



TRANSNET FREIGHT RAIL

an Operating Division of **TRANSNET SOC LTD**

(Registration No. 1990/000900/30)

## REQUEST FOR PROPOSAL [RFP]

**FOR THE 'FRAMING' OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR A PERIOD OF TWO YEARS**

**RFP NUMBER:** HOAC-HO-8445  
**ISSUE DATE:** 22<sup>nd</sup> May 2012  
**COLLECTION DEADLINE:** 22<sup>nd</sup> June 2012 at 15H00  
**CLARIFICATION SUBMISSION DEADLINE:** 25<sup>th</sup> June 2012 at 10H00  
**CLOSING DATE:** 26<sup>th</sup> June 2012  
**CLOSING TIME:** 10:00

<b>NB: RESPONDENTS MUST COMPLETE THE INFORMATION IN THE TABLE BELOW</b>	
SUPPLIER NAME	
CIDB LEVEL/S (if applicable)	
CIDB DESIGNATION/S (if applicable)	
LOCATION (town or city)	
PROVINCE	
INDICATE WHICH FIELD OF EXPERTISE THE RESPONDENT IS APPLYING FOR (Example: Electrical installation in buildings, Steel works etc)	



## SCHEDULE OF BID DOCUMENTS

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### LIST OF ACRONYMS

B-BBEE	Broad-Based Black Economic Empowerment
CD	Compact/computer disc
DAC	Divisional Acquisition Council
DPE	Department of Public Enterprises
DTI	Department of Trade and Industry
EME	Exempted Micro Enterprise
FRC	Further Recognition Criteria
GBC	General Bid Conditions
ID	Identity Document
JV	Joint Venture
LOI	Letter of Intent
NDA	Non-Disclosure Agreement
NGP	New Growth Path
OD	Transnet Operating Division
PBN	Post-Bid Negotiations
QSE	Qualifying Small Enterprise
RFP	Request for Proposal
SD	Supplier Development
SME	Small Medium Enterprise
SOC	State Owned Company
ST&C	Standard Terms and Conditions
TAC	Transnet Acquisition Council
TCO	Total Cost of Ownership
VAT	Value-Added Tax
ZAR	South African Rand



**RFP FOR THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

**SECTION 1: NOTICE TO BIDDERS**

**1 PROPOSAL REQUEST**

Responses to this RFP [hereinafter referred to as a **Proposal** or **Proposals**] are requested from interested companies, close corporations or enterprises [hereinafter referred to as the **Respondent(s)**] to supply the aforementioned requirement(s) to Transnet.

On or after 22<sup>ND</sup> May 2012, the RFP documents may be inspected at, and are obtainable from the office of the Secretariat, Room Inyanda No 1, Ground Floor, 21 Wellington Road, Parktown, Johannesburg on payment of an amount of R300.00 (inclusive of VAT) per set. Payment is to be made as follows:

Account Name: Transnet Freight Rail

Bank: Standard Bank

Account No: 203158598

Branch code: 004805

NOTES –

- a) This amount is not refundable.
- b) A receipt for such payment made must be presented when collecting the RFP documents and submitted with your Proposal.
- c) RFP documents will only be available until the 22<sup>ND</sup> June 2012.

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

**2 BRIEFING SESSION**

A formal RFP briefing session will not be held but should Respondents have specific queries they should email these to the Transnet employee(s) indicated below:

Name: Tarryn Forster

Division: Transnet Freight Rail

Email: Tarryn.foster@transnet.net

In the interest of fairness and transparency the said information will then be made available to all Respondents who have collected RFP documents.



### 3 PROPOSAL SUBMISSION

Proposals in duplicate plus a copy must reach the Secretary, Transnet Freight Rail Acquisition Council before the closing hour on the date shown below, and must be enclosed in a sealed envelope which must have inscribed on the outside:

**RFP No:** HOAC-HO-8445

**Description:** THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS

**Closing date and time:** Tuesday, 26<sup>th</sup> June 2012 at 10:00

**Closing address:** Refer options in paragraph 4 below

### 4 DELIVERY INSTRUCTIONS FOR RFP

#### 4.1 Delivery by hand

4.2 If delivered by hand, the envelope is to be deposited in the Transnet Freight Rail tender box which is located at Inyanda No 1, Ground Floor, 21 Wellington Road, Parktown, and should be addressed as follows:

**THE CHAIRPERSON  
TRANSNET FREIGHT RAIL  
ACQUISITION COUNCIL  
GROUND FLOOR  
TENDER BOX  
Inyanda House 1  
21 Wellington Road  
Parktown**

- a) The measurements of the "tender slot" are 500mm wide x 100mm high, and Respondents must please ensure that response documents or files are not larger than the above dimensions. Responses which are too bulky (i.e. more than 100mm thick) must be split into two or more files, and placed in separate envelopes, each such envelope to be inscribed as required in clause 3 above.



- b) It should also be noted that the above tender box is located at the street level outside the main entrance in 21 Wellington Road and is accessible to the public 24 hours per day, 7 days a week.

#### 4.3 Despatch by courier

If despatched by courier, the envelope must be addressed as follows and delivered to the Office of The Chairperson, Transnet Freight Rail Acquisition Council and a signature obtained from that Office.

