 PRICES SUBJECT TO CONFIRMATION**

14.1 Prices which are quoted subject to confirmation will not be considered.

## **15 ALTERATIONS MADE BY THE RESPONDENT TO BID PRICES**

All alterations made by the Respondent to its Bid price(s) prior to the submission of its Bid Documents must be done by deleting the incorrect figures and words where required and by inserting the correct figures and words against the items concerned. All such alterations must be initialled by the person who signs the Bid Documents. Failure to observe this requirement may result in the particular item(s) concerned being excluded in the matter of the award of the business.

## **16 EXCHANGE AND REMITTANCE**

16.1 The Respondent should note that where the whole or a portion of the contract or order value is to be remitted overseas, Transnet shall, if requested to do so by the Supplier/Service Provider, effect payment overseas directly to the foreign principal or manufacturer of such percentage of the contract or order value as may be stipulated by the Respondent in its Bid Documents.

16.2 It is Transnet's preference to enter into Rand-based agreements. Transnet would request, therefore, that the Respondent give favourable consideration to obtaining forward exchange cover on the foreign

currency portion of the Agreement at a cost that is acceptable to Transnet to protect itself against any currency rate fluctuation risks for the duration of any resulting contract or order.

- 16.3 The Respondent who desires to avail itself of the aforementioned facility must at the time of bidding furnish the information called for in the Exchange and Remittance section of the Bid Documents and also furnish full details of the principals or manufacturer to whom payment is to be made.
- 16.4 The South African Reserve Bank's approval is required before any foreign currency payments can be made to or on behalf of Respondents.
- 16.5 Transnet will not recognise any claim for adjustment of the order and/or contract price if the increase in price arises after the date on which the Goods/Services were to be delivered, as set out in the order and/or contract, or any subsequent agreement between the parties.
- 16.6 Transnet reserves the right to request a pro-forma invoice/tax invoice in order to ensure compliance with the contract and Value-Added Tax Act no. 89 of 1991 [VAT Act].

## **17 ACCEPTANCE OF BID**

- 17.1 Upon the acceptance of a Bid by Transnet, the parties shall be bound by these General Bid Conditions and any contractual terms and/or any schedule of "Special Conditions" or otherwise which form part of the Bid Documents.
- 17.2 Where the Respondent has been informed by Transnet of the acceptance of its Bid, an email communication that has been successfully sent to the Respondent shall be regarded as proof of delivery to the Respondent 1 day after the date of submission.

## **18 NOTICE TO UNSUCCESSFUL RESPONDENTS**

- 18.1 Unsuccessful Respondents shall be advised in writing that their Bids have not been accepted as soon as possible after the closing date of the Bid. On award of business to the successful Respondent all unsuccessful Respondents must be informed of the name of the successful Respondent and of the reason as to why their Bids had been unsuccessful.

## **19 TERMS AND CONDITIONS OF CONTRACT**

- 19.1 The Supplier/Service Provider shall adhere to the Terms and Conditions of Contract issued with the Bid Documents, together with any schedule of "Special Conditions" or otherwise which form part of the Bid Documents.
- 19.2 Should the Respondent find any conditions unacceptable, it should indicate which conditions are unacceptable and offer amendments/ alternatives by written submission on a company letterhead. Any such submission shall be subject to review by Transnet's Legal Counsel who shall determine whether the proposed amendments /alternative(s) are acceptable or otherwise, as the case may be. Respondents will be afforded an opportunity to withdraw an unacceptable deviation, failing which the respondent will be disqualified.

## **20 CONTRACT DOCUMENTS**

- 20.1 The contract documents will comprise these General Bid Conditions, the Terms and Conditions of Contract and any schedule of "Special Conditions" which form part of the Bid Documents.

- 20.2 The abovementioned documents together with the Respondent's Bid response will constitute the contract between the parties upon receipt by the Respondent of Transnet's letter of acceptance / intent, subject to all additional amendments and/or special conditions thereto as agreed to by the parties.
- 20.3 Should Transnet inform the Respondent that a formal contract will be signed, the abovementioned documents together with the Respondent's Bid response [and, if any, its covering letter and any subsequent exchange of correspondence] as well as Transnet's Letter of Acceptance/Intent, shall constitute a binding contract until the final contract is signed.

