

**TRANSNET FREIGHT RAIL**

an Operating Division of **TRANSNET SOC LTD**

[Registration No. 1990/000900/30]

REQUEST FOR PROPOSAL [RFP]

FOR THE SUPPLY OF DESIGN, SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

RFP NUMBER **KBY52222**
ISSUE DATE: **19 MARCH 2013**
CLOSING DATE: **16.04.2013**
CLOSING TIME: **10:00**
BID VALIDITY PERIOD: **90 days**

“PREVIEW COPY ONLY”

SCHEDULE OF BID DOCUMENTS

| Section No | Page |
|---|-------------------------------------|
| SECTION 1 : NOTICE TO BIDDERS | 4 |
| 1 PROPOSAL REQUEST | 4 |
| 2 FORMAL BRIEFING | 4 |
| 3 PROPOSAL SUBMISSION | 5 |
| 4 DELIVERY INSTRUCTIONS FOR RFP..... | 5 |
| 5 BROAD-BASED BLACK ECONOMIC EMPOWERMENT & SOCIO-ECONOMIC OBLIGATIONS | 6 |
| 6 COMMUNICATION | 8 |
| 7 INSTRUCTIONS FOR COMPLETING THE RFP | 8 |
| 8 COMPLIANCE | 8 |
| 9 ADDITIONAL NOTES..... | 8 |
| 10 DISCLAIMERS | 9 |
| 11 LEGAL REVIEW..... | 10 |
| SECTION 2 : BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS..... | 11 |
| 1 BACKGROUND..... | ERROR! BOOKMARK NOT DEFINED. |
| 2 EXECUTIVE OVERVIEW | 11 |
| 3 SCOPE OF REQUIREMENTS | ERROR! BOOKMARK NOT DEFINED. |
| 4 GENERAL INFORMATION | 11 |
| 5 "AS AND WHEN REQUIRED" CONTRACTS..... | 11 |
| 6 RESPONDENT'S SAMPLES..... | 12 |
| 7 PRE-PRODUCTION SAMPLES/PROTOTYPES | 13 |
| 8 MANUFACTURERS | 13 |
| 9 INSPECTION DETAILS..... | 13 |
| 10 IMPORTED CONTENT | 14 |
| 11 EXCHANGE AND REMITTANCE..... | 14 |
| 12 NATIONAL RAILWAY SAFETY REGULATOR ACT..... | 15 |
| 13 SERVICE LEVELS | 15 |
| 14 CONTINUOUS IMPROVEMENT INITIATIVES..... | 16 |
| 15 RISK..... | 16 |
| 16 REFERENCES..... | 17 |
| 17 EVALUATION METHODOLOGY AND CRITERIA..... | 18 |
| SECTION 3 : PRICING AND DELIVERY SCHEDULE | 21 |
| SECTION 4 : PROPOSAL FORM | 22 |
| SECTION 5 : VENDOR APPLICATION FORM | 27 |
| SECTION 6 : SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS | 29 |
| SECTION 7 : CERTIFICATE OF ACQUAINTANCE WITH RFP DOCUMENTS | 30 |
| SECTION 8 : GENERAL BID CONDITIONS - GOODS | 31 |
| SECTION 9 : STANDARD TERMS AND CONDITIONS OF CONTRACT | 32 |
| SECTION 10 : RFP DECLARATION FORM | 33 |
| SECTION 11 : BREACH OF LAW | 35 |
| SECTION 12 : BID CLARIFICATION REQUEST FORM | 37 |
| SECTION 13 : SUPPLIER CODE OF CONDUCT | 38 |

SECTION : CERTIFICATE OF ATTENDANCE OF SITE MEETING / RFP BRIEFING40

SECTION : SPECIFICATIONS AND DRAWINGS41

SECTION : NON-DISCLOSURE AGREEMENT [NDA]42

SECTION : FURTHER RECOGNITION CRITERIA [FRC]..... **ERROR! BOOKMARK NOT DEFINED.**

SECTION : SUPPLIER DEVELOPMENT INITIATIVES..... **ERROR! BOOKMARK NOT DEFINED.**

ANNEXURE A – B-BBEE PREFERENCE POINT CLAIMS FORM

ANNEXURE B – GUIDELINES FOR THE DEVELOPMENT OF A SUPPLIER DEVELOPMENT BID DOCUMENT

ANNEXURE C – SUPPLIER DEVELOPMENT VALUE SUMMARY

ANNEXURE D – BILL OF MATERIALS [BOM]

ANNEXURE E – DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT [Form SBD 6.2]

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 |
| PTN | Post-Tender 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 FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 1 : NOTICE TO BIDDERS

1 PROPOSAL REQUEST

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

On or after 19 March 2013, the RFP documents may be inspected at, and are obtainable from the office of the Admin Support Officer, Room 2,Property Manager's building,Austen street,Beaconsfield,Kimberley on payment of an amount of R250 (inclusive of VAT) per set. Payment is to be made as follows:

| | |
|-----------------|--------------------------------|
| Bank: | Standard Bank |
| Account Number: | 00 237 3963 |
| Branch: | Braamfontein |
| Branch code: | 004805 |
| Account Name: | Transnet Limited Head Office |
| Reference: | KBY52222 AND YOUR COMPANY NAME |

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.

RFP documents will only be available until 12:00 on 28 MARCH 2013.

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

2 FORMAL BRIEFING

A compulsory pre-proposal site meeting will be conducted at on the 3 APRIL 2013, at 10:00 for a period of ± 1hour. [Respondent to provide own transportation and accommodation].

- 2.1 A Certificate of Attendance in the form attached here to must be completed and submitted with your Proposal.
- 2.2 Respondents failing to attend the compulsory site meeting and/or RFP briefing will be disqualified.
- 2.3 Respondents without a valid RFP document in their possession will not be allowed to attend the site meeting and/or RFP briefing.
- 2.4 The briefing session will start punctually at 10:00 and information will not be repeated for the benefit of Respondents arriving late.

3 PROPOSAL SUBMISSION

Proposals in **original** must reach the Secretary, 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:

RFP No: KBY52222

Description **FOR THE FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013**

Closing date and time: 16 APRIL 2013

4 DELIVERY INSTRUCTIONS FOR RFP

4.1 Delivery by hand

If delivered by hand, the envelope is to be deposited in the Transnet tender box which is located at the main entrance of the Office Block, Carlton Centre, 150 Commissioner Street, Johannesburg, and should be addressed as follows:

THE SECRETARY
TRANSNET ACQUISITION COUNCIL
CARLTON CENTRE
TENDER BOX
OFFICE BLOCK FOYER
150 COMMISSIONER STREET
JOHANNESBURG 2001

- a) The measurements of the "tender slot" are 400mm 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 addressed as required in paragraph 3 above.
- b) It should also be noted that the above tender box is located at the street level outside the main entrance in Commissioner Street and is accessible to the public 24 hours a day, 7 days a week.

