



## Transnet Freight Rail

an Operating Division of  
TRANSNET LIMITED  
(Registration No. 1990/000900/06)

### REQUEST FOR PROPOSAL (“RFP”)

RFP NUMBER: HOAC\_JHB\_0000006601

PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.

ISSUE DATE : 06<sup>th</sup> September 2010  
CLOSING DATE : 21<sup>st</sup> September 2010  
OPTION VALIDITY DATE : 31<sup>st</sup> December 2010  
CLOSING TIME : 10H00

#### COMPULSORY BRIEFING SESSION:

A compulsory briefing session will be held at the following venue:

Time : 10H00 To 11H00  
Date : 15<sup>th</sup> September 2010  
Venue : Barongwa Boardroom  
Ground Floor  
Inyanda House 2  
13-15 Girton Road, Parktown  
Town/City : Johannesburg

PLEASE NOTE THAT LATE RESPONSES AND THOSE DELIVERED OR POSTED  
TO THE INCORRECT ADDRESS WILL BE DISQUALIFIED.



**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

**SCHEDULE OF DOCUMENTS**

**Section**

- 1. Notice to Bidders**
- 2. Background, Overview and Scope of Requirements**
- 3. Proposal Form**
- 4. Resolution of Board of Directors (Respondent's Representative)**
- 5. Certificate of Acquaintance with RFP Documents**
- 6. Pricing and Delivery Schedule**
- 7. General Tender Conditions (CSS5 – Goods)**
- 8. Standard Terms and Conditions of Contract (US7 - Goods)**
- 9. Specifications**
- 10. Non-Disclosure Agreement**
- 11. Supplier Code of Conduct**
- 12. Supplier Declaration**

---

Respondent's Signature

2

---

Date and Company Stamp



## SECTION 1

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

### NOTICE TO BIDDERS

Proposals are requested from interested persons, companies, close corporations or enterprises (hereinafter referred to as the "**Respondent(s)**") to supply the above-mentioned requirement(s) to Transnet.

On or after Monday 06<sup>th</sup> September 2010 the RFP documents may be inspected at, and are obtainable from the office of Transnet Freight Rail, Tender Advice centre Ground Floor, Inyanda No.1 Building, 21 Wellington Road, Parktown, Johannesburg. During office hours 8:00 to 15:00, and a non-refundable tender fee R250.00 is applicable per tender. Payment is to be made to Transnet Freight Rail Standard Bank Account No 203158598 Branch code 004805. The deposit slip must reflect the RFP No and the Company name. Receipt to be presented at collection of the tender document.

**NOTE** 1.1 This amount is not refundable.

For specific queries before the closing of the RFP, the following Transnet employee(s) may be contacted:

Name : Tarryn Foster  
Division : Supply Chain Services  
Email : [Tarryn.Foster@transnet.net](mailto:Tarryn.Foster@transnet.net)  
Tel : (011) 584-0602

1. Proposals **in triplicate plus a CD copy** must reach the Chairperson, Transnet 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:

<b>RFP No</b>	: HOAC_JHB)0000006601
<b>Description</b>	: provision of a safety development programme for supervisors; managers and health and safety representatives for a period of two years (24 months) to Transnet Freight rail nationally.
<b>Closing Date And Time</b>	: 21 <sup>st</sup> September 2010 @ 10h00
<b>Closing address</b>	(refer options paragraph 4 below)

Respondent's Signature

3

Date and Company Stamp



**COMPULSARY BRIEFING SESSION:**

A compulsory briefing session will be held at the following venue:

Time : 10H00 To 11H00  
Date : 15<sup>th</sup> September 2010  
Venue : Barongwa Boardroom  
Ground Floor  
Inyanda House 2  
: 13-15 Girton Road, Parktown  
Town/City : Johannesburg

**1 ATTENDANCE CERTIFICATE**

This is to certify that.....

Representative/s of .....

Has/have today attended the Tender briefing in respect of the proposed:

.....

TRANSNET'S REPRESENTATIVE  
REPRESENTATIVE

.....

TENDERER'S

DATE : .....

**4. DELIVERY INSTRUCTIONS FOR THIS RFP**

4.1 **If posted**, the envelope must be addressed to the Chairperson, Transnet Acquisition Council, P.O. Box 4244, Johannesburg 2000 and must be dispatched in time for sorting by the Post Office to reach the Chairperson before the closing time of the RFP. In the event of the late receipt of a Proposal, the



Respondent's franking machine impression will not be accepted as proof that the response was posted in time.