**THE CHAIRPERSON  
TRANSNET FREIGHT RAIL  
ACQUISITION COUNCIL  
GROUND FLOOR  
21 WELLINGTON ROAD  
PARKTOWN**

- 4.4 Please note that this RFP closes punctually at **10:00** on Tuesday **26<sup>th</sup> June 2012**.
- 4.5 If responses are not delivered as stipulated herein, such responses will not be considered and will be treated as "UNRESPONSIVE."
- 4.6 No email or facsimile responses will be considered, unless otherwise stated herein.
- 4.7 The responses to this RFP will be opened as soon as practicable after the expiry of the time advertised for receiving them.
- 4.8 Transnet shall not, at the opening of responses, disclose to any other company any confidential details pertaining to the Proposals / information received, i.e. pricing, delivery, etc. The names and location of the Respondents will, however, be divulged to other Respondents upon request.
- 4.9 Envelopes must not contain documents relating to any RFP other than that shown on the envelope. All envelopes must reflect the return address of the Respondent on the reverse side.
- 4.10 No slips are to be attached to the response documents. Any additional conditions must be embodied in an accompanying letter. Subject only to clause 23 [*Alterations made by the Respondent to Tendered Prices*] of the General Bid Conditions, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.

## 5 COMMUNICATION

- 5.1 Respondents are warned that a Proposal will be liable to disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer or employee of Transnet in respect of this RFP between the closing date and the date of the award of the business.
- 5.2 For specific queries relating to this RFP, a Bid Clarification Request Form should be submitted before 10:00 on 25<sup>th</sup> June 2012, substantially in the form set out in Section 12 hereto.
- 5.3 After the closing date of the RFP, a Respondent may communicate with the Secretary of the Transnet Freight Rail Acquisition Council, at telephone number 011 584 9486 or facsimile number 011-774-9760 on any matter relating to its RFP Proposal.



## 6 INSTRUCTIONS FOR COMPLETING THE RFP

- 6.1 Sign one set of documents [sign, stamp and date the bottom of each page]. This set will serve as the legal and binding copy. A duplicate set of documents is required. This second set can be a copy of the original signed Proposal.
- 6.2 Both sets of documents to be submitted to the address specified in paragraph 4 above.
- 6.3 All returnable documents listed in Page 20 must be returned with your Proposal.

## 7 COMPLIANCE

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

## 8 ADDITIONAL NOTES

- 8.1 All returnable documents as indicated in the Proposal Form [Section 4] must be returned with the response.
- 8.2 Changes by the Respondent to its submission will not be considered after the closing date.
- 8.3 The person or persons signing the Proposal must be legally authorised by the Respondent to do so [Refer Section 5 – Signing Power, Resolution of the Board of Directors]. A list of those person(s) authorised to negotiate on your behalf [if not the authorised signatories] must also be submitted along with the Proposal together with their contact details.
- 8.4 Transnet reserves the right to undertake post-bid negotiations [**PBN**] with selected Respondents or any number of short-listed Respondents, such PBN to include, at Transnet's option, any evaluation criteria listed in this RFP document. Transnet may wish to visit the Respondent's place of business during this process.
- 8.5 Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated. Transnet reserves the right to reject any or all offers.

**FAILURE TO OBSERVE ANY OF THE AFOREMENTIONED REQUIREMENTS  
MAY RESULT IN A PROPOSAL BEING REJECTED**

## 9 DISCLAIMERS

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

- 9.1 modify the RFP's Services and request Respondents to re-bid on any changes;
- 9.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;



- 9.3 disqualify Proposals submitted after the stated submission deadline;
- 9.4 not necessarily accept the lowest priced Proposal;
- 9.5 reject all Proposals, if it so decides;
- 9.6 withdraw the RFP on good cause shown;
- 9.7 award a contract in connection with this Proposal at any time after the RFP's closing date;
- 9.8 award only a portion of the proposed Services which are reflected in the scope of this RFP;
- 9.9 split the award of the contract between more than one Service Provider; or
- 9.10 make no award of a contract.

In addition, Transnet reserves the right to exclude any Respondent from the bidding process who has been convicted of a serious breach of any kind during the preceding 5 [five] years, including but not limited to the Competition Act 89 of 1998. Respondents are required to indicate in Section 11 [*Breach of Law*] whether or not they have been found guilty of a serious breach of law during the past 5 [five] years.

Kindly note that Transnet will not reimburse any Respondent for any preparatory costs or other work performed in connection with this Proposal, whether or not the Respondent is awarded a contract.

#### **10 LEGAL REVIEW**

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

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





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**SECTION 2: PURPOSE, BACKGROUND, BBBEE AND ENTERPRISE DEVELOPMENT**

The purpose of the framing of an 'approved list' of service providers for CIDB Registered projects is to provide Transnet Freight Rail (TFR) with a list of experienced suppliers for the required services to support TFR's ability to meet the company's CIDB related demands. Through this process, TFR will support Government's Enterprise Development initiative.

Transnet Freight Rail a division of Transnet SOC Limited has depots and offices at various locations within South Africa, is responsible for the transportation of various commodities by rail. To support the timeous and efficient movement of trains, TFR procures various products and services that both directly and indirectly impacts customer service delivery. Transnet Freight Rail (TFR) is driven by a constant emphasis on cost saving, efficiency of service delivery and improving the perception of suppliers and users in the Rail Transport industry.

