



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

RFP NUMBER

HOAC-BRM-5831

DESCRIPTION

A REQUEST FOR PROPOSAL FOR THE PROVISION OF SKILLED RESOURCES TO HELP WITH THE DEVELOPMENT OF CREW MANAGEMENT SYSTEM.

ISSUE DATE: 7 December 2009

CLOSING DATE: 26 January 2010

OPTION DATE: 27 April 2010

BRIEFING SESSION: 14th December 2009

Venue: Boardroom R 1408

Logistics House

39 Wolmarans Street

Braamfontein

Time: 10:00 to 12:00.

TENDER BOX ALLOCATED AT THE CHAIRPERSON TRANSNET FREIGHT RAIL ACQUISITION COUNCIL, GROUND FLOOR, INYANDA HOUSE 1, 21 WELLINGTON ROAD, PARKTOWN, JOHANNESBURG.

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

Respondent's signature

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Date and company stamp



SCHEDULE OF DOCUMENTS

- 1. Notice to Bidders**
- 2. Scope Of Work**
- 3. Certificate of Attendance of RFP Information meeting**
- 4. Returnable Schedule/Documents**
- 5. Supplier Declaration Form**
- 6. General Tender Conditions (CSS5 – Services)**
- 7. Standard Terms and Conditions of Contract (US7 - Services)**
- 8. Non-Disclosure Agreement**
- 9. Suppliers Code of Conduct**

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SECTION 1

RFQ NO: HOAC-JHB-05831

**A REQUEST FOR A PROPOSAL FOR THE PROVISION OF
SKILLED RESOURCES TO HELP WITH THE DEVELOPMENT OF CREW
MANAGEMENT SYSTEMS**

NOTICE TO BIDDERS

Refer Document attached hereto

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PART 1

TERMS OF TENDER

1 CONTACT DETAILS

- 1.1 This tender form was issued on the 7th December 2009, by the office of Supply Chain Services, Services Department, Transnet Freight Rail, Inyanda House 2, 13-15 Girton Road, Johannesburg, Telephone - Commercial - Gladys Mtambo (011) 584-0597. Technical enquiries Mr. Mark Snyders on Tel nr.011 773-8907 or Lebotse Menoe on Tel nr. 011 773-7240 and Nelly Badimo on Tel 011 – 773 4666 where any additional information may be obtained.
- 1.2 A non-refundable tender fee of R500.00 (inclusive of Vat) is applicable per tender (listed below). Payment is to be made to Transnet Freight Rail, Standard Bank Account number 203158598, Branch code 004805. The deposit slip must reflect the tender number and the Company Name. Receipt/s to be presented prior to collection of the tender/s.

2 COMPLETION OF TENDER

- 2.1 Transnet Freight Rail will not be liable for any costs incurred in the preparation of the tenderers tender.
- 2.2 All copies of the tender must be initialed on each page and signed by the duly authorized representative of the tenderer.

3 SUBMISSION OF TENDER

- 3.1 Late proposals will not be considered and tenders delivered to any address or deposited in any box other than that stipulated herein will be regarded as late tenders and will consequently be returned to tenderers.
- 3.2 **Tenders (In triplicate) must be enclosed** in sealed envelopes, which are to be endorsed as shown below;

RFP NO.: HOAC-BRM-5831
DESCRIPTION: A REQUEST FOR PROPOSAL FOR THE PROVISION OF SKILLED RESOURCES TO HELP WITH THE DEVELOPMENT OF CREW MANAGEMENT SYSTEM ON THE EMERGE PLATFORM.

CLOSING DATE: 26 January 2010

- 3.3 Tenders must reach The Chairman, Transnet Tenders, before the closing time. An envelope must NOT contain documents relating to any tender other than that shown on the envelope.
- 3.4 If posted, the envelope must be addressed to The Chairperson, Transnet Freight Rail Acquisition Council, P.O. Box 4244, Johannesburg, 2000 and must be dispatched in

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time for sorting by the Post Office into P O Box 4244, before the closing time. If a tender is received late, the Tenderers franking machine impression will not be accepted as proof that the tender was posted in time.