4.2 Dispatch by courier

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 SECRETARY
TRANSNET ACQUISITION COUNCIL
48TH FLOOR
CARLTON CENTRE
OFFICE BLOCK
150 COMMISSIONER STREET
JOHANNESBURG

- 4.3 Please note that this RFP closes punctually at **10:00 on Tuesday 16 APRIL 2013**.
- 4.4 If responses are not delivered as stipulated herein, such responses will not be considered and will be treated as "UNRESPONSIVE."
- 4.5 No email or facsimile responses will be considered, unless otherwise stated herein.
- 4.6 The responses to this RFP will be opened as soon as practicable after the expiry of the time advertised for receiving them.
- 4.7 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 locations of the Respondents will be divulged to other Respondents upon request.
- 4.8 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.
- 4.9 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 BROAD-BASED BLACK ECONOMIC EMPOWERMENT AND SOCIO-ECONOMIC OBLIGATIONS

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 B-BBEE initiatives (including, but not limited to subcontracting and Joint Ventures) as part of their tendered responses. Transnet will accordingly allow "preference" points to companies who provide a B-BBEE Accreditation Certificate. All procurement transactions will be evaluated accordingly.

Consequently, when Transnet invites prospective suppliers to submit Proposals for its various expenditure programmes, it urges Respondents [*Large Enterprises and QSE's - see below*] to have themselves accredited in compliance with the Government Gazette No 34612, Notice No. 754 dated 23 September 2011. As from 1 October 2011 valid B-BBEE Accreditation Certificates must be issued by

- a) Verification Agencies accredited by the South African National Accreditation System [**SANAS**];
or
- b) Registered auditors approved by the Independent Regulatory Board of Auditors [**IRBA**], in accordance with the approval granted by the Department of Trade and Industry.

A Verification Certificate issued must reflect the weighted points attained by the measured entity for each element of the scorecard as well as the overall B-BBEE rating.

5.1 B-BBEE Rating

Enterprises will be rated by Verification Agencies or registered auditors based on the following:

- a) **Large Enterprises** [i.e. annual turnover greater than R35 million]:
 - Rating level based on all seven elements of the B-BBEE scorecard

- b) **Qualifying Small Enterprises – QSE** [i.e. annual turnover between R5 million and R35 million]:
- Rating based on any four of the elements of the B-BBEE scorecard
- c) **Exempted Micro Enterprises – EME** [i.e. annual turnover less than R5 million]:
- EMEs are exempted from B-BBEE accreditation
 - Automatic rating of Level 4 B-BBEE irrespective of race or ownership
 - Black ownership greater than 50% or Black Women ownership greater than 50% automatically qualify as Level 3 B-BBEE
 - EME's should provide documentary proof of annual turnover [i.e. annual financials signed off by an accounting officer] plus proof of Black ownership if Black ownership is greater than 50% and/or Black Women ownership is greater than 50%

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].

N.B. Failure to do so will result in a score of zero being allocated for B-BBEE.

Turnover: Kindly indicate your entity's annual turnover for the past year:

R_____

All Respondents must complete and return the B-BBEE Preference Points Claim Form attached hereto as Annexure A.

5.2 Joint Ventures and Subcontractors

In addition to the above, Respondents who wish to enter into a Joint Venture with, or subcontract portions of the contract to, B-BBEE entities must state in their RFPs, the percentage of the total contract value that will be allocated to such B-BBEE entities, should they be successful in being awarded any business. A rating certificate in respect of such B-BBEE JV-partners and/or subcontractor(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 in accordance with the processes outlined in the B-BBEE Preference Points Claim Form appended hereto as Annexure A.

Please note that a Respondent will not be awarded points for B-BBEE if it is indicated in its Proposal that such Respondent intends subcontracting more than 25% [twenty-five per cent] of the value of the contract to an entity that does not qualify for at least the same points that the Respondent qualifies for, unless the intended subcontractor is an EME with the capability to execute the contract.

5.3 B-BBEE Registration

In addition to the accreditation certificate, Transnet recommends that Respondents register their B-BBEE compliance and supporting documentation on the Department of Trade and Industry's [DTI] National B-BBEE IT Portal and Opportunities Network and provide Transnet with proof of registration in the form of an official B-BBEE Profile issued by the DTI.

Transnet would wish to use the DTI B-BBEE IT Portal as a data source for tracking B-BBEE compliance.

For instructions to register and obtain a DTI B-BBEE Profile go to <http://bee.thedti.gov.za>

6 COMMUNICATION

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.

- 6.1 For specific queries relating to this RFP, a Bid Clarification Request Form should be submitted before 12:00 on 16 APRIL 2013, substantially in the form set out in Section 12 hereto. In the interest of fairness and transparency Transnet's response to such a query will then be made available to the other Respondents who have collected RFP documents. For this purpose all Respondents need to indicate by email their intention to respond to this RFP by informing Transnet of their contact details as soon as possible but on or before **12:00 ON 16 APRIL 2013** to TAC.SECRETARIAT@transnet.net.
- 6.2 After the closing date of the RFP, a Respondent may communicate with the Secretary of the Transnet Acquisition Council, at telephone number 011 308 3528/3522, email TAC.SECRETARIAT@transnet.net or facsimile number 011 308 2637 on any matter relating to its RFP Proposal.

Respondents found to be in collusion with one another will be automatically disqualified and blacklisted from doing business with Transnet in the future.

7 INSTRUCTIONS FOR COMPLETING THE RFP

- 7.1 Sign one set of documents [sign, stamp and date the bottom of each page]. This set will serve as the legal and binding copy.
- 7.2 The documents to be submitted to the address specified in paragraph 4 above.
- 7.3 The original set will be legally binding [paragraph 7.1 above].
- 7.4 All returnable documents listed [✓] in the Proposal Form [Section 4] must be returned with your Proposal.