## 21 LAW GOVERNING CONTRACT

The law of the Republic of South Africa shall govern the contract created by the acceptance of a Bid. The *domicilium citandi et executandi* shall be a place in the Republic of South Africa to be specified by the Respondent in its Bid 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. A foreign Respondent shall, therefore, state in its Bid the name of its authorised representative in the Republic of South Africa who is empowered to sign any contract which may be entered into in the event of its Bid being accepted and to act on its behalf in all matters relating to the contract.

## 22 IDENTIFICATION

If the Respondent is a company, the full names of the directors shall be stated in the Bid. If the Respondent is a close corporation, the full names of the members shall be stated in the Bid. If the Respondent is a partnership or an individual trading under a trade name, the full names of the partners or of such individual, as the case may be, shall be furnished.

## 23 RESPONDENT'S SAMPLES

- 23.1 If samples are required from Respondents, such samples shall be suitably marked with the Respondent's name and address, the Bid number and the Bid item number and must be despatched in time to reach the addressee as stipulated in the Bid Documents on or before the closing date of the Bid. Failure to submit samples by the due date may result in the rejection of a Bid.
- 23.2 Transnet reserves the right to retain samples furnished by Respondents in compliance with Bid conditions.
- 23.3 Payment will not be made for a successful Respondent's samples that may be retained by Transnet for the purpose of checking the quality and workmanship of Goods/Services delivered in execution of a contract.
- 23.4 If Transnet does not wish to retain unsuccessful Respondents' samples and the Respondents require their return, such samples may be collected by the Respondents at their own risk and cost.

## 24 SECURITIES

- 24.1 The successful Respondent, when called upon to do so, shall provide security to the satisfaction of Transnet for the due fulfilment of a contract or order. Such security shall be in the form of a Deed of Suretyship [Deed of Suretyship] furnished by an approved bank, building society, insurance or guarantee corporation carrying on business in South Africa.

- 24.2 The security may be applied in whole or part at the discretion of Transnet to make good any loss or damage which Transnet may incur in consequence of a breach of the contract or any part thereof.
- 24.3 Such security, if required, shall be an amount which will be stipulated in the Bid Documents.
- 24.4 For the purpose of clause 24.124.1 above, Transnet will supply a Deed of Suretyship form to the successful Respondent for completion and no guarantee in any other form will be accepted. A copy of such form will be supplied to Respondents on request. For this purpose a Deed of Suretyship form will be provided which shall be completed and returned to Transnet or a designated official by the successful Respondent within 30 [thirty] calendar days from the date of the letter of acceptance. No payment will be made until the form, duly completed, is delivered to Transnet. Failure to return the Deed of Suretyship within the prescribed time shall, save where prior extension has been granted, entitle Transnet without notice to the Supplier/Service Provider to cancel the contract with immediate effect.
- 24.5 Additional costs incurred by Transnet necessitated by reason of default on the part of the Supplier/Service Provider in relation to the conditions of this clause 24 will be for the account of the Supplier/Service Provider.

## **25 PRICE AND DELIVERY BASIS FOR GOODS**

- 25.1 Unless otherwise specified in the Bid Documents, the prices quoted for Goods must be on a Delivered Duty Paid [latest ICC Incoterms] price basis in accordance with the terms and at the delivery point or points specified in Transnet's Bid Documents. Bids for supply on any other basis of delivery are liable to disqualification. The lead time for delivery stated by the Respondent must be inclusive of all non-working days or holidays, and of periods occupied in stocktaking or in effecting repairs to or overhauling plant, which would ordinarily occur within the delivery period given by the Respondent.
- 25.2 Respondents must furnish their Bid prices in the Price Schedule of the Bid Documents on the following basis:
- a) Local Supplies - Prices for Goods to be manufactured, produced or assembled in the Republic of South Africa, or imported supplies held in South Africa, to be quoted on a Delivered RSA named destination basis.
  - b) Imported Supplies - Prices for Goods to be imported from all sources to be quoted on a Delivered Duty Paid [latest ICC Incoterms] basis, to end destination in South Africa, unless otherwise specified in the Bid Price Schedule.

## **26 EXPORT LICENCE**

The award of a Bid for Goods to be imported may be subject to the issue of an export licence in the country of origin or supply. If required, the Supplier/Service Provider's manufacturer or forwarding agent shall be required to apply for such licence.

## **27 QUALITY OF MATERIAL**

Unless otherwise stipulated, the Goods offered shall be NEW i.e. in unused condition, neither second-hand nor reconditioned.

