



TRANSNET FREIGHT RAIL
DIVISION of
TRANSNET LIMITED
(Registration No. 1990/000900/06)

REQUEST FOR QOUTATION (“RFP”)

RFP NUMBER: ERAC-PRZ-5614

CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM PYRAMID SOUTH TO ELLISRAS

ISSUE DATE : 08 FEBRAURY 2010
CLOSING DATE : 09 MARCH 2010
CLOSING TIME : 10H00
VALIDITY PERIOD : 08 JUNE 2010

Please note that late responses and those delivered or posted
to the incorrect address will be disqualified.



RFP NUMBER ERAC-PRZ-5614

SUPPLY OF CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM PYRAMID SOUTH TO ELLISRAS

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. Service Fees and Costs**
- 7. General Tender Conditions (CSS5 – Goods)**
- 8. Standard Terms and Conditions of Contract (US7 - Goods)**
- 9. Specification and drawings**
- 10. Non-Disclosure Agreement**
- 11. Suppliers code of conduct**
- 12. Certificate of Attendance of RFP Briefing**



SECTION 1

RFP NUMBER ERAC-PRZ-5614

SUPPLY OF CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM PYRAMID SOUTH - ELLISRAS

NOTICE TO BIDDERS

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

2.

On or after 08 February 2010 documents may be inspected at, and are obtainable from the Tender Advice Centre, **Inyanda 1, Ground Floor, 21 Wellington Road, Parktown.**

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

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

For commercial queries: Sarah Assegaai	:	011 584 0668
	:	sarah.assegaai@transnet.net
Wesley Van Heerden	:	011 584 0657
	:	Wesley.Vanheerden@transnet.net

Compulsory site visits will be conducted over a period of 3 days (16th, 17th and 18th of February). Access to some of the sites is difficult and will require a 4X4 type vehicle.

(Refer also to point 1 of section 2 of this document)

Details of the starting Location:

Date: 16 February 2010

Address: 598 Andries street, Pretoria

Time: 07:30

The agenda and sequence of locations to be visited will be provided at the meeting.

For directions, contact: Anton Dreyer (012) 315 3204/ 083 453 8760



3. Quotations IN TRIPLICATE must reach the Secretary, Transnet Freight Rail Acquisition Council before the closing hour on the date shown below, and be enclosed in a sealed envelope which must have inscribed on the outside:

RFP NO : ERAC – PRZ- 5614
Description : CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM
PYRAMID SOUTH TO ELLISRAS
Closing date and time : 09 MARCH 2010
Closing address (refer to paragraph 4 below)

4. **DELIVERY INSTRUCTIONS FOR THIS RFP**

- 4.1 **If posted**, the envelope must be addressed to the Secretary, Transnet Freight Rail Acquisition Council, P.O. Box 4244; Johannesburg; 2000 and must be dispatched in time for sorting by the Post Office to reach the Secretary 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 Freight Rail Acquisition Council tender box which is located at the foyer on the ground floor, Inyanda House 1, 21 Wellington Road, Parktown; Johannesburg, and should be addressed as follows:

THE CHAIRPERSON
TRANSNET FREIGHT RAIL ACQUISITION COUNCIL
INYANDA HOUSE
21 WELLINGTON ROAD
PARKTOWN
JOHANNESBURG
2001

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

THE CHAIRPERSON
TRANSNET FREIGHT RAIL ACQUISITION COUNCIL
INYANDA HOUSE
21 WELLINGTON ROAD
PARKTOWN
JOHANNESBURG
2001



5. Please note that this RFP closes punctually at 10:00 on Tuesday 09 March 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 US7 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 South African Government's Broad-Based Black Economic Empowerment Programme and it is strongly of the opinion that all business enterprises have an equal obligation to redress the imbalances of the past. TRANSNET would therefore prefer to do business with business enterprises who share these same values and who are prepared to contribute to meaningful BBBEE initiatives (including and not limited to enterprise development, subcontracting and Joint Ventures) as part of their tender response.