- 4.2 **If delivered by hand**, the envelope is to be deposited in the TRANSNET 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 No 1  
21 Wellington Road  
Parktown**

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.

**It should also be noted that the above tender box is located at the main entrance and is accessible to the public 24 hours per day, 7 days a week.**

- 4.3 **If dispatched by courier**, the envelope must be addressed as follows and delivered to the Office of The Secretary, Transnet Acquisition Council and a signature obtained from that Office.

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

5. Please note that this RFP closes punctually at 10:00 on Tuesday 21<sup>st</sup> September 2010.
6. If responses are not posted or delivered as stipulated herein, such responses will not be considered and will be treated as "UNRESPONSIVE."
7. NO EMAIL OR FACSIMILE RESPONSES WILL BE CONSIDERED.
8. The responses to this RFP will be opened as soon as practicable after the expiry of the time advertised for receiving them.
9. 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.
10. 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.
11. No slips are to be attached to the response documents. Any additional conditions must be embodied in an accompanying letter. Subject only to clause 22 (*Alterations made by the Respondent to Tendered Prices*) of the General Tender Conditions, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.



## 12. BROAD-BASED BLACK ECONOMIC EMPOWERMENT (“BBBEE”)

Transnet fully endorses and supports the Government’s Broad-Based Black Economic Empowerment Programme and it is strongly of the opinion that all South African business enterprises have an equal obligation to redress the imbalances of the past.

Transnet would therefore prefer to do business with local business enterprises who share these same values and who are prepared to contribute to meaningful BBBEE initiatives (including, but not limited to subcontracting and Joint Ventures) as part of their RFP responses. Transnet will accordingly allow a “preference” in accordance with the 10% preference system, as per the Preferential Procurement Policy Framework Act, 5 of 2000 (as amended), to companies who provide a BBBEE Accreditation Certificate. All procurement and disposal transactions in excess of R30 000 (thirty thousand S.A. Rand) will be evaluated accordingly. All transactions below this threshold will, as far as possible, be set aside for Exempted Micro Enterprises (EMEs).

Consequently, when Transnet invites prospective suppliers to submit Proposals for its goods and services, it urges Respondents (Large Enterprises and QSE’s - see below) to have themselves accredited by any one of the various Accreditation Agencies available who do their BBBEE ratings in accordance with the **latest Codes (i.e. those promulgated on 9 February 2007)**.

Although no agencies have, as yet, been accredited by SANAS (South African National Accreditation System), Transnet will, in the interim, accept rating certificates of Respondents who have been verified by agencies who do their BBBEE ratings in accordance with the latest Codes as promulgated on 9 February 2007. This will be an interim arrangement only until such time as the SANAS List has been approved by the DTI. (Certificates are valid for a period of one year only).

12.1 Enterprises will be rated by such agency based on the following:

- (a) **Large Enterprises (i.e. annual turnover >R35 million):**
  - Rating level based on all seven elements of the BBBEE scorecard
- (b) **Qualifying Small Enterprises – QSE (i.e annual turnover >R5 million but <R35 million):**
  - Rating based on any four of the elements of the BBBEE scorecard
- (c) **Exempted Micro Enterprises – EME (i.e. annual turnover <R5 million):**
  - EMEs are exempted from BBBEE accreditation
  - Automatic rating of Level 4 BBBEE irrespective of race of ownership, i.e. 100% BBBEE recognition
  - Black ownership >50% or Black Women ownership >30% automatically qualify as Level 3 BBBEE, i.e. 110% BBBEE recognition
  - EME’s should only provide documentary proof of annual turnover (i.e. audited financials) plus proof of Black ownership if Black ownership >50% or Black Women ownership >30%

12.2 In addition to the above, Respondents who wish to enter into a Joint Venture or subcontract portions of the contract to BBBEE companies, must state in their RFPs the percentage, of the total contract value that will be allocated to such BBBEE companies, should they be successful in being awarded any business. A rating certificate in respect of such BBBEE JV-partners and / or sub-contractor(s), as well as a breakdown of the distribution of the aforementioned percentage must also be furnished with the RFP response to enable Transnet to evaluate / adjudicate all RFPs received on a fair basis.



- 12.3 Respondents will be required to furnish proof of the above to Transnet. (i.e. a detailed scorecard as stipulated above in respect of Large Enterprises and QSEs, or proof of turnover in respect of EMEs). Failure to do so will result in a score of zero being allocated for BBBEE.

