



TRANSNET SOC LTD

[hereinafter referred to as **Transnet**]

Registration Number 1980/000800/30

TCC/2023/04/0002/26705/RFI

REQUEST FOR QUALIFICATION [RFQ]

**PRIVATE SECTOR PARTNERSHIP FOR TRANSNET'S FIBRE
OPTIC NETWORK AND OPTICAL TRANSPORT NETWORK**

ISSUE DATE: 11 APRIL 2023

CLOSING DATE: 09 JUNE 2023

CLOSING TIME: 17:00 PM (SAST)

Note to the bidders:

Bidders are required to ensure that electronic bid submissions are done at least a day before the closing date to prevent issues which they may encounter due to their internet speed, bandwidth, or the size of the number of uploads they are submitting. Transnet will not be held liable for any challenges experienced by bidders as a result of the technical challenges. Please do not wait for the last hour to submit. A Bidder can upload 30mb per upload and multiple uploads are permitted.

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SECTION 1: NOTICE TO RESPONDENTS

1. Invitation to Submit Statements of Qualifications

- 1.1. Transnet is seeking Submissions through a Request for Qualifications (RFQ) process from qualified parties interested in entering into a Private Sector Partnership for Transnet's Fibre Optic Network and Optical Transport Network.
- 1.2. The partnering with Transnet will be structured through participation in the equity and funding of a newly established entity, the NewCo.
- 1.3. Shortlisted Respondents selected through the RFQ process may be invited to submit Proposals to Transnet through a Request for Proposals process. The Request for Proposals will not be made available to any Person except the Shortlisted Respondents.
- 1.4. Transnet may offer, to the Preferred Bidder, an ownership interest in NewCo, in accordance with a share purchase or share subscription agreement, and a shareholder's agreement. The parties will, through NewCo, jointly carry out the financing and ongoing operations and maintenance of the existing Fibre Optic Network and Optical Transport Network for an envisaged term of 20 years. Transnet's Fibre Optic Network spans over 10 000 km and is distributed across metros and the National Long Distance Network. Transnet has presence in Teraco data centres and the submarine cable landing stations.
- 1.5. This Request for Qualifications includes a general overview of:
 - 1.5.1. the Transnet Fibre Optic Network and Optical Transport Network, described in Section 5, paragraph 11;
 - 1.5.2. the envisaged scope of the proposed PSP for the Project, as described in Section 5;

- 1.5.3. the envisaged transaction structure of the proposed PSP for the Project, as described in Section 6; and
- 1.5.4. the envisaged Procurement Process for selection of the PSP partner, including instructions for responding to the RFQ, as described in Section 7.
- 1.6. **SUBMISSIONS MUST BE RECEIVED BY TRANSNET ON OR BEFORE 17:00 SOUTH AFRICA STANDARD TIME (GMT+2 HOURS) ON 09 JUNE 2023.**
- 1.7. If any Respondent or any of its subcontractors or any of their employees, advisors or agents makes or offers to make any gift, benefit or gratuity to any official or employee of Transnet or the Transaction Advisors in respect of the Procurement Process or the Project, either directly or through an intermediary, then such Person may be disqualified forthwith from participating in the Procurement Process and the Project and subject to further action in terms of policies and applicable laws dealing with bribery and corruption.

Transnet urges its clients, suppliers, and the general public to report any fraud or corruption to

TIP-OFFS ANONYMOUS:



Ethics Helpdesk (Pty) LTD.
Ethics Management System™

You can choose to be **Anonymous** or **Non-Anonymous** on ANY of the platforms
PLEASE RETAIN YOUR REFERENCE NUMBER

				
	<p>AI Voice Bot "Jack" Speak to our AI Voice Chat Bot "JACK", you converse with him like chatting to a human, with the option to record a message and speak to an agent at anytime.</p>	<p>What's App Speak to an Agent via What's App.</p>	<p>Speak to an Agent Speak to an Agent via the platform with no call or data charge</p>	<p>Telegram Speak to an Agent via Telegram</p>