8 COMPLIANCE

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

9 ADDITIONAL NOTES

- 9.1 All returnable documents as indicated in the Proposal Form [Section 4] must be returned with the response.
- 9.2 Changes by the Respondent to its submission will not be considered after the closing date.
- 9.3 The person or persons signing the Proposal must be legally authorised by the Respondent to do so [Refer Section 6 – 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.
- 9.4 Transnet would prefer not to do business with any agents ["middlemen"] who do not add significant value to the supply chain. In such instances Transnet will endeavour to contract directly with the overseas and / or local OEMs [Original Equipment Manufacturers].
- 9.5 Transnet may wish to visit the Respondent's place of manufacture/workshop/premises during this RFP process.

- 9.6 Transnet reserves the right to undertake post-tender negotiations [PTN] with selected Respondents or any number of short-listed Respondents, such PTN to include, at Transnet's option, any evaluation criteria listed in this RFP document.
- 9.7 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**

10 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:

- 10.1 modify the RFP's Goods and request Respondents to re-bid on any changes;
- 10.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 10.3 disqualify Proposals submitted after the stated submission deadline;
- 10.4 not necessarily accept the lowest priced Proposal;
- 10.5 reject all Proposals, if it so decides;
- 10.6 withdraw the RFP on good cause shown;
- 10.7 award a contract in connection with this Proposal at any time after the RFP's closing date;
- 10.8 award a contract for only a portion of the proposed Goods which are reflected in the scope of this RFP;
- 10.9 split the award of the contract between more than one Supplier; or
- 10.10 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 law during the preceding 5 [five] years, including but not limited to breaches of 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.

11 LEGAL REVIEW

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

**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**

“PREVIEW COPY ONLY”

RFP FOR THE FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 2 : BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS

1 EXECUTIVE OVERVIEW

Most Transnet Operating Divisions currently procure their Operational requirements through a number of service providers. Our objective is to source all activity through a Preferred Supplier(s) capable of servicing all Transnet Operating Divisions in locations around the country.

The selected Supplier(s) will share in the mission and business objectives of Transnet. These mutual goals will be met by meeting contractual requirements and new challenges in an environment of teamwork, joint participation, flexibility, innovation and open communications. In this spirit of partnership, Transnet and its Supplier(s) will study the current ways they do business to enhance current practices and support processes and systems. Such a partnership will allow Transnet to reach higher levels of quality, service and profitability. Specifically, Transnet seeks to benefit from this partnership in the following ways:

- 1.1 Transnet must receive reduced cost of acquisition and improved service benefits resulting from the Supplier's economies of scale and streamlined service processes.
- 1.2 Transnet must achieve appropriate availability that meets user needs while reducing costs for both Transnet and the chosen Supplier(s).
- 1.3 Transnet must receive proactive improvements from the Supplier with respect to supply of Goods and related processes.
- 1.4 Transnet's overall competitive advantage must be strengthened by the chosen Supplier's leading edge technology and service delivery systems.
- 1.5 Transnet end users must be able to rely on the chosen Supplier's personnel for service enquiries, recommendations and substitutions.
- 1.6 Transnet must reduce costs by streamlining its acquisition of Goods, including managed service processes on a Group basis.

GENERAL INFORMATION

- 1.7 The Supplier(s) shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.
- 1.8 The Supplier(s) must provide the information requested and comply with the requirements stated in this RFP.

2 "AS AND WHEN REQUIRED" CONTRACTS

- 2.1 Purchase orders will be placed on the Supplier(s) from time to time as and when Goods are required.

- 2.2 Transnet reserves the right to place purchase orders until the last day of the contract for deliveries to be effected within the delivery period / lead time specified beyond the expiry date of the contract under the same terms and conditions as agreed upon.
- 2.3 Delivery requirements may be stipulated in purchase orders and scheduled deliveries may be called for. However, delivery periods and maximum monthly rates of delivery offered by the Respondents will be used as guidelines in establishing lead times and monthly delivery requirements with the Supplier.
- 2.4 Where scheduled deliveries are required, the delivery period(s) specified must be strictly complied with, unless otherwise requested by Transnet. Material supplied earlier than specified may not be paid for or may be returned by Transnet, with the Supplier being held liable for all expenses so incurred, e.g. transport charges, handling charges, etc.
- 2.5 If the delivery period offered by the Respondents is subject to a maximum monthly production capacity, full particulars must be indicated in Section 3 [*Pricing and Delivery Schedule*]
- 2.6 The Respondent must state hereunder its annual holiday closedown period [if applicable] and whether this period has been included in the delivery lead time offered:

- 2.7 Indicate below the action that the Respondent proposes to take to ensure continuity of supply during non-working days or holidays and periods occupied in stocktaking or in effecting repairs to plant or in overhaul of plant which would ordinarily occur within the stated delivery lead time:

3 RESPONDENT'S SAMPLES

- 3.1 Only in cases when the Respondent submits a sample(s) of the Goods/products/material tendered for by it, the sample(s) must be forwarded on or before the deadline date to the addressee hereunder:

T.J. DE BRUIN
 18 AUSTEN STREET
 BEACONSFIELD
 KIMBERLEY

The sample(s) must be clearly marked with the reference number of this RFP and the names and addresses of both the Respondent and the manufacturer.

- 3.2 Failure to submit the sample(s) in due time may result in a Proposal being rejected. Proposals must under no circumstances be included in the package containing a sample(s).

- 3.3 The Respondents must state the following:

- a) Has/have a sample(s) been submitted?

- b) How and to whom forwarded?

- c) Date of despatch

4 PRE-PRODUCTION SAMPLES/PROTOTYPES

4.1 Only in cases when a pre-production sample(s) or prototype(s) is/are called for, the Respondent should state here the date required to deliver the necessary pre-production samples(s) or prototype(s) calculated as from the date of notification of acceptance of the Proposal by Transnet:

4.2 NB: Purchase Orders will be placed on the Supplier(s) only after the date of approval of the pre-production sample(s).