**Turnover :** Kindly indicate your company's annual turnover for the past year R.....

- If annual turnover <R5m, please attach audited financials.
- If annual turnover >R5m please attach an accreditation certificate issued by an Accreditation Agency, together with all the relevant score sheets pertaining thereto.

### 13. SOCIO-ECONOMIC OBLIGATIONS FOR FOREIGN RESPONDENTS

Foreign Respondents' socio-economic obligations under this procurement programme will fall under the associated Government initiative, namely, the Competitive Supplier Development Programme ("CSDP") as developed by the Department of Public Enterprises, details of which are appended hereto at Annexure A.

### 14. COMMUNICATION

Respondents are warned that a response will be liable to disqualification should any attempt be made by a Respondent either directly or indirectly to canvass any officer(s) or employee of Transnet in respect of this RFP between the closing date and the date of the award of the business.

A respondent may, however, BEFORE THE CLOSING DATE AND TIME, direct any enquiries relating to the RFP to the Transnet employee as indicated in clause 2 above, and may also at any time after the closing date of the RFP, communicate with the Secretary of the Transnet Acquisition Council, at telephone number 011 544-9486 or fax no. 011 774-9760 on any matter relating to its RFP response.

### 15. RFP SCHEDULE

Respondents will be contacted as soon as practicable with a status update. At this time short-listed Respondents may be asked to meet with Transnet representatives at a location to be agreed.

### 16. INSTRUCTIONS FOR COMPLETING THE RFP

- Sign one set of documents (sign 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.
- Both sets of documents to be submitted to the address specified above.
- The following returnable documents must accompany all Proposals:
  - Respondent's latest audited financial statements;
  - Respondent's valid Tax Clearance Certificate.
  - Respondents' valid BBBEE certificate or letter from auditor.
  - A CD copy of your RFP Proposal.

### 17. COMPLIANCE

The successful Respondent (hereinafter referred to as the "Supplier") shall be in full and complete compliance with any and all applicable State and Local Laws and Regulations.

### 18. ADDITIONAL NOTES:

---

Respondent's Signature

7

---

Date and Company Stamp



- All returnable documents as indicated in the Proposal Form (Section 3) must be returned with the response
- **Respondents are to note that Proposals in which firm prices are quoted for the duration of any resulting contract may receive precedence over prices which are subject to adjustment**
- Changes by the Respondent to its submission will not be considered after the closing date
- The person or persons signing the Proposal must be legally authorised by the Respondent to do so (Refer Section 4). 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.
- **All prices must be quoted in South African Rands**
- Transnet reserves the right to undertake post-tender negotiations with selected Respondents or any number of short-listed Respondents and may wish to visit the Respondent's place of manufacture (works) during this process.

**NB: Unless otherwise expressly stated, all Proposals furnished pursuant to this Request 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**

## 19. 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:

- modify the RFP's Goods and request Respondents to re-bid on any changes
- reject any Proposal which does not conform to instructions and specifications which are detailed herein
- disqualify Proposals submitted after the stated submission deadline
- not necessarily accept the lowest priced Proposal
- reject all Proposals, if it so decides
- award a contract in connection with this Proposal at any time after the RFP's closing date
- award only a portion of the proposed Goods which are reflected in the scope of this RFP
- split the award of the contract between more than one Supplier
- make no award of a contract

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.

## 20. LEGAL REVIEW

Any Proposal submitted by a Respondent is subject to review and negotiation of the proposed contract by Transnet's Legal Counsel. Respondents to complete this section:

\_\_\_\_\_  
Respondent's Signature

8

\_\_\_\_\_  
Date and Company Stamp





NAME OF RESPONDENT .....

PHYSICAL ADDRESS .....

.....

Respondent's contact person:

Name.....

Designation.....

Telephone.....

Cell Phone.....

Facsimile.....

Email.....

Website.....

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

"Preview Copy Only"



## SECTION 2

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

### 1. GENERAL INFORMATION

It is required that all Transnet operating divisions will be included in the scope of this Proposal.

The service provider(s) shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.

The service provider(s) must provide the identified information requested and comply with the requirements stated in the RFP.

### 2. MANUFACTURERS

The Respondents must state hereunder the actual manufacturer(s) of the Goods tendered for:

(i) LOCAL MANUFACTURER(S):

RFP ITEM NO.	NAME	ADDRESS (IN FULL)
.....	.....	.....
.....	.....	.....

(ii) FOREIGN MANUFACTURER(S):

RFP ITEM NO.	NAME	ADDRESS (IN FULL)
.....	.....	.....
.....	.....	.....