0800 003 056


086 551 4153


reportit@ethicshelpdesk.com


***120*0785980808#**

Figure 1: Anonymous Tip-offs

SECTION 2: DISCLAIMER

2. NO CONTRACT

- 2.1. This RFQ is not intended to, and will not, impose any legal obligation on Transnet. By participating in this RFQ and the Procurement Process, each Respondent expressly acknowledges, confirms, and agrees that no contract, legal relationship or obligation or rights of any nature whatsoever is formed under, or arises from, this RFQ, the Submission of any Submission Documents or the Procurement Process described herein.
- 2.2. Transnet has prepared this RFQ for the sole purpose of providing general information about the envisaged Project and to assist Respondents in determining whether to make a Submission in response to the RFQ.
- 2.3. The information set out in this RFQ is not intended and does not purport to contain or represent all the information required to enable Respondents to determine whether or not to make a Submission.
- 2.4. Respondents are required to conduct and rely upon their own independent investigations, conclusions, and analysis, including in relation to information provided as part of or pursuant to this RFQ, taking such advice (whether professional or otherwise) as they deem necessary.
- 2.5. Respondents are also requested to advise Transnet of any information set out in this RFQ which they determine may be inaccurate or incomplete.
- 2.6. This RFQ is provided solely for the purpose set out herein and is not intended to form any part or determining factor or basis of any investment decision by Respondents. The recipient should not consider the RFQ as an investment recommendation or investment related advice by Transnet or any of its advisors. Each Person to

whom this document (and other later documents) is made available must make his, her or its own independent assessment of the Procurement Process stipulated herein after making such investigation and taking such professional advice as he, she or it deems necessary. Neither the receipt of this RFQ nor any related document by any Person, nor any information contained in the documents or distributed with them or previously or subsequently communicated to any Respondent or its advisors, is to be taken as constituting the giving of investment advice by Transnet or its Transaction Advisors.

- 2.7. Neither Transnet, nor any of its directors, officers, employees, consultants, contractors, representatives, Transaction Advisors or agents make any representation or warranty, either express or implied, as to the accuracy, completeness, reliability or reasonableness of the contents of this RFQ. Transnet is under no obligation to correct, update or revise this RFQ or any written or oral communications transmitted to any Respondents.

3. **INDEMNITY, WAIVER AND RELEASE**

- 3.1. Transnet hereby expressly disclaims and is held indemnified from any and all liability, specifically but not limited to any costs, damages, or claims of any nature whatsoever, arising from or relating to the participation in the Procurement Process described herein by any Respondent or based upon or relating to any information, material, forecasts or estimates contained in this RFQ or any written or oral communications by Transnet or any of its directors, officers, employees, consultants, contractors or representatives.
- 3.2. As a condition of its participation in the Procurement Process described herein, each Respondent agrees and confirms that it will not make any claim or demand, or bring any action, suit or petition against Transnet, or any of its directors, officers, employees, consultants or representatives, for any costs, damages, liabilities or



claims of any nature whatsoever relating to its participation in the Procurement Process described herein or based upon or relating to any information, material, forecasts or estimates contained in this RFQ or any written or oral communication by Transnet or any of its directors, officers, employees, advisors, consultants, contractors or representatives.

SECTION 3: DEFINED TERMS

4. Defined Terms

As used in this RFQ and each of the Submission Documents:

- 4.1. **"B-BBEE"** has the meaning given to it in the B-BBEE Act.
- 4.2. **"B-BBEE Act"** means the Broad Based Black Economic Empowerment Act, No. 53 of 2003 as amended.
- 4.3. **"B-BBEE Codes"** means the B-BBEE Codes of Good Practice issued in terms of section 9(1) of the B-BBEE Act.
- 4.4. **"B-BBEE Contributor Status"** means the level at which a measured entity is recognised, based on its overall performance in respect of B-BBEE Elements, measured in terms of the B-BBEE Codes and/or any applicable Sector Codes, demonstrated by the submission of a valid B-BBEE Verification Certificate.
- 4.5. **"B-BBEE Elements"** means the elements contained in the B-BBEE Codes for measuring achievement of B-BBEE in relation to a measured entity.
- 4.6. **"B-BBEE Verification Certificate"** means a B-BBEE rating certificate or affidavit showing the B-BBEE Contributor Status of a measured entity, issued in terms of a Sector Code or the B-BBEE Codes, as applicable.
- 4.7. **"Bid Submission Date"** means June 09, 2023.
- 4.8. **"Broad Band Infraco"** or **"BBI"** means the licensed state-owned company in the telecommunications sector to provide national and international connectivity to the South African telecommunications industry, and to licence exempt projects of national importance and to under-serviced areas.