Transnet would 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 R30000 will be evaluated accordingly. All transactions below R30000 will as far as possible be earmarked for EME's.

TRANSNET consequently urges Respondents (Large enterprises and QSE's – see below) to have themselves duly accredited by any one of the Accreditation Agencies [approved](#) by SANAS (South African National Accreditation System, under the auspices of the DTI).

In terms of Government Gazette No. 32094, Notice No. 354 dated 23 March 2009, as from 1 August 2009, only BBBEE accreditation Certificates issued by SANAS approved verification agencies will be valid.

However accreditation certificates issued before 23 March 2009 and which are still within their one (1) year validity period will still be acceptable, until their expiry date provided that the accreditation was done in accordance **with the latest codes (i.e. those promulgated on 9 February 2007).**



BBBEE Accreditation Certificates issued after the published date i.e. 23 March 2009, by a Verification Agency not approved by SANAS, will **NOT** be acceptable as from 23 March 2009.

Enterprises will be rated by such Accreditation Agencies based on the following:

- (a) **Large Enterprises (i.e. annual turnover >R35 million):**
 - Rating level based on all 7 (seven) elements of the BBBEE scorecard
 - Enterprises to provide BBBEE certificate and detailed scorecard (to be renewed annually)
- (b) **Qualifying Small Enterprises – QSE (i.e. annual turnover >R5 million but <R35 million):**
 - Rating based on any 4 (four) of the elements of the BBBEE scorecard
 - Enterprises to provide BBBEE certificate and detailed scorecard (to be renewed annually)
- (c) **Exempted Micro Enterprises – EME (i.e. annual turnover <R5m are exempted from being rated or verified):**
 - Automatic BBBEE Level 4 rating, irrespective of race ownership, i.e. 100% BBBEE recognition
 - Black ownership >50% or Black Women ownership >30% automatically qualify as Level 3 BBBEE rating, i.e. 110% BBBEE recognition
 - EME's should provide documentary proof of annual turnover (i.e. audited financials) plus proof of Black ownership if Black ownership >50% or Black Women ownership >30% (to be renewed annually) from their Auditors / Accounting Officers

In addition to the above, Respondents who wish to enter into a Joint Venture (JV) or subcontract portions of the contract to BBBEE companies must state in their Tenders / Proposals the percentage of the total contract value which would 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-contractors, as well as a breakdown of the distribution of the aforementioned percentage allocation must also be furnished with the tender response to enable Transnet to evaluate / adjudicate on all tenders received on a fair basis.

Each Respondent is required to furnish proof of its BBBEE status (Certificate and Detailed Scorecard) as stipulated above to TRANSNET.

Turnover: Indicate your company's most recent annual turnover:
R.....

- If annual turnover <R5m, please attach auditors / accounting officers letter confirming annual turnover and percentage black ownership as well as Black Women ownership
- If annual turnover >R5m please attach BBBEE certificate and detailed scorecard from an accredited rating agency.



The DTI has created an online **B-BBEE Registry** (<http://www.dti.gov.za>) in order to provide a central and standardized source of the B-BBEE status of all entities, and to facilitate the flow of this information amongst entities by providing a Unique Profile Number (UPN) per each listing. Existing and prospective suppliers are therefore urged to list their B-BBEE status on the DTI Registry. Hence, entities verified by DTI, will receive the following benefits:

- Their BBEE status will be verified and confirmed by the DTI, before listing on the Registry
- Listing on the Registry will provide suppliers the option to market themselves on the DTI B-BBEE Opportunities Network. This is a search engine that is designed to help businesses find B-BBEE compliant entities who match specific requirements in terms of the nature of services/goods provided, region, B-BBEE status or other search criteria.

Transnet supports this DTI initiative and will use the DTI Registry to verify prospective and existing suppliers' BBEE credentials.

Kindly provide Transnet with your DTI B-BBEE UNIQUE PROFILE NUMBER with all tender submissions.

DTI BBEE UNIQUE PROFILE NUMBER:

Failure to submit your BBEE information in terms of 14.3 and/or 14.5 (above) will result in a score of zero being allocated for BBEE evaluation.