**28 DELETION OF ITEMS EXCLUDED FROM BID**

The Respondent must delete items for which it has not tendered or for which the price has been included elsewhere in its Bid.

**29 VALUE-ADDED TAX**

29.1 In respect of local supplies, i.e. Goods to be manufactured, produced or assembled in the Republic of South Africa, or imported supplies held or already in transit to South Africa, the prices quoted by the Respondent are to be inclusive of VAT which must be shown separately at the standard rate on the Tax Invoice.

29.2 In respect of foreign Services rendered:

- a) the invoicing by a South African Service Provider on behalf of its foreign principal rendering such Service represents a Service rendered by the principal; and
- b) the Service Provider's Tax Invoice(s) for the local portion only [i.e. the "commission" for the Services rendered locally] must show the VAT separately.

**30 IMPORTANT NOTICE TO RESPONDENTS REGARDING PAYMENT**

30.1 Method of Payment

- a) The attention of the Respondent is directed to the Terms and Conditions of Contract which set out the conditions of payment on which Bid price(s) shall be based.
- b) However, in addition to the foregoing the Respondent is invited to submit offers based on alternative methods of payment and/or financing proposals.
- c) The Respondent is required to give full particulars of the terms that will be applicable to its alternative offer(s) and the financial merits thereof will be evaluated and taken into consideration when the Bid is adjudicated.
- d) The Respondent must, therefore, in the first instance, tender strictly in accordance with clause 30.1 (a) above. Failure to comply with clause 30.1 (a) above may preclude a Bid from further consideration.

NOTE: The successful Respondent [the **Supplier/Service Provider**] shall, where applicable, be required to furnish a guarantee covering any advance payments.

30.2 Conditional Discount

Respondents offering prices which are subject to a conditional discount applicable for payment within a specific period are to note that the conditional period will be calculated as from the date of receipt by Transnet of the Supplier/Service Provider's month-end statement reflecting the relevant Tax Invoice(s) for payment purposes, provided the conditions of the order or contract have been fulfilled and the Tax Invoice is correct in all respects as referred to in the contract or order. Incomplete and/or incorrect Tax Invoices shall be returned and the conditional period will be recalculated from the date of receipt of the correct documentation.

### 31 CONTRACT QUANTITIES AND DELIVERY REQUIREMENTS

#### 31.1 Contract Quantities

- a) It must be clearly understood that although Transnet does not bind itself to purchase a definitive quantity under any contract which may be entered into pursuant to this Bid, the successful Respondent nevertheless undertakes to supply against the contract such quantities as may be ordered against the contract, which orders are posted or delivered by hand or transmitted electronically on or before the expiry date of such contract.
- b) It is furthermore a condition that Transnet will not accept liability for any material/stocks specially ordered or carried by the Respondent with a view to meeting the requirements under any such contract.
- c) The estimated planned quantities likely to be ordered by Transnet per annum are furnished in relevant section of the Bid Documents. For avoidance of doubt the estimated quantities are estimates and Transnet reserves the right to order only those quantities sufficient for its operational requirements.

#### 31.2 Delivery Period

- a) Period Contracts and Fixed Quantity Requirements
- b) It will be a condition of any resulting contract/order that the delivery period embodied therein will be governed by the provisions of the Terms and Conditions of Contract.
- a) Progress Reports
- b) The Supplier/Service Provider may be required to submit periodical progress reports with regard to the delivery of the Goods/Services.
- c) Emergency Demands as and when required

If, due to unforeseen circumstances, supplies of the Goods/Services covered by the Bid are required at short notice for immediate delivery, the Supplier/Service Provider will be given first right of refusal for such business. If it is unable to meet the desired critical delivery period, Transnet reserves the right to purchase such supplies as may be required to meet the emergency outside the contract if immediate delivery can be offered from any other source. The *Total or Partial Failure to Perform the Scope of Supply* section in the Terms and Conditions of Contract will not be applicable in these circumstances.

### 32 PLANS, DRAWINGS, DIAGRAMS, SPECIFICATIONS AND DOCUMENTS

#### 32.1 Copyright

Copyright in plans, drawings, diagrams, specifications and documents compiled by the Supplier/Service Provider for the purpose of contract work shall be governed by the Intellectual Property Rights section in the Terms and Conditions of Contract.