- 4.9. "**Briefing Notes**" means any notes issued by Transnet to supplement, vary or amend any portion of the RFQ.
- 4.10. "**Companies Act**" means the Companies Act, No. 71 of 2008 as amended.
- 4.11. "**Competition Act**" means the Competition Act, No. 89 of 1998 as amended.
- 4.12. "**Consortium**" means any joint venture, partnership or other entity which is comprised of two or more Persons established for purposes of responding to the RFQ and participating in the Project.
- 4.13. "**Consortium Team Member**" means the members of the Consortium, where the Respondent is a Consortium.
- 4.14. "**Contact Person**" means the contact person described in paragraph **Error! Reference source not found.**
- 4.15. "**COVID-19**" means an infectious disease caused by the SARS-CoV-2 virus.
- 4.16. "**Declaration of Interest Form**" means the form of Declaration of Interest attached hereto as Form IV.
- 4.17. "**Dense Wavelength Division Multiplexing**" or "**DWDM**" is a newer generation layer-2 optical technology used to increase bandwidth over existing fibre optic backbones.
- 4.18. "**EBITDA**" means earnings before interest, taxes, depreciation, and amortization.
- 4.19. "**Electronic Communications Network Service Licence**" or "**E-CNS Licence**" allows a company to deploy and operate a physical network.

- 4.20. **"Electronic Communications Service Licence"** or **"ECS Licence"** allows a company to provide electronic communications services to customers over its own or via another company's network."
- 4.21. **"Fibre Optic Network"** means the national long distance and metro area fibre optic cable network owned by Transnet that is connected to Transnet's OTN to provide telecommunications services to Transnet.
- 4.22. **"Government Department"** means the Department of Transport, the Department of Public Enterprises, National Treasury and any other department of the state notified by Transnet to the Respondents which is directly connected with the implementation of the Procurement Process.
- 4.23. **"ICASA"** means Independent Communication Authority of South Africa, the telecommunications regulatory body.
- 4.24. **"Information Technology Infrastructure Library"** or **"ITIL"** defines a set of best practices and guidelines for IT service management to improve the quality of IT services and to align it with business objectives.
- 4.25. **"Information Technology Service Management"** or **"ITSM"** refers to a set of practices, policies, and procedures that are used to manage the delivery of IT services to customers and end-users.
- 4.26. **"Johannesburg Stock Exchange"** or **"JSE"** refers to the Johannesburg Stock Exchange.
- 4.27. **"Johannesburg Stock Exchange Debt Listings Requirements"** refers to the Johannesburg Stock Exchange requirements for listed debt, with the latest versions available on the JSE website.

- 4.28. **“Lead Member”** means the entity which, pursuant to any applicable law or contract, legally and fully represents and irrevocably binds all Consortium members in all matters connected with the Procurement Process and any related transactions.
- 4.29. **“Licences”** means the I-ECS and I-ECNS licences issued to Transnet by ICASA.
- 4.30. **“LIT”** means Liquid Intelligent Technologies.
- 4.31. **“Local Area Network”** or **“LAN”** supplies networking capability to a group of computers in close proximity to each other such as in an office building, a school, or a home. A LAN in turn often connects to other LANs, and to the Internet or other WAN.
- 4.32. **“The Metro Ethernet Forum (MEF)”** was founded to accelerate the adoption of Ethernet services in metropolitan networks around the world and to develop technical specifications and standards for Carrier Ethernet to meet the requirements of both service providers and enterprises.
- 4.33. **“Metropolitan Area Network”** or **“MAN”** spans a geographic area such as a city or a large campus. It is designed to connect LANs or via WANs to other MANs.
- 4.34. **“Minimum Financial Criteria”** means the financial criteria set out in paragraph 23.4 of this RFQ.
- 4.35. **“Minimum Technical Criteria”** means the technical criteria set out in paragraph 23.3 of this RFQ.
- 4.36. **“Multi-Protocol Label Switching”** or **“MPLS”** changes the hop-by-hop paradigm by enabling devices to specify paths in the network based upon QoS and bandwidth needs of the applications. It is designed to switch rather than route packets through an IP Network.
- 4.37. **“National Treasury”** has the meaning ascribed to it in the PFMA.