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date and Company Stamp



**3. SUPPLIERS**

The Respondents must state the actual name(s) and address/addresses of the suppliers of the Goods for inspection purposes only:

(i) LOCAL MANUFACTURER(S):

RFP ITEM NO.	NAME	ADDRESS (IN FULL)
.....	.....	.....
.....	.....	.....
.....	.....	.....

(ii) FOREIGN MANUFACTURER(S):

RFP ITEM NO.	NAME	ADDRESS (IN FULL)
.....	.....	.....
.....	.....	.....
.....	.....	.....

**4. IMPORTED CONTENT**

The Respondents must state hereunder the value of the imported content as well as the country of origin in respect of each item tendered for:

RFP ITEM NO.	PORTION OF THE PRICE	COUNTRY REPRESENTING THE IMPORTED CONTENT
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Note: Where more than one country is applicable to one item, the Respondents must furnish this information separately.



**5. NATIONAL RAILWAY SAFETY REGULATOR ACT**

In compliance with the **National Railway Safety Regulator Act, 16 of 2002**, the successful Respondent (the "Supplier") shall ensure that the Goods to be supplied to Transnet, under the terms and conditions of a contract between the parties, comply fully with the specifications as set forth in Section 10 (*Specifications and Drawings*) of this RFP, and shall thereby adhere to railway safety requirements and/or regulations. Permission for the engagement of a subcontractor by the Supplier, as applicable, both initially and during the course of a contract, shall be subject to a review of the capability of the proposed subcontractor to comply with the specified railway safety requirements and/or regulations. The Supplier and/or its subcontractor shall grant Transnet access, during the term of the contract, to review any safety-related activities, including the coordination of such activities across all parts of the organization.

**Accepted:**

<b>YES</b>	
------------	--

<b>NO</b>	
-----------	--

**6. SERVICE LEVELS**

- Experienced national account representative/s to work with Transnet's sourcing/procurement department (no sales representatives are needed for individual department/locations). Additionally, there shall be a minimal number of people, fully informed and accountable for this agreement.
- Transnet will have quarterly reviews with the Supplier's account representative on an ongoing basis.
- Transnet reserves the right to request that any member of the Supplier's team involved on the Transnet account be replaced if deemed not to be adding value for Transnet.
- Supplier guarantees that it will achieve a 95% service level on the following measures. If the Supplier does not achieve this level as an average over each quarter, Transnet will receive a 1.5% rebate on quarterly sales payable in the next quarter:
  - Pick perfect rate/quantity/specifications
  - On-time delivery
- Supplier must provide a toll-free number or alternative number for customer service calls.
- Supplier will pay all costs for returns (shipping, restocking, etc.) as long as materials are in resalable condition. Time limitation on returns will be 14 (fourteen) working days from date of delivery unless the product needs to be shipped back to original manufacturer either for repair or replacement, and then another future reasonable date shall be determined.
- Failure of the Supplier to comply with stated service level requirements will give Transnet the right to cancel the contract in whole, without penalty, giving 30 (thirty) days' notice to the Supplier.



**Accepted:**

YES	
-----	--

NO	
----	--

**7. CONTINUOUS IMPROVEMENT INITIATIVES AND VALUE ADD**

Respondents shall indicate whether they are committed to participate in the continuous improvement initiatives of Transnet to reduce the overall cost of transportation within South Africa during the duration of the contract.

**Accepted:**

YES	
-----	--

NO	
----	--

If “yes”, please specify.

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

..... ..... .....
-------------------------

**8. RISK**

Respondents must elaborate on the control measures put in place by their company, which mitigate the risk to Transnet, pertaining to potential non-performance by a Supplier in relation to -

(i) quality and specification of Goods delivered:

..... ..... ..... .....
----------------------------------

\_\_\_\_\_  
Respondent’s Signature

\_\_\_\_\_  
Date and Company Stamp



(ii) continuity of supply (refer clause 10.1(c) of Form US7):

.....

.....

.....

(iii) Compliance with the Occupational Health and Safety Act, 85 of 1993 (refer clause 7.1(f) of Form US7)

.....

.....

.....

(iv) Compliance with the National Railway Safety Regulator Act, 16 of 2002 (refer clause 12 above)

.....

.....

.....