As a developing economy with inherent structural and social imbalances, South Africa is facing the significant economic challenge of increasing growth in a manner that includes all South Africans. The historical lack of investment in infrastructure in South Africa has had significant negative impacts on local industry resulting in a loss of key skills and a decrease in manufacturing industry capabilities. To respond to this, Government policies have been designed to address these imbalances and to act as a catalyst of change for the benefit of South Africa, and embarked on major infrastructure investment.

Transnet fully endorses and supports the South African Government's Broad-Based Black Economic Empowerment Programme and it is strongly of the opinion that all business enterprises have an equal obligation to redress the imbalances of the past. Transnet would therefore prefer to do business with business enterprises who share these same values and who are prepared to contribute to meaningful BBBEE initiatives (including and not limited to enterprise development, subcontracting and Joint Ventures) as part of their tender response.

Enterprise Development (ED) is one of the pillars and criteria elements of Broad Based Black Economic Empowerment (BBBEE) and as such places an obligation on Transnet and its operating divisions to contribute, significantly towards the growth and development of emerging black entrepreneurs.

In line with this, TFR has prioritized Broad Based Black Economic Empowerment (BBBEE) and more specifically Enterprise Development in the pursuance of its vision.



## What is Enterprise Development?

Enterprise Development is contributions made to beneficiary entities to assist in the operating, financial and development towards business sustainability.

Enterprise Development contributions consist of monetary or non-monetary, recoverable or non-recoverable contributions actually initiated and implemented in favour of beneficiary entities by a Measured Entity with the specific objective of assisting or accelerating the development, sustainability and ultimate financial and operational independence of that beneficiary. This is commonly accomplished through the expansion of those beneficiaries' financial and/or operational capacity.

## Key Measurement Principles

### General principles:

- Measured Entities receive recognition for any Qualifying Enterprise Development Contributions that are quantifiable as a monetary value using a Standard Valuation Method.
- Qualifying Enterprise Development Contributions of any Measured Entity are recognisable cumulatively:
  - From the commencement date of this statement, or an earlier date chosen by the Measured Entity (the Inception Date), until the date of measurement.
  - The inception date chosen by the Measured Entity must not be earlier than 5 years before the commencement date of this statement, and binds the Measured Entity for the duration of this statement.
  - No portion of the value of any Qualifying Enterprise Development Contribution that is payable to the beneficiary after the date of measurement can form part of any calculation under this statement.

## 1 High Level Background on Enterprise Development Objectives for South Africa

Enterprise Development aims to address key challenges facing Exempted Micro Enterprises (EME) and Qualifying Small Enterprises (QSE) and more specifically black owned and black women owned entities that struggle to take their businesses from survivalist and/or micro level to a level of sustainability and profitability.

## 2 Transnet Freight Rails Enterprise Development Objective

Transnet Freight Rail's enterprise development objective comprises a structured and appropriate enterprise development model that addresses the varied range of enterprises that require support to grow and strengthen the Transport and related industries.



### 3 Enterprise Development Beneficiary Qualification and Definitions

<b>Category A</b>	
Category A Enterprise Development Contributions involves Enterprise Development Contributions to Exempted Micro-Enterprises or Qualifying Small Enterprises which have a minimum of 50% black or black women ownership.	
Exempted Micro-Enterprises	Means an entity with an annual turnover of less than R5 (five) million.
Qualifying Small Enterprises	Any enterprise with an annual total revenue of between R5 million and R35 million qualifies as a Qualifying Small Enterprise.
Black People	Has the meaning defined in the Act qualified as including only natural persons who are citizens of the Republic of South Africa by birth or descent; or are citizens of the republic of South Africa by naturalisation:  (a) Occurring before the commencement date of the constitution of the Republic of South Africa Act of 1993; or  (a) Occurring after the commencement date of the Constitution of the Republic of South Africa Act of 1993, but who, without the Apartheid policy would have qualified for naturalisation before then.
50% black owned	Means an Entity in which:  (a) Black people hold more than 50% of the exercisable voting rights as determined under Code series 100;  (b) Black people hold more than 50% of the economic interest as determined under Code series 100; and  (c) Has earned all the points for Net Value under statement 100;
50% black women owned	Means an Entity in which:  (a) Black women hold more than 50% of the exercisable voting rights as determined under Code series 100;  (b) Black women hold more than 50% of the economic interest as determined under Code series 100; and  (c) Has earned all the points for Net Value under statement 100;



<b>CATEGORY B</b>	
Category B Enterprise Development Contributions involves Enterprise Development Contributions to any other Entity that has a minimum of 50% black or black women ownership; or a minimum of 25% black or black women ownership with a BBBEE status of between Level One and Level Six;	
Entity	Means a natural or a juristic person conducting a business, trade or profession in the Republic of South Africa;
50% black owned	Means an Entity in which: (a) Black people hold more than 50% of the exercisable voting rights as determined under Code series 100; (b) Black people hold more than 50% of the economic interest as determined under Code series 100; and (c) Has earned all the points for Net Value under statement 100;
50% black women owned	Means an Entity in which: (a) Black women hold more than 50% of the exercisable voting rights as determined under Code series 100; (b) Black women hold more than 50% of the economic interest as determined under Code series 100; and (c) Has earned all the points for Net Value under statement 100;
25% black owned	Means an Entity in which: (a) Black people hold more than 25% of the exercisable voting rights as determined under Code series 100; (b) Black people hold more than 25% of the economic interest as determined under Code series 100; and (c) Has earned all the points for Net Value under statement 100;
25% black women owned	Means an Entity in which: (a) Black women hold more than 25% of the exercisable voting rights as determined under Code series 100; (b) Black women hold more than 25% of the economic interest as determined under Code series 100; and (c) Has earned all the points for Net Value under statement 100;