- 4.38. "**National Long Distance Network**" or "**NLD**" refers to optical (dark) fibre deployed between metros over long distances.
- 4.39. "**NewCo**" means the company to be established by Transnet as a Special Purpose Vehicle to implement the Project.
- 4.40. "**Non-Disclosure Agreement**" means the form of Non-Disclosure Agreement attached hereto as Form I.
- 4.41. "**OD**" means Transnet's Operating Division.
- 4.42. "**OFC**" means Optical Fibre Cable.
- 4.43. "**Optical Transport Network**" or "**OTN**" means a group of optical transport units, required to encapsulate and to multiplex data onto optical signals, which are transmitted over optical fibre and decapsulated at the receiver end. It also includes the management systems for control and real-time monitoring of the OTN.
- 4.44. "**Original Equipment Manufacturer**" or "**OEM**" means an organization that makes a product to be sold by another organization under its own name.
- 4.45. "**Open Systems Interconnect**" or "**OSI**" model means a conceptual framework used to describe the functions of a networking system. It describes the seven layers necessary for computer systems to communicate over a network.
- 4.46. "**Person**" means a natural person, company, close corporation or other corporate entity, charity, partnership, joint venture, syndicate, association, trust or unincorporated organization or any other juristic person, and any trustee or other association of persons.
- 4.47. "**Person of Influence**" means any Person who is or at any point in the 10 years preceding the issue of the RFQ was, a (a) Domestic Prominent Influential Person; or (b) Foreign Prominent Public Official in terms of Schedule 3A and Schedule 3B, respectively, of the

Financial Intelligence Centre Act No. 38 of 2001, including their family members contemplated in section 21H of that Act and their friends or business partners.

- 4.48. "**PFMA**" means the Public Finance Management Act, No. 1 of 1999 as amended.
- 4.49. "**Preferred Bidder**" means the Shortlisted Respondent who is selected through the RFP stage of the Procurement Process to partner with Transnet in NewCo.
- 4.50. "**Prevention and Combatting of Corrupt Activities Act**" means the Prevention and Combatting of Corrupt Activities Act, No.12 of 2004 as amended.
- 4.51. "**Private Sector Participation**" or "**PSP**" means a contractual arrangement in terms of which Transnet grants certain operating rights to a party in the private sector to use one or more Transnet assets or infrastructure, or jointly pursues a business opportunity with a party in the private sector.
- 4.52. "**Process Control Network**" or "**PCN**" means TPL 24-core fibre which is used for Supervisory, Control and Data Acquisition in pipeline operations.
- 4.53. "**Procurement Process**" means the process for selecting the PSP partner for participation in the Fibre Optic Network and Optical Transport Network PSP transaction.
- 4.54. "**Project**" means the entire scope of work and services relating to the PRIVATE SECTOR PARTNERSHIP FOR TRANSNET'S FIBRE OPTIC NETWORK and OPTICAL TRANSPORT NETWORK, as generally described in this RFQ.
- 4.55. "**Project Agreements**" means, collectively, the share purchase agreement, shareholders agreement, and all licences, permits and

other related agreements, leases, legal documents, or instruments to be entered into by Transnet and the PSP partner in respect of the Project.

- 4.56. "**Proposal**" means a proposal submitted by a Shortlisted Respondent in response to the RFP, a process described in section 7 of this RFQ.
- 4.57. "**Qualification Declaration**" means the form of Qualification Declaration attached hereto as Form II.
- 4.58. "**Quality of Service**" or "**QoS**" means a set of technologies that work on a network to guarantee its ability to dependably run high-priority applications and traffic under limited network capacity.
- 4.59. "**Rail Network**" means the fixed rail network and supporting property, infrastructure and related services (including network security, network safety, network maintenance etc.) required for purposes of conducting Rail Operations.
- 4.60. "**Rail Operations**" means activities, assets and personnel (rolling stock, sales, operational planning, train safety, train security, shunting, haulage etc.) required to run trains.
- 4.61. "**Related**" means a relationship formed on the basis of any one or more of:
- (a) directors and shareholders;
 - (b) family (including spouses and in-laws);
 - (c) friendship;
 - (d) partnership or participation in the same business venture;
 - (e) professional engagement; or
 - (f) employment.