3.5 If delivered by hand, the envelope must be addressed to, The Chairperson, Transnet Freight Rail Acquisition Council, Ground Floor, Inyanda House, 21 Wellington Road, Parktown Johannesburg 2001.

3.6 and handed in at that address before the closing time.

3.7 No e-mail or facsimile tenders will be considered.

RFP No. **HOAC-BRM-5831** closes punctually at 10h00 on Tuesday 26th January 2010.

4 VALIDITY PERIOD

4.1 Transnet Freight Rail desires a validity period up to 27 April 2010 against this tender. It should be noted that Tenderers may offer an earlier validity period, but that their tenders may, in that event, be disregarded for this reason. Validity period: _____

5 NEGOTIATION

5.1 Transnet reserves the right to negotiate prices and commercial aspects after the closing date of the tender.

6 ACTS TO COMPLIED WITH BY THE TENDERER

For the services to be provided as set out in PART 3, the Tenderer must observe and ensure compliance with all requirements and obligations as set out in the Labour Legislation of South Africa, *inter alia*, the following:

6.1 Skills Development Act, 97 of 1998 ("SDA");

6.2 Employment Equity Act, 55 of 1998 ("EEA");

6.3 Basic Conditions of Employment Act, 75 of 1997 ("BCEA");

6.4 Labour Relations Act, 1995 ("LRA");

6.5 Occupational Health and Safety Act, 85 of 1993 ("OHSA"); and

6.6 Compensation for Occupational Injuries and Diseases Act No 130 of 1993 ("COIDA").

The tenderer must comply with all labor acts, especially Basic Conditions of Employment Act, 1997 (no working of double shifts etc.).

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7 AWARDING OF TENDER

- 7.1 Transnet reserves the right to accept a complete tender even if it is not the lowest.
 - 7.2 The acceptance of the tender will be made without obligation to acquire any of the services included in the tender, or to select any part of the Tenderers tender, or to discuss the reasons why a tender was accepted or rejected.
 - 7.3 Incomplete tender documents may result in the Tenderers offer being overlooked.
 - 7.4 Tenderers attention is also directed to form US7 (revised October 2007) General Conditions of SCS Tenders, Contracts and Orders.
 - 7.5 Tenderers must familiarize themselves with the contents of THE TENDER PROCEDURES form CSS No.5 (revised February 2007) to ensure that tender documents are completed in all respects.
 - 7.6 Transent Ltd. has the right to award any or the full part of the business pertaining to this tender to any tenderer for whatever reason Transnet Ltd. seems deem to be fit.
-

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8 BROAD BASED BLACK ECONOMIC EMPOWERMENT (BBBEE)

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

Transnet will therefore prefer to do business with local business enterprises who share these same values. To this end, Transnet will seriously reconsider continued business relationships with such local business enterprises that do not possess a BBBEE "recognition level" of **at least a level 5**.

When Transnet invites prospective suppliers to tender for its goods and services it consequently urges Respondents (large enterprises and QSE's- see below) to have themselves accredited by any one of the various Accreditation Agencies available, who do their BBBEE ratings in accordance **with the latest Codes (i.e. those promulgated on 9 February 2007) and whose names appear on the present ABVA (Association of BEE Verification Agencies) – "List of Full Members" as displayed on the ABVA website (www.abva.co.za)**.

Although no agencies have, as yet, been accredited by SANAS (SA National Accreditation System), Transnet will, in the interim, accept rating certificates of respondents who have been verified by any of the listed agencies.

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

Large Enterprises (i.e. annual turnover >R35million):

- Rating level based on all seven elements of the BBBEE scorecard.
- Large Enterprises must attach their BBBEE certificate and detailed scorecard from an accreditation agency (registered as a "Full Member" with ABVA).

Qualifying Small Enterprises – QSE (i.e annual turnover >R5million but <R35million):

- Rating based on any four of the elements of the BBBEE scorecard.
- QSE's must attach their BBBEE certificate and detailed scorecard from an accreditation agency (registered as a "Full Member" with ABVA).