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**SECTION 3: SCOPE OF REQUIREMENTS:**

<b>Definition</b>	<b>Basic Work Types</b>	<b>Examples</b>
<p><b>Civil Engineering Works (CE)</b> <b>Level 1 to 9</b> Construction works that are primarily concerned with materials such as steel, concrete, earth and rock and their application in the development, extension, installation maintenance, removal, renovation, alteration, or dismantling of building and engineering infrastructure</p>	<p>Water, sewerage, roads, railways, harbours transport, urban development and municipal services</p>	<p>Structures such bridges, culvert, road, railway, tunnels, earthworks, sewerage works, drainage works, soil conservation works</p>
<p><b>Electrical Engineering Works (Infrastructure) (EP) Level 1 to 9</b> Construction works that are primarily concerned with development, extension, installation, removal, renovation, alteration or dismantling of engineering infrastructure A) Relating to the generation, transmission and distribution of electricity: or B) Which cannot be classified as EB</p>	<p>Electrical power generation, transmission, control and distribution equipment &amp; systems</p>	<p>Power generation, Street &amp; area lighting, substations &amp; protection systems, Traction transformers, Power transformers, Auxiliary transformers, Primary Circuit Breakers(PCB's), 3kV DC High Speed Circuit Breakers(HSCB), 25kV Vacuum Circuit Breakers(VCB's), 11kV Vacuum Circuit Breakers, Rectifiers, Cables, Insulators, Batteries, Battery Chargers, Protection and Supply Panels, Positive Isolators, Lightning Arrestors, Current Transformers</p>
<p><b>Electrical engineering works (Buildings) (EB) Level 1 to 9</b> Construction works that are primarily concerned with the installation, extension modification or repair of electrical installation in or on any premises used for the transmission of electricity from a point of control to a point of consumption, including any article forming part of such an installation</p>	<p>All Electrical equipment forming an Integral and permanent part of buildings and/or structures including any wiring, cable, jointing, laying and electrical overhead line construction.</p>	<p>Distribution Boxes, Circuit Breakers, Earth Leakage Protection Units, Surge Protection Devices, Cable Installation, Cable Jointing, Cable Termination, Earthing, Earth Conductor Termination, Cable Trays, Cable Ladders, Sleeves, Excavations, Black Enamel Conduit, PVC Conduit, Flexible Conduit, Conduit boxes and fittings, Power Skirting, Power Poles, Underfloor Ducting, Conductors, Light switches, Luminaries and Equipment, Fuses, Connections, Stripping Copper Conductor out of existing wire,</p>



		Contactors, Geysers, Certificate of Compliance
<p><b>General building works (GB) Level 1 to 9</b></p> <p>Construction works that:</p> <p>a) Are primarily concerned with the extension, installation, renewal, renovation, alteration or dismantling of a permanent shelter for its occupants or contents: or</p> <p>b) Cannot be categorised in terms of the definition provided for the civil engineering works, electrical engineering works ,mechanical engineering works ,or specialist works</p>	<p>Building and auxiliary works other than those categorised as- Civil Engineering Works</p> <ul style="list-style-type: none"> <li>- Electrical Engineering Works</li> <li>- Mechanical Engineering Works</li> <li>- Specialist Works</li> </ul>	<p>Buildings for domestic, industrial, institutional or commercial occupancies, carports, Masonry (Brick, block or stone and lightly reinforced or unreinforced cast in-situ concrete walls and timber fences) Palisade fencing, stores and walls Ceilings, Walls and Interiors, Windows Interior, Windows Internal and External, Doors and Security, Door Frames, Floors, Stairs Interior, Plumbing Interior, Gutter/ Downpipes, Walls Exterior, Mass concrete.</p>
<p><b>Mechanical engineering works (ME) Level 1 to 9</b></p> <p>Construction works that are primarily concerned with the development extension, installation, removal, alteration, renewal of engineering infrastructure for gas transmission and distribution, solid water disposal heating, ventilation and cooling, chemical works, metallurgical works, manufacturing, food processing and materials handling</p>	<p>Machine systems including those relating to the environment of building interiors</p> <p>Gas transmission and distribution systems</p> <p>Pipelines</p> <p>Materials Handling</p> <p>Lifting Machinery</p> <p>Heating</p> <p>Ventilation and Cooling</p> <p>Pumps</p>	<p>Air-conditioning and Mechanical ventilation</p> <p>Central heating</p> <p>Centralised hot water generation</p> <p>Dust and sawdust extraction</p> <p>Kitchen equipment</p> <p>Laundry equipment</p> <p>Refrigeration and cold rooms</p>
<p><b>Specialist works (SB,SC,SD,SE,SF,SG,SH,SI,SJ,SK,SL,SM,SN,SO,SQ) Level 1 to 9</b></p> <p>A subset of construction works identified and defined by the Board that involves specialist capabilities for its execution</p>	<p><b>SB-</b>The extension, installation, repair, maintenance or renewal, or removal of asphalt.</p> <p><b>SC-</b> The development, extension, installation, removal and dismantling as relevant, associated building excavations, shaft sinking and lateral earth support.</p> <p><b>SD</b> – The development, extension, installation, repair, renewal, removal or alteration of corrosion protection systems.</p> <p><b>SE</b> – Demolition of building and engineering infrastructure and blasting.</p> <p><b>SF-</b> The development, extension, installation, renewal, removal, renovation, alteration, fire prevention, protection infrastructure (Drencher and sprinkler systems and fire installation)</p>	