- 4.62. **"Request for Proposals"** or **"RFP"** means the Request for Proposal documentation to be issued by Transnet to Shortlisted Respondents, setting out the requirements for the participation by the Shortlisted Respondents in subsequent phases of the Procurement Process and requesting their submission of Proposals.
- 4.63. **"Request for Qualifications"** or **"RFQ"** means this document issued by Transnet inviting Respondents to participate in the Procurement Process.
- 4.64. **"Respondent"** means any Respondent, including a Consortium, which makes a Submission to Transnet in response to and in accordance with the instructions set out in this RFQ.
- 4.65. **"RFQ Clarification Request Form"** means the form attached as Form V to this RFQ, to be used to make enquiries, ask questions or seek clarification in regard to the RFQ phase of the Procurement Process.
- 4.66. **"Software-Defined Wide Area Network"** or **"SD-WAN"** is a software-defined approach to managing the WAN. In Transnet the MPLS layer-3 network will be upgraded to an SD-WAN layer-3 network by end 2023.
- 4.67. **"Service Level Agreement"** or **"SLA"** means a level of service expected from a provider of a service and this includes performance metrics and/or penalties to remedy non-performance.
- 4.68. **"Shortlisted Respondent"** means a Respondent which, following the evaluation of all Submissions, is selected by Transnet to participate further in the Procurement Process and to receive the RFP.
- 4.69. **"Special Purpose Vehicle"** or **"SPV"** means a legal entity that is specifically created to house the Project.

- 4.70. **"Synchronous Digital Hierarchy"** or **"SDH"** refers to an older-generation layer-2 multiplex technology used in the telecommunication.
- 4.71. **"Statement of Qualifications"** means a statement of qualifications made by a Respondent and submitted to Transnet in the format described in the Statement of Qualifications.
- 4.72. **"Submission"** means a Respondent's response to this RFQ and, in particular but without limitation, in response to Section 9 Submission Requirements of this RFQ.
- 4.73. **"Submission Documents"** means collectively the Non-Disclosure Agreement, Qualification Declaration, Statement of Qualifications and Declaration of Interest Form.
- 4.74. **"Statement of Qualifications"** means the Statement of Qualifications attached hereto as Form III.
- 4.75. **"Transaction Advisors"** means any advisors appointed by Transnet in respect of the Project, as notified to Respondents from time to time.
- 4.76. **"Transnet"** means Transnet SOC Ltd, registered, and incorporated as such in terms of the company laws of the Republic of South Africa, with registration number 1990/000900/30, or by whatever other name it may be known from time to time, and including its constituent operating divisions.
- 4.77. **"Transnet Freight Rail"** or **"TFR"** means an operating division of Transnet that owns and manages Rail Network infrastructure and conducts Rail Operations over major rail corridors to transport commodities for export, regional and domestic markets. Its Rail Network and rail services provide strategic links between ports, terminals and production hubs in the Southern African Development Community region.



- 4.78. **“Transnet Pipelines”** or **“TPL”** means an operating division of Transnet that owns and manages a number of pipelines, including oil and gas, as well as bulk liquid storage terminals. These pipelines play a critical role in the transportation of petroleum products, chemicals and other liquids supporting South Africa’s energy sector.
- 4.79. **“Wide Area Network”** or **“WAN”** spans a large geographic area, such as a state, province or country. WANs often connect multiple smaller networks, such as LANs or MANs.

SECTION 4: GENERAL INFORMATION

5. TRANSNET SOC LTD

- 5.1. Transnet is a state-owned company (constituted in terms of the Legal Succession to the South African Transport Services Act No. 9 of 1989), with the South African Government as the sole shareholder. As a state-owned company and major public entity, the Companies Act and the PFMA serve as Transnet's primary governing legislation. Transnet is also subject to the Johannesburg Stock Exchange Debt Listings Requirements as they pertain to (i) the registration of a debt listing programme; and (ii) debt securities listed and to be listed.
- 5.2. Transnet's mandate is to:
 - 5.2.1. Provide an efficient logistics system for South Africa;
 - 5.2.2. Support economic growth; and
 - 5.2.3. Ensure security of supply by providing appropriate infrastructure in a cost-effective and efficient manner, within acceptable benchmarks.
- 5.3. Transnet is the owner of South Africa's freight railway, ports and pipelines infrastructure and is structured to provide transport and handling services through its six operating divisions, namely:
 - 5.3.1. Transnet Freight Rail ("**TFR**");
 - 5.3.2. Transnet Engineering ("**TE**");
 - 5.3.3. Transnet National Ports Authority ("**TNPA**");
 - 5.3.4. Transnet Port Terminals ("**TPT**");
 - 5.3.5. Transnet Properties ("**TP**"); and
 - 5.3.6. Transnet Pipelines ("**TPL**").