4.3 State the number of days/weeks/months after which delivery would commence subject to Transnet's approval of the pre-production sample(s) or prototype(s), calculated as from the date of such approval:

5 MANUFACTURERS

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

5.1 LOCAL MANUFACTURER(S):

| RFP ITEM NUMBER | NAME | ADDRESS [IN FULL] |
|-----------------|-------|-------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

5.2 FOREIGN MANUFACTURER(S):

| RFP ITEM NUMBER | NAME | ADDRESS [IN FULL] |
|-----------------|-------|-------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

6 INSPECTION DETAILS

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

6.1 LOCAL MANUFACTURER(S):

| RFP ITEM NO. | NAME | ADDRESS [IN FULL] |
|--------------|------|-------------------|
| | | |
| | | |
| | | |

6.2 FOREIGN MANUFACTURER(S):

| RFP ITEM NO. | NAME | ADDRESS [IN FULL] |
|--------------|------|-------------------|
| | | |
| | | |
| | | |

7 IMPORTED CONTENT

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

| RFP ITEM NO / DESCRIPTION. | VALUE | % COST | COUNTRY OF ORIGIN |
|----------------------------|-------|--------|-------------------|
| | | | |
| | | | |
| | | | |

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

8 EXCHANGE AND REMITTANCE

The attention of the Respondents is directed to clause 8 [Exchange and Remittance] of the General Bid Conditions appended hereto. The Respondent is also to note that the particulars of the exchange rate on which the Respondent has based its tendered price(s), is/are to be stipulated hereunder, *only if Transnet is requested by the Respondent to effect payment overseas direct to the Respondent's principal or supplier, which is not a registered South African Company.*

8.1 ZAR 1.00 [South African currency] being equal to _____ [foreign currency]

8.2 _____ % in relation to tendered price(s) to be remitted overseas by Transnet

8.3 _____ [Name of country to which payment is to be made]

8.4 Beneficiary details:

Name [Account holder] _____

Bank [Name and branch code] _____

Swift code _____

Country _____

8.5 _____ [Applicable base date of Exchange Rate used]

Respondents are advised that should a contract be awarded for deliveries on an "as and when required" basis, any future remittance(s) to overseas principals/suppliers, as instructed above, will be based on the currency rate of exchange related to the contractual price of the Goods at that time.

EXPORT CREDIT AGENCY SUPPORTED FINANCE:

In order to finance its payment obligations under a future contract where foreign transactions are involved, Transnet would consider raising debt financing [an "ECA Facility"] from one or more banks and financial institutions, with the benefit of export credit agency [ECA] credit support to be provided by an Export Credit Agency.

Under such circumstances the successful Respondent will agree to undertake:

- a) to provide (and/or cause the Parent to provide, as applicable) to Transnet and the banks and financial institutions that may participate in the ECA Facility all such assistance as an importer of Goods and services, which are eligible for ECA credit supported finance by an Export Credit Agency, is generally required to provide for the purposes of obtaining ECA support;

- b) not to do or (as Supplier of the relevant eligible Goods or services) omit to do anything, which may adversely affect Transnet’s prospects of qualifying for or, once obtained, maintaining ECA credit support by an Export Credit Agency in respect of an ECA Facility.

All cost, expenses, charges and liabilities incurred by Transnet in establishing an ECA Facility with credit support from an Export Credit Agency, would be for the account of Transnet.

9 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 of this RFP, and shall thereby adhere to railway safety requirements and/or regulations [as applicable]. 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 organisation.

Accepted:

| | |
|------------|--|
| YES | |
|------------|--|

| | |
|-----------|--|
| NO | |
|-----------|--|

10 SERVICE LEVELS

10.1 An experienced national account representative(s) is required 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.

10.2 Transnet will have quarterly reviews with the Supplier’s account representative on an on-going basis.

10.3 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.

10.4 The 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:

- a) **Penalty charge of R1500 per day will be levied for late completion.**
- b) Random quality checks/quantity/specifications
- c) On-time delivery

10.5 Supplier must provide a telephone number for customer service calls.

10.6 Failure of the Supplier to comply with stated service level requirements will give Transnet the right to cancel the contract in whole, without penalty to Transnet, giving 30 [thirty] days’ notice to the Supplier.

Acceptance of Service Levels:

12.3 **Compliance with the Occupational Health and Safety Act, 85 of 1993** [refer clause 7.1(f) of Form ST&C]:

12.4 **Compliance with the National Railway Safety Regulator Act, 16 of 2002** [refer paragraph 9 above]:

13 REFERENCES

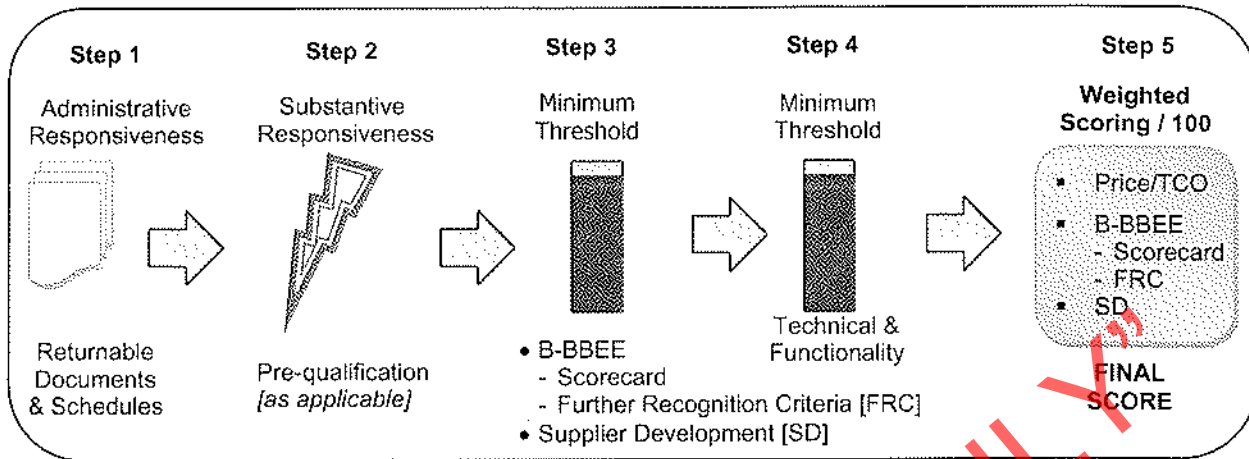
Please indicate below the company names and contact details of existing customers whom Transnet may contact to seek third party evaluations of your current service levels:

| NAME OF COMPANY | CONTACT PERSON | TELEPHONE |
|-----------------|----------------|-----------|
| | | |
| | | |
| | | |
| | | |

“PREVIEW COPY ONLY”

14 EVALUATION METHODOLOGY AND CRITERIA

Transnet will utilise the following methodology and criteria in selecting a preferred Supplier, if so required:



14.1 STEP ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

| EVALUATION CRITERIA | RFP REFERENCE |
|---|-------------------------|
| • whether the bid has been lodged on time | Section 1 paragraph 3 |
| • whether all returnable documents and/or schedules [where applicable] were completed and returned by the closing date and time | Section 4 |
| • whether the bid documentation has been duly signed by the Respondent. | Section 1 paragraph 7.1 |

The test for administrative responsiveness [Step One] must be passed for a Respondent's proposal to progress to Step Two for further evaluation.