	<p><b><u>SG</u></b>- The development, extension, installation, renewal, removal, renovation, alterations or dismantling of glazing.</p> <p><b><u>SH</u></b> - The development, extension, installation, renewal, removal, renovation, alterations or dismantling as relevant of landscaping, irrigation and horticultural works.</p> <p><b><u>SI</u></b> - The development, extension, installation, repair, maintenance, renewal, removal, renovation, alterations or dismantling of lifts, escalators and hoisting machines.</p> <p><b><u>SJ</u></b> - The development, installation, removal or dismantling as relevant, of piles and other specialised foundations for building and structures.</p> <p><b><u>SK</u></b>- The development, installation, removal or dismantling as relevant, road markings and signage.</p> <p><b><u>SL</u></b> - The development, extension, installation, renewal, removal, renovation, alteration or dismantling of structural steel work and scaffolding.</p> <p><b><u>SM</u></b> – Timber building and structures.</p> <p><b><u>SN</u></b> – The extension, installation, repair, maintenance, renewal, removal, renovation or alteration, as relevant, of the waterproofing of basements, roofs and walls using specialised systems.</p> <p><b><u>SO</u></b> – The development, extension, installation, renewal, removal, alteration or dismantling or demolition of water installations and soil and waste drainage associated with buildings.</p> <p><b><u>SQ</u></b> – The development of fences including but not limited to: steel and precast concrete palisade fencing, wire netting fences and precast walls.</p>
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**NOTES: RESPONDENTS MUST TAKE NOTE OF THE FOLLOWING:**

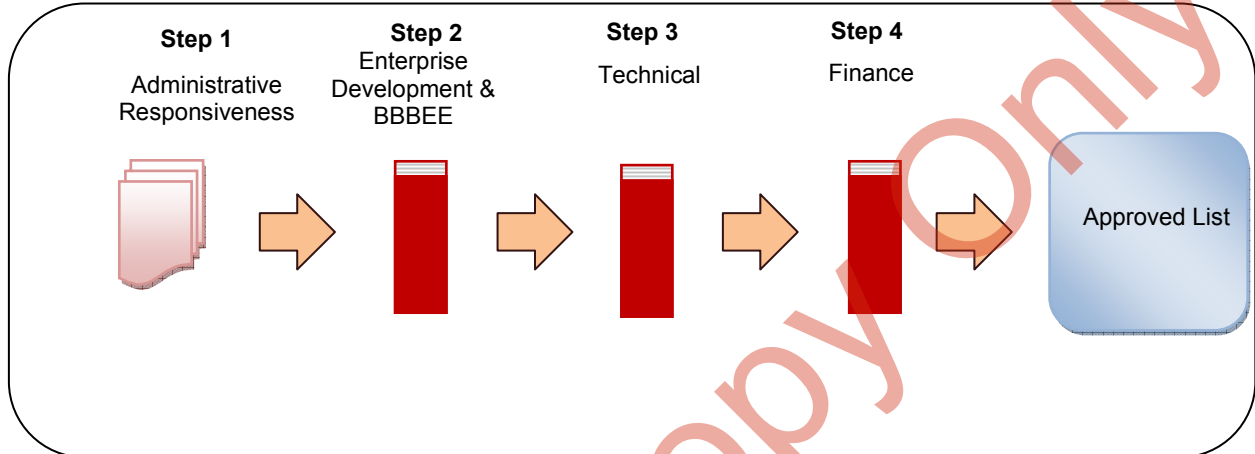
- The above services are examples of works required at various Transnet Freight Rail locations nationally and are not limited to the above.
- Being placed on the Approved List, does not guarantee business from TFR.
- Respondents will only be placed on the Approved List and registered on Transnet Freight Rail's Vendor Database if the minimum evaluation criteria are met as per page 17.
- The approved list will be categorised per province, region, town or city as per TFR's requirements.
- If it is found that there are no suitable suppliers within a designated area for work required, TFR has the right to approach suppliers closest to the designated area.
- If respondents are not CIDB registered and are placed on the Approved List, they will be required to register with the CIDB within 30 days from date of notification by TFR.
- Respondents are to be aware that this is a two phase tender process:
  - Phase one is the framing of the approved list
  - Phase two will be the engagement of the approved list suppliers through the RFX process



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**1 EVALUATION METHODOLOGY AND CRITERIA**

Transnet will utilise the following methodology and criteria in selecting a preferred Service Providers to be placed on the Approved List