**9. REFERENCES**

Please indicate below the company names and contact details of existing customers whom Transnet may contact to seek third party evaluations of your current service levels:

Name of Company	Contact Person	Telephone number



## 10. EVALUATION CRITERIA

Transnet will utilise the following criteria (not necessarily in this order) in choosing a Supplier, if so required:

- **Full Compliance to Specifications attached is required.**
- **Delivery period offered**
- Pricing - Whilst not the sole factor for consideration, competitive pricing and overall level of discounts will be critical in indicating how much you value Transnet's business.
- Ordering process and reporting to capture, properly discount, and report all Transnet spend.
- An explicit commitment to continuous improvement initiatives
- Compliance - Completeness of your responses and content of the Proposal will be considered
- Financial strength
- References
- Fixed pricing for one year
- BBBEE status of company and/or Social Obligations (CSDP)
- Country-wide network (national footprint)
- Additional value-added services

---

Respondent's Signature

15

---

Date and Company Stamp



### SECTION 3

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

#### PROPOSAL FORM

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

*(name of company, close corporation or partnership)*

of (full address) \_\_\_\_\_

\_\_\_\_\_

carrying on business under style or title of (trading as) \_\_\_\_\_

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

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

being duly authorised thereto by a Resolution of the Board of Directors or Members or Certificate of Partners, as the case may be, dated \_\_\_\_\_ a certified copy of which is annexed hereto, hereby offer to supply the above-mentioned Goods at the prices quoted in the schedule of prices in accordance with the terms set forth in the accompanying letter(s) reference \_\_\_\_\_ and dated \_\_\_\_\_ (if any) and the documents listed in the accompanying schedule of RFP documents.

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

- (i) Standard Terms and Conditions of Contract, Form No. US7 - Goods;
- (ii) General Tender Conditions, Form CSS5 – Goods; and
- (iii) any other standard or special conditions mentioned and/or embodied in the Request for Proposal form; and;-

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date and Company Stamp





I/We accept that unless Transnet should otherwise decide and so inform me/us in the facsimile or letter of acceptance, this Proposal (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.

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

I/We further agree that if, after I/we have been notified of the acceptance of my/our Proposal, I/we fail to enter into a formal contract if called upon to do so, or fail to commence the supply of Goods within 4 (four) weeks, Transnet may, without prejudice to any other legal remedy which it may have, recover from me/us any expense to which it may have been put in calling for Proposals afresh and/or having to accept any less favourable Proposal.

I/We accept that any contract resulting from this offer will be for a period of .....only; and agree to a penalty clause to be negotiated with Transnet, which will allow Transnet to invoke a penalty (details to be negotiated) against us should the delivery of the Goods be delayed due to non-performance by us.

The law of the Republic of South Africa shall govern the contract created by the acceptance of this RFP. The *domicillium citandi et executandi* shall be a place in the Republic of South Africa to be specified by the Respondent hereunder, at which all legal documents may be served on the Respondent who shall agree to submit to the jurisdiction of the courts of the Republic of South Africa. Foreign Respondents shall, therefore, state hereunder, the name of their accredited agent in the Republic of South Africa who is empowered to sign any contract which may have to be entered into in the event of their Proposal being accepted and to act on their behalf in all matters relating to the contract.

Respondent to indicate *domicillium citandi et executandi* hereunder:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTIFICATION OF AWARD OF RFP**

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

**VALIDITY PERIOD**

Transnet desires a validity period of 3 (three) months (from closing date) against this RFP. It should be noted that Respondents may offer an earlier validity period, but that their Proposals may be disregarded for that reason. Should Respondents be unable to comply with this validity period, an alternative validity period must be stated hereunder:

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date and Company Stamp



This RFP is valid until \_\_\_\_\_ (State alternative validity period/date).

**TAX (VAT) REGISTRATION NUMBER**

The Respondent must state hereunder the tax registration number which is applicable to Value-Added Tax:

\_\_\_\_\_

**TAX CLEARANCE CERTIFICATE**

Respondents are required to forward a valid copy of their company's Tax Clearance Certificate with their Proposal.

Indicate tax clearance certificate expiry date: \_\_\_\_\_

**BANKING DETAILS**

BANK: \_\_\_\_\_

BRANCH NAME / CODE: \_\_\_\_\_

ACCOUNT HOLDER: \_\_\_\_\_

ACCOUNT NUMBER: \_\_\_\_\_

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

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

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

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

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

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

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date and Company Stamp



**REGISTRATION CERTIFICATE**

Respondents must submit a certified copy of their company’s Registration Certificate with their Proposal.

**NAME AND ADDRESS OF ACCREDITED AGENT**

Provide hereunder, if applicable, details of the accredited agent in the Republic of South Africa appointed as local representative by foreign Respondents and whose address shall be regarded as the Respondent’s domicilium citandi et executandi in terms of the Standard Terms and Conditions of Contract, US7 – Goods.