14.2 STEP TWO: Test for Substantive Responsiveness to RFP

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

| EVALUATION CRITERIA | RFP REFERENCE |
|---|---|
| • whether any pre-qualification criteria set by Transnet, have been met | Section 1 paragraphs 2.2, 6.1, 10.3 Section 4 – validity period Section 8, General Bid Conditions clause 25 Section 10 |
| • whether the bid contains a priced offer | Section 3 |
| • whether the bid materially complies with the scope and/or specification given | Section 2 |

| | |
|--|---------------------|
| <ul style="list-style-type: none"> whether all material terms and conditions stated in the bid document have been met | <i>All Sections</i> |
|--|---------------------|

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

- a) **STEP THREE: Test Minimum Threshold for B-BBEE, B-BBEE Rating**
 (i) **B-BBEE Scorecard:**

| EVALUATION CRITERION | RFP REFERENCE |
|---|--|
| <ul style="list-style-type: none"> Current status evaluated according the B-BBEE Accreditation scorecard | <i>Section 1, paragraph 5 & Preferential Points Claim Form</i> |

The test for meeting the B-BBEE and SD threshold [Step Three] must be passed for a Respondent's proposal to progress to Step Four for further evaluation.

14.3 STEP FOUR: Test Minimum Threshold for Technical Criteria / Functional Requirements

Technical and Functional Criteria:

| EVALUATION CRITERIA | RFP REFERENCE |
|--|--|
| <ul style="list-style-type: none"> Acceptance of service levels | <i>Section 2, paragraph 13</i> |
| <ul style="list-style-type: none"> Regional representation | |
| <ul style="list-style-type: none"> Control measures to mitigate Transnet's risk exposure | <i>Section 2, paragraph 15</i> |
| <ul style="list-style-type: none"> Green economy / carbon footprint: environmental characteristics including, energy conservation and climate control | |
| <ul style="list-style-type: none"> technical merit aesthetic and functional characteristics safety characteristics quality control practices reliability durability running costs after sales Service and technical assistance delivery date delivery period or period of completion inspection or testing requirements integration with other goods | |
| <ul style="list-style-type: none"> Delivery lead times | <i>Section 2 paragraph 5.3 & Section 3</i> |
| <ul style="list-style-type: none"> | |
| <ul style="list-style-type: none"> | |

The minimum threshold for Step Four evaluation criteria must be met or exceeded for a Respondent's proposal to progress to Step Five for final evaluation.

14.4 **STEP FIVE: Final Weighted Scoring**

a) **Price and TCO Criteria:**

| EVALUATION CRITERIA | RFP REFERENCE |
|---|---|
| <ul style="list-style-type: none"> Commercial offer | |
| <ul style="list-style-type: none"> Previous performance compliance Contract duration compliance Technical compliance of staff Product compliance <p>0</p> | |
| <ul style="list-style-type: none"> Entity's financial stability | <i>Financial Statements – returnable document</i> |
| | |
| | |

b) **Broad-Based Black Economic Empowerment criteria**

- **B-BBEE - current scorecard** [Refer paragraph 17.4(a)(i) above]
- **Further Recognition Criteria – future targets** [Refer paragraph 17.4(a)(ii) above]

c) **Supplier Development Bid Document** [Refer paragraph 17.4(b) above]

14.5 **SUMMARY: Evaluation Thresholds and Weightings**

| EVALUATION CRITERIA | MINIMUM THRESHOLD [%] |
|---------------------------------|-----------------------|
| Local content | 0% |
| B-BBEE and Supplier Development | 0% |
| Technical / functionality | 100% |

| EVALUATION CRITERIA | FINAL WEIGHTED SCORES |
|----------------------------------|-----------------------|
| Price and TCO | 90 |
| B-BBEE - Scorecard | 10 |
| - FRC | 0 |
| Supplier Development Initiatives | 0 |
| TOTAL SCORE: | 100 |

Note: Transnet reserves the right to conduct post-tender negotiations with the preferred Respondent(s)

RFP FOR THE SUPPLY OF DESIGN, SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 3 : PRICING AND DELIVERY SCHEDULE

Please complete the schedule attached to the project specifications

| Item No | Description of Item | Quantity | Unit Price | TOTAL PRICE [ZAR] |
|---------------------------------------|---------------------|----------|------------|-------------------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 6 | | | | |
| TOTAL PRICE, exclusive of VAT: | | | | |

Notes to Pricing:

- c) All Prices must be quoted in South African Rand, exclusive of VAT
- d) Prices to be quoted on a delivered basis as per specification.
- e) Prices quoted must be held valid for a period of 90 days
- f) Currency rate of exchange utilised : _____
- g) Manufacturing and delivery lead time calculated from date of receipt of purchase order: _____ weeks
- h) Respondents are to indicate whether prices quoted would be subject to adjustment after a period of 12 months, and if so which proposed adjustment factor(s) would be utilised

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF DESIGN, SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11
SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY, NORTH, FOR
COMPLETION BY DECEMBER 2013**

Section 4 : PROPOSAL FORM

I/We _____

[name of entity, 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 ST&C – Goods];
- (ii) General Bid Conditions – Goods; and
- (iii) any other standard or special conditions mentioned and/or embodied in this Request for Proposal.

I/We accept that unless Transnet should otherwise decide and so inform me/us in the letter of award, 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 a letter of intent [the **Letter of Intent**], this Proposal [and, if any, its covering letter and any subsequent exchange of correspondence] together with Transnet's Letter of Intent, shall constitute a binding contract between Transnet and me/us until the formal 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 thereafter, 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.

Respondent's Signature

Date & Company Stamp

I/We accept that any contract resulting from this offer will be for completion by **December 2013** 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 ourselves.

The law of the Republic of South Africa shall govern any contract created by the acceptance of this RFP. The *domicilium 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 authorised representative in the Republic of South Africa who has the power of attorney 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 such contract.

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

Name of Entity: _____
 Facsimile: _____
 Address: _____

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, B-BBEE status or for any other reason.

VALIDITY PERIOD

Transnet requires a validity period of 90 [ninety] days [from closing date] against this RFP.