**ADMINISTRATIVE RESPONSIVENESS**

100% Response to returnable Documents

**BBEE AND ENTERPRISE DEVELOPMENT**

- Submission of all returnable documents
- Supplier's confirmation of percentage of black ownership
- Supplier's confirmation of percentage of black women ownership
- Submission of a valid BBEE Certificate from a SANAS accredited Verification Agency
  - (in line with the BBEE Codes of Good Practice and Verification Methodology)
- Submission of a valid BBEE Certificate and/or letter from a registered accountant or auditor (IRBA)
  - (in line with the BBEE Codes of Good Practice and Verification Methodology)
- Confirmation if the supplier is a Category A beneficiary
- Confirmation if the supplier is a Category B beneficiary
- Confirmation if the supplier is on an Enterprise Development programme or is receiving or has received
- Enterprise Development assistance in the past three (3) years

**TECHNICAL**





- Appropriate Level (Yes/No) (e.g. CIDB)
- Appropriate Designation (Provide appropriate Certificate/s)
- Current service offering
- As a Company indicate number of years operational experience in field of expertise
- Contactable and/or written references for work successfully completed (minimum 3)
- References (Minimum of three (3))

#### **FINANANCIAL**

- Annual current turnover (revenue)
- Past three (3) years audited annual financial statements or signed management accounts
- SARS Tax clearance certificate
- Vat registration certificate

**RFP FOR THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

#### **2. RETURNABLE DOCUMENTS AND SCHEDULES FOR EVALUATION PURPOSES:**



COMPULSORY DOCUMENTATION/S TO BE SUBMITTED AND ATTACHED BY RESPONDENT	DOCUMENT/S SUBMITTED YES/NO. IF NO PROVIDE REASONS
BBBEE certificate and detailed scorecard of the supplier from a SANAS accredited Verification Agency	
For EME'S, a letter from a registered accounting officer or auditor (registered with IRBA) confirming percentage of black ownership, black women ownership, BBBEE level including the annual turnover.	
Certified certificate of incorporation, CK documentation / CM 29 documentation etc.	
Certified copy of CM 9 (name change), if applicable	
Certified copy of CK 1 or CK 2, if Close Corporation.	
Certified share certificates or share register, where applicable.	
Shareholder agreements, Finance Agreements and all other legal documentation.	
Memorandum of Association and Articles of Association.	
Company letterhead confirming physical and postal address.	
Certified Identity documentation of all members / shareholders.	
Certified copy of CIDB registration (if applicable)	
Company letterhead confirming physical and postal address.	
Details of supplier footprint (physical addresses nationally with contact details if applicable)	
Contactable and/or written references for work successfully completed (minimum 3)	
Past three (3) years audited annual financial statements / signed management accounts.	
Original or certified copy of a SARS Tax clearance certificate	
Original or certified copy VAT registration certificate.	
Copy of a cancelled cheque or a letter from the bank verifying banking details (with bank stamp).	
Supplier Declaration Form including all supporting documents Signature	Date & Company Stamp

**GENERAL NOTES**

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ments are to be provided in the same sequence as indicated in above.

- Failure to submit all compulsory returnable documents will result in your tender not been considered during the tender awarding process.

**RFP FOR THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

### **3. ADDITIONAL COMPULSORY RETURNABLE DOCUMENTS**

Respondents are required to submit the following returnable documents and schedules with their responses [see √]. All Sections, as indicated in the footer of each page, must be signed, stamped and dated by the Respondent:



SECTION 1 : Notice to Bidders	✓
SECTION 2 : Background, Overview, BBBEE and Enterprise Development	✓
SECTION 3 : Scope of Requirements	✓
SECTION 4: Vendor Application Form	✓
SECTION 5: Signing Power - Resolution of Board of Directors	✓
SECTION 6 : Certificate of Acquaintance with RFP Documents	✓
SECTION 7 : RFP Declaration Form	✓
SECTION 8 : Breach of Law	✓
SECTION 9 : Response Clarification Request Form	✓
SECTION 10 : Supplier Code of Conduct	✓

### 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 Tax Clearance Certificate and B-BBEE Accreditation Certificate, for the duration of any contract emanating from this RFP. Should the Respondent be awarded the contract [the **Agreement**] and fail to present Transnet with such renewals as and when they become due, Transnet shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate the Agreement forthwith without any liability and without prejudice to any claims which Transnet may have for damages against the Respondent.



**By signing the RFP documents, the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with all the conditions governing this RFP, including those contained in any printed form stated to form part hereof and Transnet SOC Ltd will recognise no claim for relief based on an allegation that the Respondent overlooked any such condition or failed properly to take it into account for the purpose of calculating tendered prices or otherwise.**

SIGNED at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 2011

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 \_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

\_\_\_\_\_

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

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



**RFP FOR THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

**SECTION 4: VENDOR APPLICATION FORM**

*Respondents are to furnish the following documentation and complete the Vendor Application Form below:*

1. **Original** cancelled cheque **OR** letter from the Respondent's bank verifying banking details [**with bank stamp**]
2. **Certified** copy of Identity Document(s) of Shareholders/Directors/Members [where applicable]
3. **Certified** copy of Certificate of Incorporation, CM29 / CM9 [name change]
4. **Certified** copy of Share Certificates [CK1/CK2 if CC]
5. A letter on the company's letterhead confirm physical and postal addresses
6. **Original** valid SARS Tax Clearance Certificate and **certified copy** of VAT Registration Certificate
7. A signed letter from your auditor or accountant confirming most recent annual turnover figures