NB:

Emerging Micro Enterprises – EME (i.e. annual turnover <R5m are exempted from being rated/verified):

- Automatic rating of Level 4 BBBEE **irrespective of race of ownership**, i.e. 100% BBBEE recognition
- Black ownership >50% or Black Women ownership >30% automatically qualifies as Level 3 BBBEE, i.e. 110% BBBEE recognition
- EME's must confirm their annual turnover and black ownership by providing sufficient evidence from their Auditor, Accounting Officer or Verification Agency

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

In view of the high emphasis which Transnet places on Broad-based Black Economic Empowerment, Transnet will allow certain preference points for BBBEE in the evaluation of all responses. Depending upon the value of the ensuing business award (i.e. below or in excess of R2m), the 80/20 or 90/10 point preference system will be utilized where BBBEE will count out of 20 or 10 respectively in the evaluation process.

Each respondents is required to furnish proof of the above to Transnet. Failure to do so will result in a score of zero being allocated for BBBEE

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Date and company stamp



9 BREACH OF CONTRACT

The successful tenderers contract will be terminated by giving 30 days notice should the services be found to be in error of the conditions/specifications or not performing their duties to satisfaction.

10 INDEMNITY CLAUSE

Transnet will not be held responsible for any injuries incurred by the Tenderer while rendering the service.

11 DAMAGE TO TRANSNET LIMITED PROPERTY:

The successful tenderer shall be liable to make good any damage which may be caused to Transnet Limited Property by their servants or agents whilst upon Transnet Limited premises, whether or not such damage is due to negligence on the part of such servants or agents and the successful tenderer shall and hereby do further indemnify Transnet Limited against liability for any loss of or damage to property whether belonging to them, their servants or agents or any third party, or for the death of or injury to any person, which may either directly or indirectly be caused by or arise out of the removal and disposal of the hazardous waste.

12 SUPPLIER / SERVICE PROVIDER

The Tenderer must state hereunder the name and address of the Company / Contractor that will be rendering the said service

NAME OF COMPANY

ADDRESS (PHYSICAL)

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

13 COMMENCEMENT PERIOD

Tenderers are to advise hereunder when they can commence with the contract after notification of award of business.

.....(Days/Weeks/Months)

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Date and company stamp



14 PENALTY CLAUSE

The Client shall be entitled to levy a penalty of 0.5% on the total value of each invoice submitted for payment for its failure to complete the Project deliverables on time as per agreed delivery schedule, provided that the cumulative monetary value of all the amounts levied as penalty in terms hereof shall not exceed an amount representing 3% of the total contract value.

15 TENDERER'S UNDERTAKING

I/We.....

of

offer to undertake in accordance with the schedule of requirements and any specification(s) annexed hereto or mentioned herein, at the price(s) quoted and in accordance with the delivery conditions and other terms set out herein.

15.1 agree to be bound by those conditions in Transnet's Limited

15.1.1 general conditions of Supply Chain Services tenders, contracts and orders, form No. US7 (revised October 2007)

15.1.2 tender procedures, form CSS No. 5 (revised February 2007)

15.1.3 any other standard or special conditions mentioned and / or embodied in the tender form and

15.2 agree that this tender (read with any accompanying correspondence) constitutes an offer of such nature that only acceptance thereof by Transnet Limited in writing (including by fax) will bring into existence a contract or order, the terms of which are as set out in this tender, such accompanying correspondence, the annexure's hereto, the general conditions of Supply Chain Services tenders, contracts and orders, form No. US7 (revised February 2007) and any other conditions mentioned or embodied in this tender form, relating to contracts and Contractors.

15.3 agree that if after notification of acceptance of this tender, I/We fail to enter into a contract when requested to do so, within the period stipulated in the conditions of this tender or within such extended period as Transnet Limited may allow, I/We will be held liable for any additional expense which Transnet Limited may incur in having to call for tenders afresh and/or accepting any less favorable tender to complete the whole or remaining portion of the contract.

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16 TAX CLEARANCE CERTIFICATE

Tenderers are requested to forward a copy of their Company’s Tax Clearance Certificate with their tender. Failure to provide the current tax clearance certificate will render the tender non responsive and as such disqualify your tender submission.

17 NAME (S) AND ADDRESS/ADDRESSES OF DIRECTOR (S)

The Tenderer must disclose hereunder the full name(s) and address(s) of the director(s) of the company on whose behalf the tender is submitted.