5.4. As the custodian of ports, freight rail and pipelines, Transnet's objective is to ensure a globally competitive freight system that enables sustained growth and diversification of the South African economy.

6. **TRANSNET TELECOMMUNICATIONS**

6.1. Transnet through its operating divisions, TFR and TPL, owns, operates, and manages Fibre Optic Networks and Optical Transport Networks.

6.2. TFR is responsible for the installation, maintenance and upgrading of TFR fibre infrastructure. At TFR, the telecommunication infrastructure and facilities provide rail safety and mission-critical rail service which include:

6.2.1. Communication services for train authorization systems, radio networks, telecontrol of electrical substations and trackside monitoring equipment;

6.2.2. Transmission network to carry voice and data services of Transnet via its service provider/s;

6.2.3. Provision and monitoring of standards, specifications, and overall system performance.

6.3. Transnet, through TPL, owns and operates a Layer 1 48 – core fibre optical cable which spans approximately 680km. The 48 – core runs adjacent to the 24 – core Process Control Network, which is not part of the Project scope.

7. **PROJECT BACKGROUND**

7.1. To improve efficiencies and reliability, Transnet seeks to find a Private Sector Participation equity partner to manage and operate Transnet owned Fibre Optic Network and Optical Transport Network.

- 7.2. Transnet owns Layer 1 and Layer 2 fibre assets which covers approximately 11,000km nationally.
 - 7.3. These fibre assets provide and enable critical business applications in railways and pipeline operations at TFR and TPL, respectively, and Transnet must ensure security of supply of telecommunications services for the applications.
 - 7.4. Transnet sells spare dark fibre capacity and managed capacity to other players in the telecommunications industry.
 - 7.5. However, Transnet Layer 1 and Layer 2 capacity remains substantially under-utilised. This denies Transnet an opportunity to earn additional revenue on the assets.
8. **REQUEST FOR QUALIFICATIONS OBJECTIVE**
- 8.1. The objective of this RFQ is to shortlist Respondents that meet the Technical Evaluation Criteria and Minimum Financial Criteria and, described in paragraphs 23.3 and 23.4, respectively. These Shortlisted Respondents will receive an invite to respond to a Request for Proposal, in order to identify a suitable partner that can enter into a partnership with Transnet to operate Transnet's Fibre Optic Network assets and the Optical Transport Network.
9. **PROJECT AND TRANSACTION OBJECTIVE**
- 9.1. Transnet wishes to attract a strategic equity partner from the private sector to participate in the Project to manage and operate the Fibre Optic Network and Optical Transport Network infrastructure to achieve the following objectives:
 - 9.1.1. Revenue generation for Transnet's spare capacity, including fibre backhaul and last mile connectivity;
 - 9.1.2. Security of supply for optimal connectivity for Transnet, as well the communities in which Transnet operates;

- 9.1.3. Funding to modernise the infrastructure by way of upgrading the end-of-life Fibre Optic Network cable segments, increase the Optical Transport Network capacity and introduce orchestration capability;
 - 9.1.4. Employ and apply industry telecommunications expertise to improve operational support and improve manageability with automated functionality; and
 - 9.1.5. Improve financial efficiency by leveraging economies of scale from skilled resources, procurement and ongoing maintenance and support perspective.
- 9.2. With respect to the selection and appointment of the PSP partner, Transnet's overall objectives are to select a PSP partner:
- 9.2.1. with extensive expertise in managing and/or operating large-scale commercial fibre networks;
 - 9.2.2. with financial strength;
 - 9.2.3. that demonstrates a capability to offer services across all layers of the Open Systems Interconnect (OSI) model
- 9.3. The issue of this RFQ by Transnet represents the initial stage of its Procurement Process for the selection of the Preferred Bidder to become the PSP partner in the Project. Statements of Qualifications must respond to the requirements of this RFQ, demonstrate an understanding of the desired outcomes and address the key objectives set out in paragraph 9.1. All Statements of Qualifications (unless rejected in accordance with the provisions of this RFQ) will be evaluated in accordance with the criteria set out in Section 8.
- 9.4. Respondents who submit compliant Qualification Declarations and Statements of Qualifications that satisfy the minimum qualification criteria and best meet the objectives set out in this RFQ may be

selected as Shortlisted Respondents at the sole and absolute discretion of Transnet. Shortlisted Respondents will then be invited to submit detailed proposals in response to the RFP.