Name	.....
Address	.....
	.....

**CONFIDENTIALITY**

All information related to a subsequent contract, both during and after completion, is to be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Goods, which is either directly or indirectly related to Transnet’s business, written approval to divulge such information will have to be obtained from Transnet.

**DISCLOSURE OF PRICES TENDERED**

Respondents must indicate here **whether Transnet may disclose** their tendered prices and conditions to other Respondents:

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

**DECLARATION**

Respondents to declare hereunder whether any family and/or direct relationship exists between any of the owners / members / directors / partners / shareholders (unlisted companies) of the responding company and any employee or board member of the Transnet Group:

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

If YES, please indicate below:

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

ADDRESS

---

---

---

Respondent’s Signature

Date and Company Stamp



Indicate nature of relationship (if any):

---



---

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

**PRICE REVIEW**

Transnet will be benchmarking this price offering(s) against the lowest price received as per the benchmarking exercise. If the Respondent’s price(s) is/are found to be higher than the benchmarked price(s), then the Respondent shall match or better such price(s) within 30 days - failing which the Contract may be terminated at Transnet’s discretion or the particular item(s) or service(s) purchased outside the contract.

**RETURNABLE DOCUMENTS**

Respondents are required to submit the following returnable documents with their responses (see tick):

<b>Notice to Bidders – Section 1</b>	✓
<b>Background overview – Section 2</b>	✓
<b>Proposal Form – Section 3</b>	✓
<b>Resolution of Board of Directors (Respondent’s Representative) – Section 4</b>	✓
<b>Certificate of Acquaintance with RFP Documents – Section 5</b>	✓
<b>Pricing &amp; Delivery Schedule – Section 6</b>	✓
<b>General Tender Conditions, Form CSS5 – Section 7</b>	✓
<b>Conditions of Contract, Form US7 – Section 8</b>	✓
<b>Audited Financials for previous year</b>	✓
<b>Valid Tax Clearance Certificate</b>	✓
<b>VAT Registration Certificate</b>	✓
<b>BBBEE Accreditation Certificate</b>	✓
<b>Certificate of attendance of RFP Briefing – Section 9</b>	✓
<b>Specifications and Drawings – Section 10</b>	✓
<b>Non-Disclosure Agreement – Section 11</b>	✓
<b>Annexure A – Social Obligations (CSDP)</b>	✓

**NOTE: Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and Annexure A, as indicated in the footer of each page, must be signed and dated by the Respondent.**

---

Respondent’s Signature

---

Date and Company Stamp



**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 Limited 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 \_\_\_\_\_ 2010.

SIGNATURE OF WITNESSES:

ADDRESS OF WITNESSES:

1 \_\_\_\_\_ 1 \_\_\_\_\_  
\_\_\_\_\_

2 \_\_\_\_\_ 2 \_\_\_\_\_  
\_\_\_\_\_

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME \_\_\_\_\_

DESIGNATION \_\_\_\_\_

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date and Company Stamp



**SECTION 4**

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

**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 Tenders, Proposals and/or Contracts for the supply of Goods.

FULL NAME \_\_\_\_\_  
SIGNATURE CHAIRMAN

FULL NAME \_\_\_\_\_  
SIGNATURE SECRETARY



**SECTION 6**

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

**PRICING & DELIVERY SCHEDULE**

**Please attach pricing schedule here.**

"Preview Copy Only"

R \_\_\_\_\_ **Total Price For Project**

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date and Company Stamp



## SECTION 7

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

### GENERAL TENDER CONDITIONS -SERVICES

Refer Form CSS5 attached hereto

---

Respondent's Signature

24

---

Date and Company Stamp





## SECTION 8

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS,  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

### **STANDARD TERMS AND CONDITIONS OF CONTRACT**

#### **FOR THE SUPPLY OF GOODS TO TRANSNET**

**Refer Form US7 attached hereto.**

**Respondents should note the obligations as set out in  
Clause 24 of the General Tender Conditions (Section 7) which reads as follows:**

*"The Supplier shall adhere to the Standard Terms and Conditions of Contract as set out in Form US7 – Goods, a copy of which is attached hereto.*

*Should the Respondent find any conditions unacceptable, it should indicate which conditions are unacceptable and offer an alternative. Please note that any alternative offered shall be compared with acceptance of the Form US7 conditions or alternatives offered by other Respondents, except penalties for late deliveries, the exclusion of which may disqualify the RFP, save where indicated otherwise by Transnet."*