Suppliers and Tenderers are requested to duly complete the Supplier Declaration Form (SDF) and provide all the relevant supporting attachments as requested. Failure to provide the following may disqualify your tender submission:-

1. Duly completed SDF
2. Current tax clearance certificate

The Supplier and Tenderer shall furnish proof of the above to Transnet. Transnet at its sole discretion may decide to allow certain price preferences in order to uplift the historically disadvantaged in terms of the PPPFA (Act 5 of 2000).

Transnet insists on honesty and integrity beyond reproach at all times and will not tolerate any form of improper influencing, bribery, corruption, fraud, or any other unethical conduct on the part of bidders/ Transnet employees. If, in the opinion of Transnet's Chief Operating Officer, a tenderer/contractor/ supplier has or has caused to be promised, offered or given to any Transnet employee, any bribe, commission, gift, loan, advantage or other consideration, Transnet shall be entitled to revoke the tender / contract by following its internal policies that govern the Exclusion process. In such an event Transnet will be entitled to place any Tenderer/Contractor/Supplier who has contravened the provisions of Transnet's business ethics on its List of Excluded Tenderers. This List will also be distributed to all other State Owned Enterprises and Government Departments.

Transnet invites its valued suppliers to report any allegations of fraud, corruption or other unethical activities to Transnet Tip-offs Anonymous, at any of the following addresses/contract numbers :-

- **Toll free anonymous hotline – 0800 003 056**



- Email – Transnet@tip-offs.com
 - Fax number – 0800 007 788
 - Freepost DN 298, Umhlanga Rocks, 4320
- Confidentiality is guaranteed.

13. 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 Freight Rail Acquisition Council, at telephone number 011 308 3868 or fax no. 011 308 3867 on any matter relating to its RFP response.

14. 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.

15. 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.

16. 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.

17. ADDITIONAL NOTES:

- All returnable documents as indicated in the Proposal Form (Section 3) must be returned with the response
- Respondent are to note that Proposals in which firm prices are quoted for the duration of any resulting contract may you receive precedence over price 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**

18. 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 Services 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 Services 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.

19. PAYMENT TERMS

Bidders are to take note that Transnet will not consider proposals that require a down - payment together with the contract. Material and components may only be invoiced after such component has been installed and commissioned. Payment for components delivered or on hand will not be considered unless the component has been installed, commissioned and is operational.



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:

NAME OF RESPONDENT

PHYSICAL ADDRESS

.....

Respondent's contact person:

Name.....

Designation.....

Telephone.....

Cell Phone.....

Facsimile.....

Email.....

Website.....

PREVIEW COPY ONLY

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



SECTION 2

RFP NUMBER RFP ERAC-PRZ-5614

CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM PYRAMID SOUTH TO ELLISRAS

BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS

1. BACKGROUND

- a) Transnet Freight Rail (TFR) is a business division of Transnet Limited, and it has a broad range of telecommunications services. These services include, amongst others, radio communications for the safe operation of trains.
- b) The "WORKS" called for in this document are for the construction of infrastructure for radio high sites. These high sites will house radio communications systems used for RTO, a system used by Transnet Freight Rail for the control of train operations between PYRAMID-SOUTH and ELLISRAS.
- c) The "WORKS" called for in this document have an impact on the safe operations of trains by TFR. The level of workmanship, the quality and durability of the installations, and adherence to safety rules and regulations is of the utmost importance.

TFR will hold site meetings and conduct visits to all the sites that are covered in the "WORKS".

Attendance of the site meeting and visits to all sites is compulsory for all tenderers. Tender responses from Contractors who have not attended the compulsory briefings will be automatically disqualified.



2. EXECUTIVE OVERVIEW

Transnet Operating Divisions currently procure their 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.