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)

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 must 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 | |
|------------|--|-----------|--|

PRICE REVIEW

The successful Respondent(s) will be obliged to submit to an annual price review. Transnet will be benchmarking this price offering(s) against the lowest price received as per a 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 [thirty] 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 AND SCHEDULES

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 | √ |
| - ANNEXURE A : B-BBEE Preference Points Claim Form | √ |
| | √ |
| SECTION 2 : Background, Overview and Scope of Requirements | √ |
| SECTION 3 : Pricing & Delivery Schedule | √ |
| SECTION 4 : Proposal Form | √ |
| SECTION 5 : Vendor Application Form | |
| - Original cancelled cheque or bank verification of banking details | |
| - Certified copies of IDs of shareholder/directors/members [as applicable] | √ |
| - Certified copy of Certificate of Incorporation [CM29/CM9 name change] | √ |
| - Certified copy of share certificates [CK1/CK2 if CC] | |
| - Entity's letterhead | |
| - Original Tax Clearance Certificate | √ |
| - Certified copy of VAT Registration Certificate | √ |
| - Certified copy of Company Registration Certificate | √ |
| - Valid B-BBEE Accreditation Certificate [Large Enterprises and QSEs] | √ |

| | |
|--|---|
| - Annual financials signed off by an accounting officer [EMEs] | ✓ |
| - Audited Financials for previous 3 years | ✓ |
| SECTION 6 : Signing Power - Resolution of Board of Directors | ✓ |
| SECTION 7 : Certificate of Acquaintance with RFP Documents | ✓ |
| SECTION 8 : General Bid Conditions – Goods | ✓ |
| SECTION 9 : Standard Terms and Conditions of Contract | ✓ |
| SECTION 10 : RFP Declaration Form | ✓ |
| SECTION 11 : Breach of Law | ✓ |
| SECTION 12 : Bid Clarification Request Form | ✓ |
| SECTION 13 : Supplier Code of Conduct | ✓ |
| Certificate of attendance of Site Meeting / RFP Briefing | ✓ |
| Specifications and Drawings | ✓ |
| Non-Disclosure Agreement | ✓ |
| Further Recognition Criteria | ✓ |
| Supplier Development Initiatives | ✓ |
| - Supplier Development Bid Document | ✓ |
| - Annexure C : Supplier Development Value Summary | ✓ |
| - Annexure D : Bill of Materials | ✓ |

Failure to provide all the above-referenced returnable documents marked with a [✓] will result in a Respondent's disqualification. Bidders are therefore urged to ensure that all these documents are returned with their Proposals.

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 _____ 2012

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

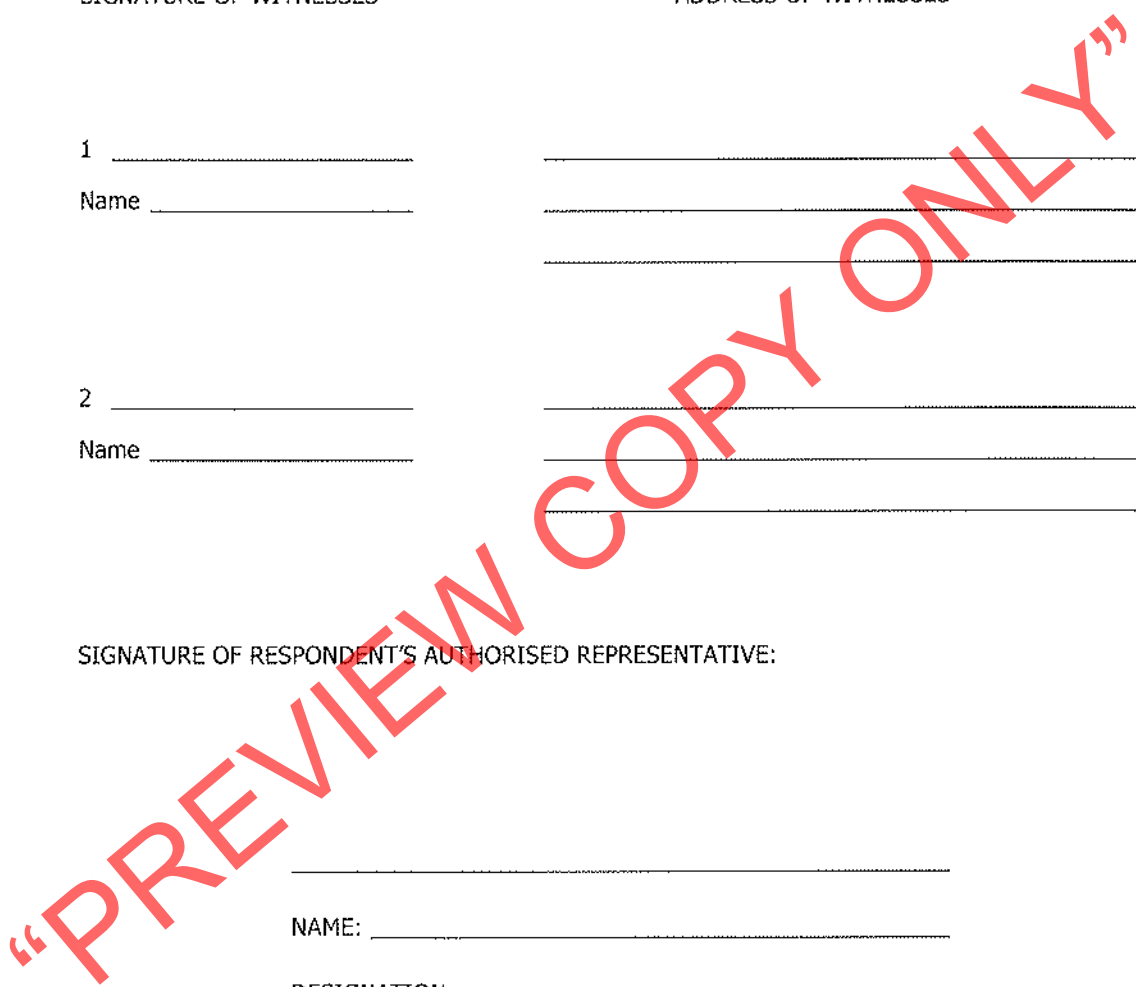
1 _____
Name _____

2 _____
Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____



RFP FOR THE FOR THE SUPPLY OF DESIGN, SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 5 : 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 entity’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

Note: No contract shall be awarded to any Respondent whose tax matters have not been declared by SARS to be in order.