- 9.5. In the event that Transnet, in its sole discretion, should determine that none of the Statements of Qualifications sufficiently meets the criteria or objectives of Transnet as set out in this RFQ, or if Transnet, in its sole discretion, otherwise determines not to proceed with the RFP stage of the Procurement Process, Transnet reserves the right to discontinue this Procurement Process and not proceed with the issue of an RFP.
10. **TRANSACTION APPROACH**
 - 10.1. Transnet will follow a two-stage Procurement Process whereby a Request for Qualification (RFQ) will be issued to the market on a public platform. To qualify, Respondents will be required to prove that they have the technical capabilities, experience, and financial capacity to enter into a partnership to manage and operate the Project assets.
 - 10.2. Through the RFQ, Respondents will be shortlisted where they will be issued the RFP so that they can provide their proposals for the Project. This would include a business forecast, financial model, and price offer for shares in the SPV to be created to implement the Project.

SECTION 5: PROJECT ASSETS

11. PROFILE OF TRANSNET ASSETS

This section summarises the overview of assets that will be part of the Project.

Physical layer - Layer 1 Assets

11.1. Transnet owns, operates, and manages over 10,000km of Layer 1 fibre assets (Table 1), through TFR and TPL.

Table 1: Transnet Layer 1 details

Asset	Operating Division	Fibre cores	Distance
Fibre Optic Network Assets (Layer1)	Transnet Freight Rail (TFR)	24 (12 Pairs)	7 555 km
		36 (18 Pairs)	1623 km
		48 (24 Pairs)	200 km
	Transnet Pipelines (TPL)	48 (24 Pairs)	680 km
	TOTAL		10 255 km

11.2. Transnet Layer 1 fibre assets are distributed as per Figure 2 below:

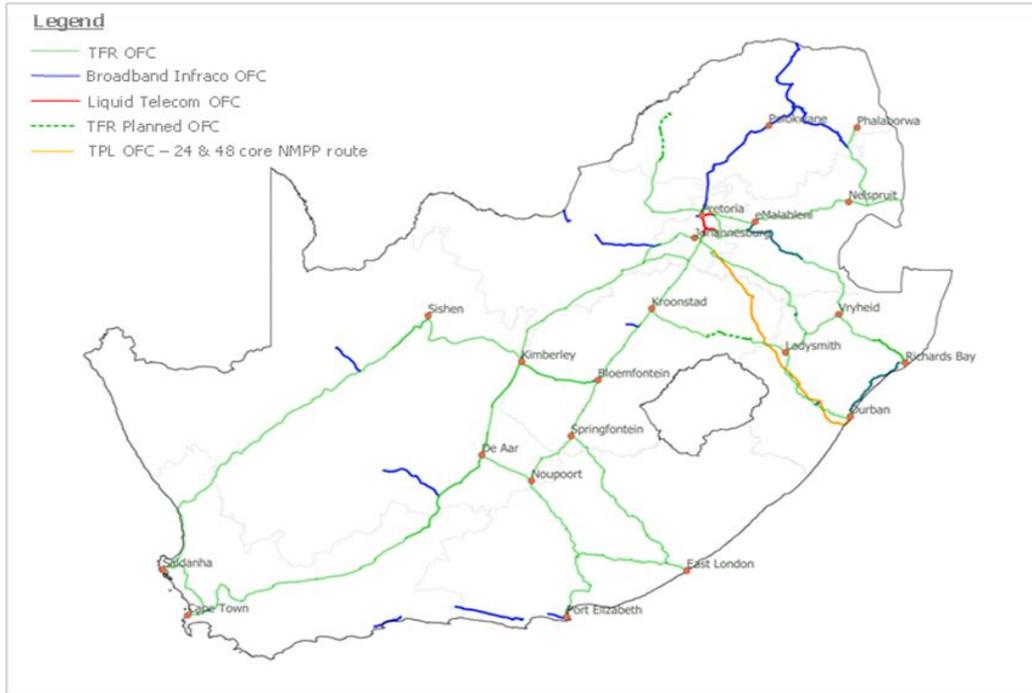


Figure 2: Transnet fibre network footprint (TFR and TPL)

11.3. Transnet will ring-fence Layer 1 assets, detailed in Table 1, to be jointly operated and managed by NewCo.

11.4. TFR 24 – core fibre optical cable

11.4.1. The 24 – core fibre cable has 12 fibre pairs of which all are allocated to as follows:

11.4.1.1. 6 fibre pairs are allocated for mission critical applications by TFR.