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:

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

3. SCOPE OF REQUIREMENTS

- a) This specification covers the construction of radio high sites for RTO Communication systems.
- b) These requirements will be refined after the **compulsory site briefings**, and any changes to the requirements will be communicated to those Contractors that attended the site briefings. The scope of work for the sites includes the following: The upgrade of an access road to the applicable site, such that it can be Possible for a 2x4 LDW vehicle to access the site. The sites where access roads are required will be identified during the site meetings.
- c) The clearance of terrain for the construction of a concrete plinth. The concrete plinth must be 25 MPA and 100 mm thick with expansion joints (1.5m² blocks).
- d) The supply and installation of a 3 X 30 mm copper earth mat, 500 mm from the outside perimeter of the site and connected to the mast, fence corner posts and container/building earth.



- e) Supply and install 2,5 m palisade steel fence (hot dipped galvanised) with an access gate. Refer to the applicable site plans (Appendix D) and see Appendix F for fence specification details.
- f) On each of the sites powered by solar, supply and install a container as per Drawing 1 "Equipment Housing" and Appendix A of this specification, namely "Container Requirements 12 volt DC Solar Feed".
- g) On each of the sites where 220 volt AC power is available, supply and install a container as per Drawing 1 "Equipment Housing", and Appendix B of this specification, namely "Container Requirements 220 volt AC Feed".
- h) Supply and install a mast as per the Site Plans. The mast must be a self supporting lattice type mast. Details of the mast requirements are listed in Appendix C.
- i) Supply and install an antenna system, inclusive of antenna(s), RF cabling, connectors, cable trays, cable entry plates, lightning protection and earthing, refer to Appendix C and Appendix D.
- j) When the construction of each site is completed in terms of this specification, the Contractor must complete a Certificate of Completion (CoC) and present it to the TFR.
- k) When the TFR is satisfied that the site has been built according to specification, the CoC will be signed.
- l) A signed CoC is required for payment to be processed.

4. GENERAL INFORMATION

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.

5. PRICING

Pricing is to be on a fixed basis and due to the shortened completion period, price escalation will not apply

6. DELIVERY POINT / DESTINATION

The construction of Train Radio High Sites as per attached area list.
Prices are to be inserted in the pricing Matrix in Section 6 of this document



7. 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)
.....
.....

8. 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)
.....
.....
.....

PREVIEW COPY ONLY



9. 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.

EXCHANGE AND REMITTANCE

The attention of the Respondents is specially directed to clause 7 (*Exchange and Remittance*) of the General Tender Conditions Form CSS5. 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/supplier.

(a) ZAR..... (South African currency) being equal to 1.00(specify foreign currency).% in relation to tendered price(s) (.....) to be remitted overseas by Transnet.

(b) (Name of country to which payment is to be made)

(c) Beneficiary details :

Name (Account holder)

Bank (Name and branch code).....

Swift code

Country



(d) (Applicable date of Exchange Rate used)

10. 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.

.....
--

PRIEVIEW COPY ONLY



11. 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:

.....

.....

.....

.....

(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)

.....



.....

12. 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

PREVIEW COPY ONLY

13. EVALUATION CRITERIA

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

- Pricing - Whilst not the sole factor for consideration, competitive pricing and overall level of discounts will be critical in the Evaluation and Recommendation.

“ORDER WINNING” CRITERIA

Commercial:

Sub-Criteria

- **Reduce total cost of ownership**
- **Competitive pricing**
- **Financial Capacity**
-



Technical:

Sub-Criteria

- **Compliance to Specification**
- **Interface with current technologies**
- **Risk and Safety Compliance**
- **Previous similar business**

BBBEE

Sub-Criteria

- **BBBEE Certificate & Detailed Scorecard**

PREVIEW COPY ONLY



SECTION 3

RFP NUMBER ERAC-PRZ-5614

CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM PYRAMID SOUTH TO ELLISRAS

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 authorized 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 ofonly; 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:



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
.....
.....
.....
.....
.....