#### 32.2 Drawings and specifications

In addition to what may be stated in any Bid Document, the Respondent should note that, unless notified to the contrary by Transnet or a designated official by means of an official amendment to the Bid Documents, it is required to tender for Goods/Services strictly in accordance with the drawings

and/or specifications supplied by Transnet, notwithstanding that it may be aware that alterations or amendments to such drawings or specifications are contemplated by Transnet.

32.3 Respondent's drawings

Drawings required to be submitted by the Respondent must be furnished before the closing time and date of the Bid. The non-receipt of such drawings by the appointed time may disqualify the Bid.

32.4 Foreign specifications

The Respondent quoting for Goods/Services in accordance with foreign specifications, other than British and American standards, is to submit translated copies of such specifications with the Bid. In the event of any departures or variations between the foreign specification(s) quoted in the Bid Documents, full details regarding such departures or variations must be furnished by the Respondent in a covering letter attached to the Bid. Non-compliance with this condition may result in disqualification.

### 33 BIDS BY OR ON BEHALF OF FOREIGN RESPONDENTS

33.1 Bids submitted by foreign principals may be forwarded directly by the principals or by its South African representative or agent to the Secretary of the Acquisition Council or to a designated official of Transnet according to whichever officer is specified in the Bid Documents.

33.2 In the case of a representative or agent, written proof must be submitted to the effect that such representative or agent has been duly authorised to act in that capacity by the principal. Failure to submit such authorisation by the representative or agent shall disqualify the Bid.

33.3 When legally authorised to prepare and submit Bids on behalf of their principals not domiciled in the Republic of South Africa, representatives or agents must compile the Bids in the names of such principals and sign them on behalf of the latter.

33.4 South African representatives or agents of a successful foreign Respondent must when so required enter into a formal contract in the name of their principals and must sign such contract on behalf of the latter. In every such case a legal Power of Attorney from their principals must be furnished to Transnet by the South African representative or agents authorising them to enter into and sign such contract.

- a) Such Power of Attorney must comply with Rule 63 (Authentication of documents executed outside the Republic for use within the Republic) of the Uniform Rules of Court: Rules regulating the conduct of the proceedings of the several provincial and local divisions of the Supreme Court of South Africa.
- b) The Power of Attorney must be signed by the principal under the same title as used in the Bid Documents.
- c) If a Power of Attorney held by the South African representative or agent includes matters of a general nature besides provision for the entering into and signing of a contract with Transnet, a certified copy thereof should be furnished.
- d) The Power of Attorney must authorise the South African representative or agent to choose the *domicilium citandi et executandi*.

- 33.5 If payment is to be made in South Africa, the foreign Supplier/Service Provider [i.e. the principal, or its South African agent or representative], must notify Transnet in writing whether, for payment by electronic funds transfer [EFT]:
- 33.6 funds are to be transferred to the credit of the foreign Supplier/Service Provider's account at a bank in South Africa, in which case the name and branch of such bank shall be furnished; or
- 33.7 funds are to be transferred to the credit of its South African agent or representative, in which case the name and branch of such bank shall be furnished.
- 33.8 The attention of the Respondent is directed to clause 24 above [Securities] regarding the provision of security for the fulfilment of contracts and orders and the manner and form in which such security is to be furnished.

#### **34 DATABASE OF RESTRICTED SUPPLIERS**

The process of restriction is used to exclude a company/person from conducting future business with Transnet and other organs of state for a specified period. No Bid shall be awarded to a Bidder whose name (or any of its members, directors, partners or trustees) appear on the Register of Tender Defaulters kept by National Treasury, or who have been placed on National Treasury's List of Restricted Suppliers. Transnet reserves the right to withdraw an award, or cancel a contract concluded with a Bidder should it be established, at any time, that a bidder has been restricted with National Treasury by another government institution.

#### **35 CONFLICT WITH ISSUED RFX DOCUMENT**

- 35.1 Should a conflict arise between these General Bid Conditions and the issued RFX document, the conditions stated in the RFX document shall prevail.