## Vendor Application Form

Company trading name						
Company registered name						
Company Registration Number or ID Number if a Sole Proprietor						
Form of entity [√]	<input checked="" type="checkbox"/> CC	<input type="checkbox"/> Trust	<input type="checkbox"/> Pty Ltd	<input type="checkbox"/> Limited	<input type="checkbox"/> Partnership	<input type="checkbox"/> Sole Proprietor
VAT number [if registered]						
Company telephone number						
Company fax number						
Company email address						
Company website address						
Bank name				Branch & Branch code		
Account holder				Bank account number		
Postal address						Code

Respondent's Signature

Date & Company Stamp



				Code	
Contact person					
Designation					
Telephone					
Email					
Annual turnover range [last financial year]	< R5 m		R5 - 35 m		> R35 m
Does your company provide	Products		Services		Both
Area of delivery	National		Provincial		Local
Is your company a public or private entity	Public		Private		
Does your company have a Tax Directive or IRP30 Certificate	Yes		No		

*Complete B-BBEE Ownership Details:*

% Black ownership		% Black women ownership		% Disabled Black ownership	
Does your company have a B-BBEE certificate	Yes		No		
What is your B-BBEE status [Level 1 to 9 / Unknown]					
How many personnel does the firm employ	Permanent		Part time		

*If you are an existing Vendor with Transnet please complete the following:*

Transnet contact person					
Contact number					
Transnet Operating Division					

*Duly authorised to sign for and on behalf of Company / Organisation:*

Name		Designation	
Signature		Date	



**RFP FOR THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

**SECTION 5: SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS**

NAME OF COMPANY: \_\_\_\_\_

It was resolved at a meeting of the Board of Directors held on \_\_\_\_\_ that

FULL NAME(S)	CAPACITY	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

in his/her capacity as indicated above is/are hereby authorised to enter into, sign, execute and complete any documents relating to Proposals and/or Agreements for the provision of Services.

FULL NAME \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE CHAIRMAN

FULL NAME \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE SECRETARY





**RFP FOR THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

**SECTION 6: CERTIFICATE OF ACQUAINTANCE WITH RFP DOCUMENTS**

NAME OF COMPANY:

\_\_\_\_\_

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

do hereby certify that I/we acquainted myself/ourselves with all the documentation comprising this RFP and all conditions contained therein, as laid down by Transnet SOC Ltd for the carrying out of the proposed supply/service/works for which I/we submitted my/our response.

I/We furthermore agree that Transnet SOC Ltd shall recognise no claim from me/us for relief based on an allegation that I/we overlooked any RFP/contract condition or failed to take it into account for the purpose of calculating my/our offered prices or otherwise.

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2011

\_\_\_\_\_

SIGNATURE OF WITNESS

\_\_\_\_\_

SIGNATURE OF RESPONDENT



**RFP FOR THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

**SECTION 7: RFP DECLARATION FORM**

NAME OF COMPANY: \_\_\_\_\_

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 response clarification purposes;
2. we have received all information we deemed necessary for the completion of this Request for Proposal [RFP];
3. at no stage have we received additional information relating to the subject matter of this RFP from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the RFP documents;
4. we are satisfied, insofar as our company is concerned, that the processes and procedures adopted by Transnet in issuing this RFP and the requirements requested from bidders in responding to this RFP have been conducted in a fair and transparent manner; and
5. furthermore, 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 company and an employee or board member of the Transnet Group.

*If such a relationship exists, Respondent is to complete the following section:*

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

ADDRESS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Indicate nature of relationship with Transnet:

\_\_\_\_\_

\_\_\_\_\_

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



6. 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 company in the forthcoming adjudication process, we shall notify Transnet immediately in writing of such circumstances.
7. We accept that any dispute pertaining to this bid will be resolved through the Ombudsman process and will be subject to the Terms of Reference of the Ombudsman. The Ombudsman process must first be exhausted before judicial review of a decision is sought. *[Refer "Important Notice to Respondents" overleaf].*
8. We further accept that Transnet reserves the right to reverse an award of business or decision based on the recommendations of the Ombudsman without having to follow a formal court process to have such award or decision set aside.

SIGNED at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 2012

For and on behalf of _____ duly authorised hereto	AS WITNESS:
Name:	Name:
Position:	Position:
Signature:	Signature:
Date:	
Place:	

**IMPORTANT NOTICE TO RESPONDENTS**

- **Transnet has appointed a Procurement Ombudsman to investigate any material complaint in respect of RFPs exceeding R5,000,000.00 [five million S.A. Rand] in value. Should a Respondent have any material concern regarding an RFP process which meets this value threshold, a complaint may be lodged with Transnet's Procurement Ombudsman for further investigation.**
- **It is incumbent on the Respondent to familiarise himself/herself with the Terms of Reference for the Transnet Procurement Ombudsman, details of which are available for review at Transnet's website www.transnet.net.**
- **An official complaint form may be downloaded from this website and submitted, together with any supporting documentation, within the prescribed period, to procurement.ombud@transnet.net**
- **For transactions below the R5,000,000.00 [five million S.A. Rand] threshold, a complaint may be lodged with the Chief Procurement Officer of the relevant Transnet Operating Division.**
- **All Respondents should note that a complaint must be made in good faith. If a complaint is made in bad faith, Transnet reserves the right to place such a bidder on its List of Excluded Bidders.**