PREVIEW COPY ONLY



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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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)

RETURNABLE DOCUMENTS

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

Notice to Bidders – Section 1	√
Background overview – Section 2	√
Proposal Form – Section 3	√
Resolution of Board of Directors (Respondent’s Representative) – Section 4	√
Certificate of Acquaintance with RFQ Documents – Section 5	√
Pricing & Delivery Schedule – Section 6	√
General Tender Conditions, Form CSS5 – Section 7	√
Conditions of Contract, Form US7 – Section 8	√
Audited Financials for previous year	√
Valid Tax Clearance Certificate	√
VAT Registration Certificate	√
BBBEE Accreditation Certificate	√
Specifications and Drawings – Section 09	√
Non-Disclosure Agreement – Section 10	√
Suppliers code of conduct-Section 11	

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

 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 _____ 2009.

SIGNATURE OF WITNESSES:

ADDRESS OF WITNESSES:

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

PREVIEW COPY ONLY

DESIGNATION



SECTION 4

RFP NUMBER ERAC-PRZ-5614

CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM PYRAMID SOUTH TO ELLISRAS

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 5

RFP NUMBER ERAC-PRZ-5614

CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM PYRAMID SOUTH TO ELLISRAS

CERTIFICATE OF ACQUAINTANCE WITH RFP DOCUMENTS

NAME OF COMPANY: _____

I/We _____ do

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

I/We furthermore agree that Transnet Limited 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 _____ 2009

WITNESS: _____

SIGNATURE OF RESPONDENT



SECTION 6

RFP NUMBER ERAC-PRZ-5614

CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM PRICING & DELIVERY SCHEDULE

Refer Appendix E Specification No BBD6636 Version 1
 PRICES PER COMPONENT MUST BE INSERTED BELOW

SITE NAME	ROAD	MAST	ANTENNA SYSTEM	CONTAINER	CONCRETE PLINTH	FENCING	TOTAL PRICE	DELIVERY TIME/ COMMISSIONING
Pyramid South	N/A	N/A		N/A	N/A	N/A		
Kameeldrift-West	N/A	N/A				N/A		
Nooitgedacht	N/A	N/A		N/A	N/A	N/A		
Langberg	N/A	N/A		N/A	N/A	N/A		
Atlanta PPC	N/A							
Schoongezicht	N/A	N/A				N/A		
Bullskop	N/A	N/A		N/A	N/A	N/A		
Ferrogate	N/A	N/A		N/A				
Thabazimbe	N/A							
Paulskloof	N/A	N/A				N/A		
SUBTOTAL								
VAT @ 14%								
TOTAL								

 Respondent's Signature

 Date and Company Stamp



SECTION 7

RFP NUMBER ERAC-PRZ-5614

CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM
PYRAMID SOUTH TO ELLISRAS

GENERAL TENDER CONDITIONS - GOODS

Refer Form CSS5 attached hereto

PRIEVIEW COPY ONLY



SECTION 8

RFP NUMBER ERAC-PRZ-5614

**CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM
PYRAMID SOUTH TO ELLISRAS**

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

30

Date and Company Stamp



SECTION 09

RFP NUMBER ERAC-PRZ-5614

**CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM
PYRAMID SOUTH TO ELLISRAS**

SPECIFICATIONS AND DRAWINGS

REFER TO SPECIFICATION

No BBD6636 Version 1

PREVIEW COPY ONLY



SECTION 10

RFP NUMBER ERAC-PRZ-5614

CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM PYRAMID SOUTH TO ELLISRAS

NON-DISCLOSURE AGREEMENT (“NDA”)

Complete and sign NDA attached hereto

PRIEVIEW COPY ONLY



SECTION 11

RFP NUMBER ERAC-PRZ-5614

**CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM
PYRAMID SOUTH TO ELLISRAS**

SUPPLIERS CODE OF CONDUCT

PREVIEW COPY ONLY



SECTION 12

RFP NUMBER ERAC-PRZ-5614

**CONSTRUCTION OF TRAIN RADIO HIGH SITES FROM
PYRAMID SOUTH TO ELLISRAS**

CERTIFICATE OF ATTENDANCE OF RFP BRIEFING

PREVIEW COPY ONLY

Respondent's Signature

34

Date and Company Stamp