## **ANNEXURE A: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS**

### **1. BACKGROUND**

Within the Mpumalanga Area there is a need for the disposal of general waste in a licensed waste disposal site. A six (6) cubic meter bins (preferably in colour "Green" for general waste in terms of Section (24) and (25) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008). It is the responsibility of the Respondent to remove the general waste from the specified sites and to provide a waste disposal certificate per site (The amount of waste, in kg/tons, shall be indicated in the Transnet Freight Rail Waste Removal Record document)

### **2. Responsibilities or Key Accountabilities**

- 2.1. Bidder shall provide the amount of waste that is removed from site and waste disposal certificate.
- 2.2. The amount of waste, in kg/tons, shall be indicated in the Transnet Freight Rail', Waste Removal Record document.
- 2.3. The frequency of the service will be on a "Once a month basis".
- 2.4. The bidder shall always ensure that all staff has been provided with all necessary Protective Clothing (PPE).
- 2.5. All staff to be identifiable with visible identification always.
- 2.6. Bidders must provide Proof of competency handle General Waste i.e. Registration License in terms of Section 24(5) of the National Environmental Management

### **3. Recyclable and non-recyclable material**

The successful tenderer will be required to:

- 3.1. Provide Domestic waste leak proof containers 6m3 for Domestic waste.
- 3.2. Manage Site Operations
- 3.3. Remove and dispose of waste (that cannot be recycled) at sites licensed to receive general & Domestic waste.
- 3.4. Submit monthly documentation to Real Estate Management:
  - a) Safe Disposal Certificates must be submitted with invoices monthly
  - b) Waste Manifest must be submitted with invoices monthly
  - c) Ensure that the Monthly Reports comply with SAWIC (South African Waste Information) requirements and the 2012 National Waste Information Regulations.
- 3.5. Ensure compliance with all relevant statutes

## **ALL PRACTICES REGARDING THIS CONTRACT SHALL COMPLY WITH ALL RELEVANT LEGISLATION**

### **4. Provide Domestic waste leak proof containers for Domestic waste:**

- 4.1. Each site will have leak proof, sealed containers
- 4.2. All waste containers provided must be clearly marked (stenciled or painted) to reflect the type of waste contained as well as the relevant contact details in case of emergencies.
- 4.3. The skips must be leak proof to prevent any secondary littering and pollution.

**5. Sites where Skip Waste Bins 6m<sup>2</sup> will be placed**

| Site/Asset No                                                | No of Bins required |
|--------------------------------------------------------------|---------------------|
| ERMELO - Area Manager complex:<br>2AH192A                    | 1                   |
| Diesel Loco main Building ERMELO:<br>02AH195A                | 1                   |
| Diesel Loco ablutions<br>ERMELO: 02AH193A                    | 1                   |
| Vacuum Yard - Yard Master complex<br>ERMELO: 02AH230A        | 1                   |
| Vacuum Yard - Special control and<br>offices ERMELO:02AH230A | 1                   |
| CTC ERMELO complex ERMELO:<br>02AH180A                       | 1                   |
| 11 E loco Depot-Main complex ERMELO:<br>02BH085A             | 1                   |
| 11 E loco Depot- Sanddry room<br>ERMELO: 02AH225A            | 1                   |
| Tower complex<br>ERMELO: 02BM009A                            | 1                   |
| 10E Loco Main building ERMELO:<br>02BH084A                   | 1                   |
| 10E Loco sand drying area ERMELO:<br>02BH084A                | 1                   |
| Airbrake yard- ERMELO                                        | 1                   |
| Managers 111 complex ERMELO                                  | 1                   |
| Customer service<br>Frans du Toit: 02AH148A                  | 1                   |
| Control Points Frans du Toit                                 | 1                   |
| Traction offices Frans du Toit                               | 1                   |
| Wagons Airbrake<br>Frans du Toit : 03RH013A                  | 1                   |
| Wagons vacuum Frans du Toit                                  | 1                   |
| Welding Depot<br>Frans du Toit: 02AH155A                     | 1                   |
| DE Office Frans du Toit                                      | 2                   |
| Welgedag                                                     | 2                   |
| Delmas                                                       | 1                   |
| Hawerklip                                                    | 1                   |
| Ogies                                                        | 2                   |

**6. Manage Site Operations:**

6.1. The tenderer will be expected to submit an Operations and Maintenance Manual which outlines as a minimum the following:

- a) Overall Waste Management Process-Flow to be followed in managing waste from the site.
- b) Equipment, vehicles, skips, etc.
- c) Labour to be deployed for this Contract.

Emergency Plan (vehicle breakdown, labour unrest/strikes, etc.)

6.2. The Service Provider shall be responsible for the cleaning up of any spillages while lifting waste containers and must ensure that the area is free from oil contaminated material and other pollutants.

6.3. The work shall be carried out under the supervision of Transnet Freight Rail and the Service Provider shall be responsible for the acts and omissions of his/her employee.