---

Respondent's Signature

25

---

Date and Company Stamp



## SECTION 9

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

### SPECIFICATIONS

- Develop skills and knowledge for SHE Reps within TFR
- Determine training needs nationally
- Sourcing of one competent service provider to conduct uniform training for SHE Reps nationally
- Improved business results
- Improved overall safety performance and practices thus contributing to achievement of the safety imperatives within TFR
- Competent, productive and safety conscious SHE Reps
- IDP's to address current gaps
- Cost reduction
- Reduction in safety occurrences
- Improved safety performance
- Improved business results



## SECTION 10

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

**NON-DISCLOSURE AGREEMENT ("NDA")**

**Complete and sign NDA attached hereto**

---

Respondent's Signature

27

---

Date and Company Stamp



## SECTION 11

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

**SUPPLIER CODE OF CONDUCT**

"Preview Copy Only"

---

Respondent's Signature

28

---

Date and Company Stamp



delivering on our commitment to you

# Suppliers Code of Conduct

"Preview Copy Only"



Respondent's Signature

Date and Company Stamp



## 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 enterprises.**

- » 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**





## SECTION 12

**RFP NUMBER: HOAC\_JHB\_0000006601**

**PROVISION OF A SAFETY DEVELOPMENT PROGRAMME FOR SUPERVISORS;  
MANAGERS AND HEALTH AND SAFETY REPRESENTATIVES FOR A PERIOD OF  
TWO YEARS (24 MONTHS) TO TRANSNET FREIGHT RAIL NATIONALLY.**

### SUPPLIER DECLARATION

"Preview Copy Only"

---

Respondent's Signature

33

---

Date and Company Stamp



## Transnet Supplier Declaration/Application

The Financial Director or Company Secretary

Transnet Vendor Management has received a request to load your company on to the Transnet vendor database. Please furnish us with the following to enable us to process this request:

1. Complete the "Supplier Declaration Form" (**SDF**) on page 2 of this letter
2. **Original** cancelled cheque **OR** letter from the bank verifying banking details (**with bank stamp**)
3. **Certified** copy of Identity document of Shareholders/Directors/Members (where applicable)
4. **Certified** copy of certificate of incorporation, CM29 / CM9 (name change)
5. **Certified** copy of share Certificates of Shareholders, CK1 / CK2 (if CC)
6. A letter with the company's letterhead confirming physical and postal addresses
7. **Original** or **certified** copy of SARS Tax Clearance certificate and Vat registration certificate
8. A signed letter from the Auditor / Accountant confirming most recent annual turnover and percentage black ownership in the company **AND/OR** BBBEE certificate and detailed scorecard from an accredited rating agency (SANAS member).

**NB:**

- **Failure to submit the above documentation will delay the vendor creation process.**
- *Where applicable, the respective Transnet business unit processing your application may request further information from you. E.g. proof of an existence of a Service/Business contract between your business and the respective Transnet business unit etc.*

### **IMPORTANT NOTES:**

- a) **If your annual turnover is less than R5 million**, then in terms of the DTI codes, you are classified as an Exempted Micro Enterprise (EME). If your company is classified as an EME, please include in your submission, a signed letter from your Auditor / Accountant confirming your company's most recent annual turnover is less than R5 million and percentage of black ownership and black female ownership in the company AND/OR BBBEE certificate and detailed scorecard from an accredited rating agency (e.g. permanent SANAS Member), should you feel you will be able to attain a better BBBEE score.
- b) **If your annual turnover is between R5 million and R35million**, then in terms of the DTI codes, you are classified as a Qualifying Small Enterprise (QSE) and you claim a specific BBBEE level based on any 4 of the 7 elements of the BBBEE score-card, please include your BEE certificate in your submission as confirmation of your status.  
**NB:** BBBEE certificate and detailed scorecard should be obtained from an accredited rating agency (e.g. permanent SANAS Member).
- c) **If your annual turnover is in excess of R35million**, then in terms of the DTI codes, you are classified as a Large Enterprise and you claim a specific BEE level based on all seven elements of the BBBEE generic score-card. Please include your BEE certificate in your submission as confirmation of your status.  
**NB:** BBBEE certificate and detailed scorecard should be obtained from an accredited rating agency (permanent SANAS Member).
- d) **To avoid PAYE tax being automatically deducted from any invoices received from you**, you must also contact the Transnet person who lodged this request on your behalf, so as to be correctly classified in terms of Tax legislation.