Vendor Application Form

Entity’s trading name

Entity’s registered name

Entity’s Registration Number or ID Number if a Sole Proprietor

| | | | | | | |
|--------------------|----|-------|---------|---------|-------------|-----------------|
| Form of entity (✓) | CC | Trust | Pty Ltd | Limited | Partnership | Sole Proprietor |
|--------------------|----|-------|---------|---------|-------------|-----------------|

How many years has your entity been in business?

VAT number [if registered]

Entity’s telephone number

Entity’s fax number

Entity’s email address

Entity’s website address

| | |
|----------------|----------------------|
| Bank name | Branch & Branch code |
| Account holder | Bank account number |
| Postal address | |



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.
- 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 .Contact person Carol tel: 021 940-3846 fax 021 940-3883.



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) | | | | | | |
| BEE Ownership Details | | | | | | |
| % Black Ownership | | % Black women ownership | | % Disabled person/s ownership | | |
| 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.

Transnet Vendor/Supplier Management .Contact person Carol tell: 021 940-3846 fax 021 940-3883

RFP FOR THE FOR THE SUPPLY OF DESIGN, SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 6 : SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS

NAME OF ENTITY: _____

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

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

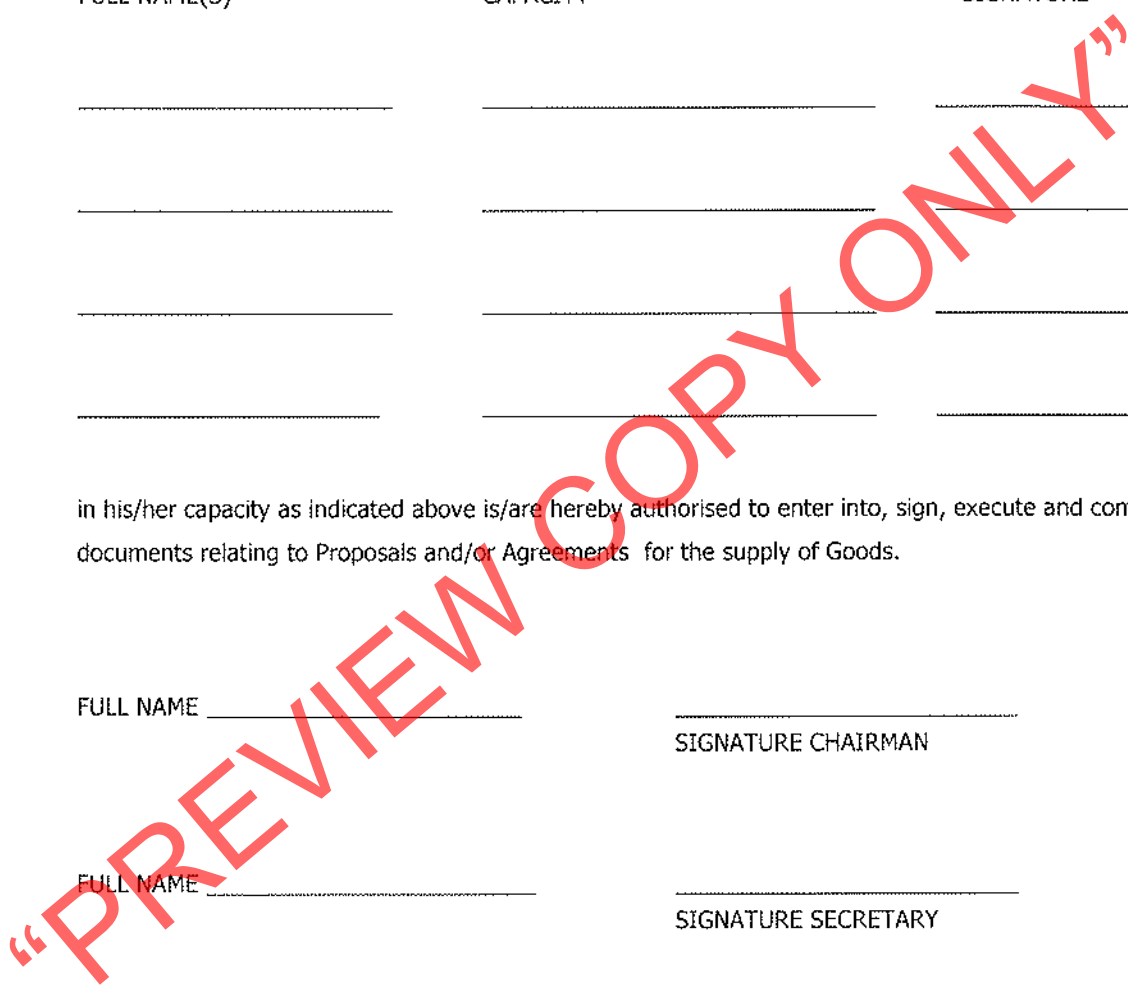
in his/her capacity as indicated above is/are hereby authorised to enter into, sign, execute and complete any documents relating to Proposals and/or Agreements for the supply of Goods.

FULL NAME _____

SIGNATURE CHAIRMAN

FULL NAME _____

SIGNATURE SECRETARY



RFP FOR THE FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 7 : CERTIFICATE OF ACQUAINTANCE WITH RFP DOCUMENTS

NAME OF ENTITY:

I/We _____

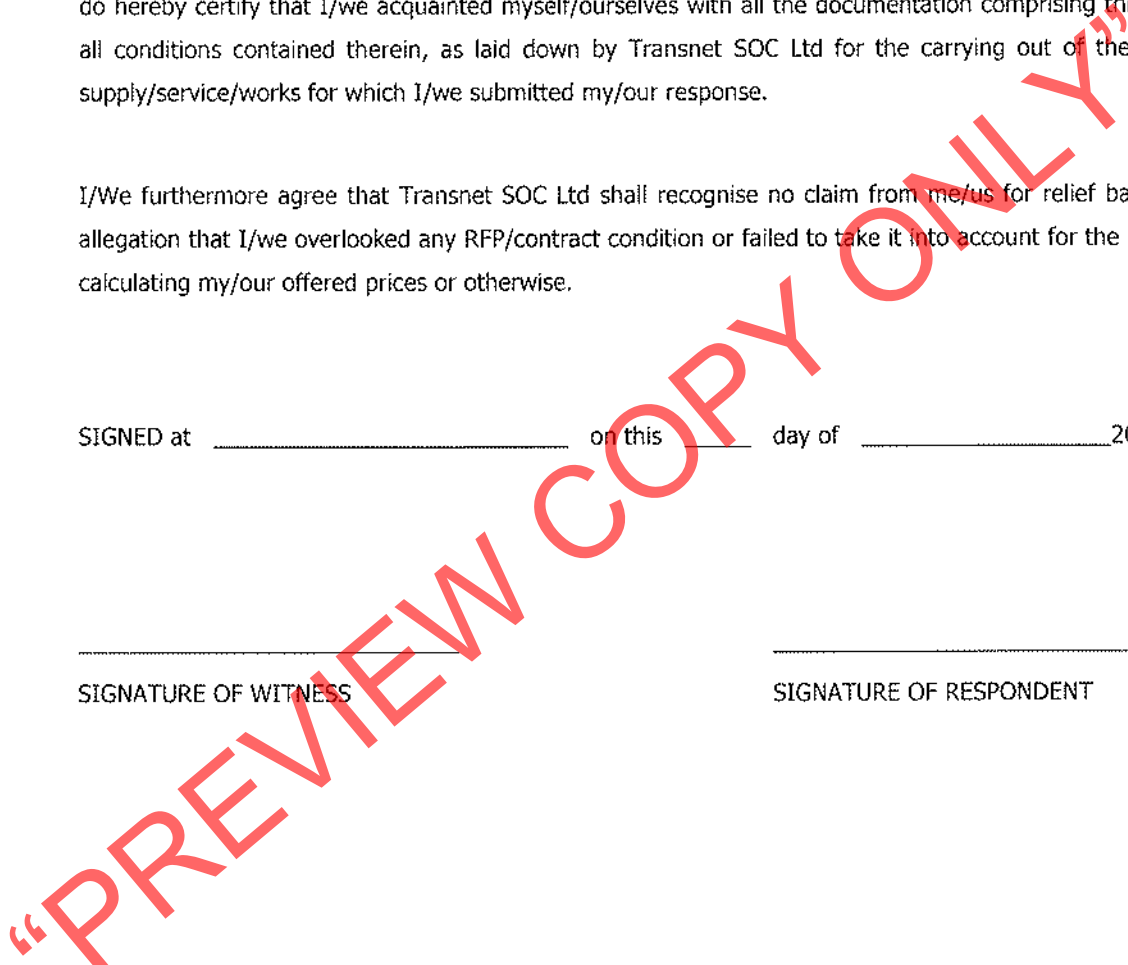
do hereby certify that I/we acquainted myself/ourselves with all the documentation comprising this RFP and all conditions contained therein, as laid down by Transnet SOC Ltd for the carrying out of the proposed supply/service/works for which I/we submitted my/our response.

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 _____ 2012

SIGNATURE OF WITNESS

SIGNATURE OF RESPONDENT



RFP FOR THE FOR THE SUPPLY OF DESIGN, SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 8 : GENERAL BID CONDITIONS - GOODS

Refer General Bid Conditions attached hereto

“PREVIEW COPY ONLY”

RFP FOR THE FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

**Section 9 : STANDARD TERMS AND CONDITIONS OF CONTRACT
FOR THE SUPPLY OF GOODS TO TRANSNET**

Refer Form ST&C attached hereto.

Respondents should note the obligations as set out in
clause 25 [*Terms and Conditions of Bid*]
of the General Bid Conditions [RFP Section 8] which reads as follows:

"The Supplier shall adhere to the Standard Terms and Conditions of Contract as set out in Form ST&C – Goods, a copy of which is attached hereto. Should the Respondent find any conditions unacceptable, it should indicate which conditions are unacceptable and offer alternatives. Any such submission shall be subject to review by Transnet's Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be."

RFP FOR THE FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 10 : RFP DECLARATION FORM

NAME OF ENTITY: _____

We _____ do hereby certify that:

1. Transnet has supplied and we have received appropriate responses to any/all questions [as applicable] which were submitted by ourselves for bid 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 entity 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 entity 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 entity 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 FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013**

Section 11 : BREACH OF LAW

NAME OF ENTITY: _____

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: _____

RFP FOR THE FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 12 : BID CLARIFICATION REQUEST FORM

RFP No: KBY52222

RFP deadline for questions / bid clarifications: **Before 12:00 on 16 APRIL 2013**

TO: Transnet SOC Ltd
ATTENTION: The Secretary, Transnet Acquisition Council [TAC]
EMAIL: TAC.SECRETARIAT@transnet.net
DATE: _____
FROM: _____

RFP Bid Clarification No *[to be inserted by Transnet]*

REQUEST FOR BID CLARIFICATION

Respondent's Signature

Date & Company Stamp

RFP FOR THE FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section 13 : SUPPLIER 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:

- The Transnet Procurement Procedures Manual [PPM];
- 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 [B-BBEE]; and
- The Prevention and Combating of Corrupt Activities Act.

This Code of Conduct has been included in this RFP to formally apprise prospective 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 Company [SOC], 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.

1. Transnet will not participate in corrupt practices and therefore 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, to:
 - illegally influence their judgement or conduct or to ensure the desired outcome of a sourcing activity;
 - win or retain business or to influence any act or decision of any decision stakeholders involved in sourcing decisions; or
 - 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" Hot line to report these acts [0800 003 056].

2. *Transnet is firmly committed to the ideas of free and competitive enterprise.*
- Suppliers are expected to comply with all applicable laws and regulations regarding fair competition and antitrust.
 - Transnet does not engage with non-value adding agents or representatives solely for the purpose of increasing B-BBEE spend [fronting].
3. *Transnet's relationship with Suppliers requires us to clearly define requirements, 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 [e.g. origin of manufacture, specifications, intellectual property rights];
 - collusion;
 - failure to disclose accurate information required during the sourcing activity [e.g. ownership, financial situation, B-BBEE status];
 - 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 is 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.

Conflicts 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.

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

RFP FOR THE FOR THE SUPPLY OF DESIGN,SUPPLY AND INSTALL 132KV CURRENT TRANSFORMERS AT 11 SUBSTATIONS UNDER THE CONTROL OF THE DEPOT ENGINEER, KIMBERLEY,NORTH, FOR COMPLETION BY DECEMBER 2013

Section : CERTIFICATE OF ATTENDANCE OF SITE MEETING / RFP BRIEFING

It is hereby certified that –

- 1. _____
- 2. _____

Representative(s) of _____ *[name of entity]*

attended the site meeting in respect of the proposed Goods to be supplied in terms of this RFP on _____ 2012

TRANSNET'S REPRESENTATIVE

RESPONDENT'S REPRESENTATIVE

DATE _____

DATE _____

“PREVIEW COPY ONLY”