**RFP FOR THE FRAMING OF AN APPROVED LIST OF CIDB REGISTERED SERVICE PROVIDERS FOR THE PROVISION OF CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

**SECTION 8: BREACH OF LAW**

NAME OF COMPANY: \_\_\_\_\_

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

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

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

NATURE OF BREACH:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
SIGNATURE OF RESPONDENT



**RFP FOR THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

**SECTION 9: RESPONSE CLARIFICATION REQUEST FORM**

RFP No: HOAC-HO-8445

RFP deadline for questions / response clarifications: Before 10:00 on **25<sup>TH</sup> June 2012**

TO: Transnet SOC Ltd  
ATTENTION: Tarryn Foster, Transnet Freight Rail  
EMAIL: tarryn.foster@transnet.net  
DATE: \_\_\_\_\_  
FROM: \_\_\_\_\_  
\_\_\_\_\_

RFP Bid Clarification No HOAC-HO-8445

**REQUEST FOR BID CLARIFICATION**

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**RFP FOR THE FRAMING OF AN APPROVED LIST OF SERVICE PROVIDERS FOR CIDB REGISTERED PROJECTS FOR CONSTRUCTION, MAINTENANCE, REPAIRS AND RELATED WORKS ON A PROJECT BY PROJECT BASIS, AT VARIOUS TRANSNET FREIGHT RAIL LOCATIONS NATIONALLY FOR PERIOD OF TWO YEARS**

**SECTION 10: SUPPLIER CODE OF CONDUCT**

"Preview Copy Only"



## Suppliers Code of Conduct

Transnet aims to achieve the best value for money when buying or selling goods and obtaining services. This, however, must be done in an open and fair manner that supports and drives a competitive economy. Underpinning our process are several acts and policies that any supplier dealing with Transnet must understand and support.

These are:

- » Transnet Procurement Policy- A guide for tenderers;
- » Section 217 of the Constitution- the five pillars of Public PSCM (Procurement and Supply Chain Management): fair, equitable, transparent, competitive and cost effective;
- » The Public Finance Management Act (PFMA);
- » The Broad Based Black Economic Empowerment Act (BBBEE); and
- » The Anti-Corruption Act.

This code of conduct has been compiled to formally apprise Transnet Suppliers of Transnet's expectations regarding behaviour and conduct of its Suppliers.

### Prohibition of Bribes, Kickbacks, Unlawful Payments, and Other Corrupt Practices

Transnet is in the process of transforming itself into a self-sustaining State Owned Enterprise, actively competing in the logistics industry. Our aim is to become a world class, profitable, logistics organisation. As such, our transformation is focused on adopting a performance culture and to adopt behaviours that will enable this transformation.

**Transnet will not participate in corrupt practices. Therefore, it expects its suppliers to act in a similar manner.**

- » Transnet and its employees will follow the laws of this country and keep accurate business records that reflect actual transactions with, and payments to, our suppliers.







- » Employees must not accept or request money or anything of value, directly or indirectly, from suppliers.

Employees may not receive anything that is calculated to:

- Illegally influence their judgement or conduct or to influence the outcome of a sourcing activity;
- Win or retain business or to influence any act or decision of any person involved in sourcing decisions; gain an improper advantage.

- » There may be times when a supplier is confronted with fraudulent or corrupt behaviour of Transnet employees. We expect our suppliers to use our "Tip-offs Anonymous" Hotline to report these acts - 0800 003 056.



**Transnet is firmly committed to free and competitive enterprise.**

- » Suppliers are expected to comply with all applicable laws and regulations regarding fair competition and antitrust practices
- » Transnet does not engage non-value adding agents or representatives solely for the purpose of increasing BBBEE spend (fronting).

**Transnet's relationship with suppliers requires us to clearly define requirements, to exchange information and share mutual benefits.**

- » Generally, suppliers have their own business standards and regulations. Although Transnet cannot control the actions of our suppliers, we will not tolerate any illegal activities.





These include, but are not limited to:

- Misrepresentation of their product (origin of manufacture, specifications, intellectual property rights, etc);
  - Collusion;
  - Failure to disclose accurate information required during the sourcing activity (ownership financial situation, BBBEE status, etc.);
  - Corrupt activities listed above; and harassment, intimidation or other aggressive actions towards Transnet employees.
- >> Suppliers must be evaluated and approved before any materials, components, products or services are purchased from them. Rigorous due diligence must be conducted and the supplier is expected to participate in an honest and straight forward manner.
- >> Suppliers must record and report facts accurately, honestly and objectively. Financial records must be accurate in all material respects.



### Conflict of Interest

A conflict of interest arises when personal interests or activities influence (or appear to influence) the ability to act in the best interests of Transnet. Examples are:

- >> Doing business with family members.
- >> Having a financial interest in another company in our industry.



Show that you support good business practice by logging onto [www.transnet-suppliers.net](http://www.transnet-suppliers.net) and completing the form.

This will allow us to confirm that you have received, and agree to, the terms and conditions set out in our Suppliers Code of Conduct.

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