---

Respondent's Signature

34

---

Date and Company Stamp



- e) Unfortunately, **No payments can be made to a vendor** until the vendor has been registered, and no vendor can be registered until the vendor application form, together with its supporting documentation, has been received and processed.
- f) **Please return the completed Supplier Declaration Form (SDF) together with the required supporting documents mentioned above to the Transnet Official who is intending to procure your company's services/products in order that he/she should complete and Internal Transnet Departmental Questionnaire before referring the matter to the appropriate Transnet Vendor Master Office.**

Regards,  
 Transnet Vendor/Supplier Management *[please substitute this with your relevant Transnet department before sending this document out]*

## Supplier Declaration Form

Company Trading Name							
Company Registered Name							
Company Registration Number Or ID Number If A Sole Proprietor							
Form of entity	CC	Trust	Pty Ltd	Limited	Partnership	Sole Proprietor	
VAT number (if registered)							
Company Telephone Number							
Company Fax Number							
Company E-Mail Address							
Company Website Address							
Bank Name				Bank Account Number			
Postal Address						Code	
Physical Address						Code	
Contact Person							
Designation							
Telephone							
Email							
Annual Turnover Range (Last Financial Year)	< R5 Million		R5-35 million		> R35 million		
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		
Main Product Or Service Supplied (E.G.: Stationery/Consulting)							
<b>BEE Ownership Details</b>							
% Black Ownership		% Black women ownership		% Disabled person/s ownership			

Respondent's Signature

Date and Company Stamp



Does your company have a BEE certificate	Yes	No
What is your broad based BEE status (Level 1 to 9 / Unknown)		
How many personnel does the firm employ	Permanent	Part time

Transnet Contact Person	
Contact number	
Transnet operating division	

**Duly Authorised To Sign For And On Behalf Of Firm / Organisation**

Name		Designation	
Signature		Date	

**Stamp And Signature Of Commissioner Of Oath**

Name		Date	
Signature		Telephone No.	

**NB: Please return the completed Supplier Declaration Form (SDF) together with the required supporting documents mentioned above to the Transnet Official who is intending to procure your company's services/products.**

**Internal Transnet Departmental Questionnaire (for office use only)**

**Section 1: To be completed by the Transnet Requesting / Sourcing Department**

TFR	TRE	TPT	TPL	TNPA	TRN
Creat	Amen	Block	Unblock	Once-Off / Emergency	
Extend	Delet	Undel			

Supplier's trading name		
Supplier's registered		
Please indicate if the Supplier has a contract with sourcing Transnet OD	Yes	No
If yes please submit a copy of the letter of award		

**a) What is being procured from the supplier?**

i. Products only	Yes	No
ii. Services only	Yes	No
iii. Labour only	Yes	No
iv. Mix of services and	Yes	No
v. Mix of services and labour	Yes	No

Respondent's Signature

Date and Company Stamp



b) If your answer is **YES** to questions II, III, IV or V in paragraph **a)** above, please indicate whether the relevant **PAYE questionnaires** have been forwarded to the appropriate **Transnet Operational Divisions'** decision making bodies / **Strategic Supply Management** team for a directive /decision on tax withholding from payments to this supplier.

Yes		No	
-----	--	----	--

c) If your reply to (b) is **"NO"**, please furnish

**d) Certification and Approval of proposed Vendor Creation/Unblocking/Other Changes by Transnet Official with Appropriate Delegated Authority :**

*I HEREBY CERTIFY THAT THE TRANSNET DETAILED PROCUREMENT PROCESS (DPP) / PROCUREMENT MECHANISM HAS **IN ALL RESPECTS** BEEN ADHERED TO AND I THEREFORE APPROVE THE PROPOSED VENDOR CREATION/APPROVAL/OTHER CHANGES TO BE EFFECTED ON THE VENDOR MASTER*

Name	Grade	Date								Signature
		Y	Y	Y	Y	M	M	D	D	

<b>Tel No:</b>		<b>Fax</b>	
----------------	--	------------	--

**Section 2: To be completed by the BEE Department** (this section is for Confirmation/Determining of

NARROW BASED (NB)				BROADBASED (BBBEE)				VALIDITY DATE						
BEE O/S	BWBE	DPBE	MR	CONTB. LEVEL	EME: <R5m	QSE: >R5m <R35m	LARGE: >R35m							
Name				Grade		Date				Signature				
						Y	Y	Y	Y	M	M	D	D	
						Y	Y	Y	Y	M	M	D	D	

Respondent's Signature

Date and Company Stamp