6.4. The Successful Tenderer will be required to purchase Transnet Vehicle Entry Permit/s to gain access to the sites (all vehicles deployed for this Contract will be required to have Vehicle Entry Permits)

**7. Schedule of Plant and Equipment**

Minimum Schedule of Plants and Equipment's

7.1. The respondent must have the following plant and equipment listed below in order to carry out the project:

- a) Skip Bins
- b) And or Mobile compactor with skip functionality
- c) Waste Trucks
- d) Waste net
- e) Brooms & Refuse Plastics

**8. Remove and dispose of waste (that cannot be recycled) at sites licensed to receive general & Domestic waste**

8.1. The general and Domestic waste bins should be collected once full

8.2. Estimations for costs should be based on a once-a-week basis.

8.3. In the event of the bin being full before the collection date, the Transnet Freight Rail employee has a duty to notify the Service Provider.

8.4. Prompt response (within 24 hours from the time the call is logged) will be one of the operational performance measures of the Service Provider's efficiency

**9. Submit Monthly Documentation to Real Estate Management:**

9.1. Safe Disposal Certificate and Waste Manifest:

- a) The Service Provider shall provide a Safe Disposal Certificate & Waste Manifest for every consignment so as to ensure that the landfill site used to dispose of the waste is a permitted site appropriate for the waste being disposed of (Duty of Care Principle).
- b) A delivery notes for each load removed from the site shall be signed for by the Transnet Freight Rail, Safety Specialist or a designated person at the depot.
- c) No payment will be effected until a Waste Disposal Certificate is received by Transnet Freight Rail, Real Estate Management.

## **10. Compliance with relevant statutes**

10.1. The Service Provider shall ensure that all current statutory laws & future legislation that may be passed pertaining to the handling, removal, transportation and disposal of waste are/will be complied with and undertakes that the procedures for undertaking this work shall comply with all applicable legislation, codes of practice, local, regional, provincial Authorities Requirements including but not limited to:

- a) Environmental Conservation Act (1989)
- b) National Environmental Management Act (1998)
- c) National Environmental Management Waste Act (2008)
- d) The National Traffic Act (Act 93 of 1996)
- e) The Domestic Substances Act (Act 15 of 1973)
- f) The Occupational Health and Safety Act (Act 85 of 1993)
- g) Common Law and
- h) Any other relevant legislation

10.2. The Service Provider shall ensure that all personnel deployed for this Contract undergo an annual medical examination prior to commencement of the Contract and thereafter, annually for the duration of the Contract.

10.3. The Service Provider shall provide and use suitable equipment and personal protective equipment as per the Risk Assessment submitted to Transnet Supply Chain Services

10.4. All Respondent must supply a copy of a valid Waste Transportation Certificate from any accredited body.

10.5. All Respondent must supply proof of registration with the Compensation Fund (valid letter of good standing)

## **11. General**

11.1. Proof of competence to handle Domestic waste is required for all the role players who will be dealing with waste from the site.

11.2. The successful tenderer must supply the name and location of disposal facility to be utilised, including a copy of Permit or License of such disposal facility, prior to the commencement of Contract.

11.3. Waste removed from the site by the Contractor shall be disposed of at a recognised and registered landfill site only.

11.4. The Contractor shall at all times prevent pollution during the execution of this Contract.

11.5. The Contractor shall ensure that the skips on-site are leak proof, sealed and clean at all times.

11.6. The work shall be carried out under the supervision of Transnet Freight Rail and the Service Provider shall be responsible for the acts and omissions of his/her employees.

- 11.7. Skip bins to be emptied only from Monday to Friday between 07:30 and 16:00 and a Transnet SOC limited representative of the specific site to sign the delivery note stating that the skip bin has been emptied.
- 11.8. Tender prices to be quoted per month and pricing to be done for a period of one (1) year.
- 11.9. The skip must be placed at a place/area as indicated by a Transnet Freight Rail representative at the applicable site/depot.
- 11.10. No payment will be made without the delivery note, signed by a Transnet Freight Rail representative as proof that the container for that site has been emptied.
- 11.11. The successful service provider to provide plastic bags for the disposal of paper in order to avoid the paper being flown around the area whilst waiting for collection of skip bin.

**12. Compliance with statutes:**

- 12.1. All practices regarding this Contract shall comply with all relevant legislation.