- (i) Registration number of company
- (ii) Registered name of company
- (iii) Full name(s) of director(s) Address/Addresses
.....
.....

18 REGISTRATION CERTIFICATE

Tenderers are requested to forward a copy of their Company’s Registration Certificate with their tender.

19 SIGNING OF TENDER DOCUMENTS

By signing the tender documents, the Tenderer is deemed to acknowledge that he has made himself thoroughly familiar with all the conditions governing this tender, including those contained in any printed form stated to form part thereof and Transnet Limited will recognise no claim for relief based on an allegation that the Tenderer overlooked any such condition or failed properly to take it into account for the purpose of calculating his tender prices or otherwise.

SIGNATURE OF TENDERER(S).....

PRINT NAME OF CONTACT PERSON.....

ADDRESS.....

TELEPHONE NO.....

FAX NO.....

DATE.....

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Date and company stamp



20 CREDENTIALS

Tenderers are to submit written data on separate sheets as to their abilities and capabilities, track record etc. with regards to the safety video services proposed for.

21 ADDITIONAL INFORMATION

Tenderers requiring additional information pertaining may approach the following contact person/s, Mr. Mark Snyders on Tel nr.011 773-8907 or Lebotse Menoe on Tel nr. 011 773-7240 or Nelly Badimo Tel nr.011 773-4666

22 PRESENTATIONS

Tenderers may be required to do a presentation on their ability and capability to conduct such services accordingly, as called for from time to time. The presentation is for the allowance to detail any misconceptions with regards to the services to be supplied. The notice period to do presentations will be conveyed in time.

23 TRANSFER OF SKILLS

The Service Provider/s may during the duration of the contract expose designated employees of Freight Rail to in order to transfer such skills to the said employees of Freight Rail. Please indicate whether your company has any objection to the above mentioned:

Yes : _____

No : _____

24 CONTRACT PERIOD

Although the contract period is deemed to be for a one year period will be required at the specific time, Transnet Ltd. shall have the right to terminate any resulting contract at any time due to operational changes within Transnet Ltd. or non-performance on the part of the contractor. The notice period will be informed at the appropriate time.

25 CONFIDENTIALITY

All information related to this tender document and it's contents, both during and after completion, will be treated with the strictest confidence. Should the need however arise to divulge any information gleaned from the project which is either directly or indirectly related to Transnet Ltd. / Freight Rail, written approval to divulge such information will have to be obtained from Transnet Ltd./ Freight Rail.

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26 DESTINATIONS / SITES

The services to be supplied will be required to be delivered at the specific site/ address as will be communicated to the successful bidder.

27 COMPULSORY DOCUMENTS

The following documents are compulsory, they must be attached to the tender document if not your tender will not be considered.

Certificate of attendance at clarification meeting
Certified copies of ID documents of all Shareholders & Directors
Original and valid Tax Clearance certificate
Certified copy of Company Registration document
All specifications issued with the tender
Copies of the US7 and CSS5 documents that accompanied the tender
Original BBBEE rating certificate with detailed scorecard
Fully completed SDF together with all listed supporting documentation

FRAUD HOTLINE

Transnet strives to be fair, equitable and just in all its dealings with tenderers. As such we encourage all tenderers to report any practice, activity or information that they are aware of or become aware of which may result in any perception of or actual fraud being committed against or in the name of Transnet. The hotline details are: -

Hotline telephone: 0800 003 056

Email: transnet@tip-offs.com

Fax: 0800 007 788

All information received will be treated with the utmost confidentiality

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PART 7

COMPANY INFORMATION

STATEMENT OF WORK (S) SUCCESSFULLY CARRIED OUT BY THE TENDERER:

Tenderers are to advise for which other companies have they successfully provided or are currently providing similar services.

Service Description (Supplying materials/services)	For whom done	Period	Contact person and Tel or Cell number

PRIEVIEW COPY ONLY

Note: Additional information may be attached on a separate sheet.

NB. Tenderers are to be advised that adjudication criteria will be utilised to evaluate all Prospective bidders on their proposals etc. but will not be limited to the criteria.

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CRITERIA:

Technical offer

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