11.4.1.2. 3 fibre pairs are being leased to external customers.

11.4.1.3. 1 fibre pair is allocated for internal line management by TFR.

11.4.1.4. 2 fibre pairs are allocated to the deployment of Optical Transport Network.

11.4.2. There is no spare dark fibre capacity on TFR's 24 – core fibre optical cable. However, Transnet is phasing out of the legacy Synchronous Digital Hierarchy (SDH) network on the 24 – core, which will result in dark fibre pairs being available. More details on this will be provided during the RFP stage of the Procurement Process.

11.5. TFR 36 – core fibre optical cable

11.5.1. The 36 – core fibre cable has 18 fibre pairs of which all are allocated to as follows:

11.5.1.1. 6 fibre pairs are allocated for mission critical applications by TFR.

11.5.1.2. 3 fibre pairs are being leased to external customers.

11.5.1.3. 1 fibre pair is allocated for internal line management by TFR.

11.5.1.4. 2 fibre pairs are used for managed capacity layer.

11.5.2. 6 fibre pairs are unallocated or unutilised. NewCo can make use of these spare fibre pairs to generate additional revenue.

11.6. TFR 48 – core fibre optical cable

11.6.1. TFR recently started rolling out the 48 – core fibre optical cable. More details regarding the 48 – core fibre optical

cable will be made available at the RFP stage of the Procurement Process.

11.7. TPL 48 – core fibre optical cable

11.7.1. TPL operates and manages a 48 – core or 24 pairs fibre optical cable. The pairs are currently allocated as follows:

11.7.1.1. 4 pairs are used for Transnet ICT networks.

11.7.2. 20 fibre pairs remain unallocated/utilised. These pairs can be used to generate additional revenue by NewCo.

11.8. Structural structured cabling or optical cross connects from Optical Transport Network onto external networks to the telecommunications assets in paragraph 11.1 are not part of the project.

Layer 2 – Optical Transport Network

11.9. TFR has deployed 159 optical switches nationally based on Huawei Dense-Wavelength Division Multiplexing (DWDM) technology.

11.10. The TFR OTN platform is based on the Huawei OSN8800 and OSN9800 platforms. A single 100Gig wavelength is currently activated on the OTN.

11.11. TPL 48 – core optical fibre cable does not have networking equipment installed. The cable will require optical switches to be activated and be used as a data link layer (Layer 2).

Tools of Trade

11.12. Transnet will, during the RFP stage of the Procurement Process, detail the treatment of tools of trade that may be required to operate and maintain the Fibre Optic Network and Optical Transport Network.

Table 2 summarises the types of “tools of trade” that will be specified in the RFP stage of the Procurement Process.

Table 2: Tools of Trade

Asset Classification	Description
Tools of Trade [not limited to]	Support vehicles
	Fibre optic test equipment e.g., OTDR, Dispersion Analyzer, Optical Spectrum Analyzer, BER testers, Power Meters etc.
	Electronic and other hand tools, power tools
	Communications equipment e.g., two-way radios, mobile phones
	Notebooks and other handheld devices (standard, rugged)
	Safety gear
	Fibre optic cable splicing tools
	Ladders, hydraulic scaffolds etc.

12. **TRANSNET EMPLOYEES**

12.1. There are Transnet employees that support the telecommunications domain. The detailed information around these individuals and their respective job functions will be supplied at RFP stage of the Procurement Process. Treatment of employees in the PSP transaction will also be detailed during the RFP stage of the Procurement Process. However, Transnet is considering making existing employees available to NewCo using a personnel services agreement.

13. **TRANSNET LICENCES**

I-ECNS Licence and I-ECS License

13.1. Transnet is in possession of two (2) ICASA Licences. These Licences are detailed in Table 3 below.

Table 3: Transnet ICASA Issued Licenses

License	License Number	Date Issued
Independent Electronic Communications	I-ECN Licence	29.05.2009
Independent Electronic Communications	I-ECS Licence	29.05.2009

13.2. Transnet is currently seeking legal advice on the treatment of the Licences and more details will be provided during the RFP stage of the Procurement Process.

13.3. Preliminary legal assessment indicates that proper effect can be given to the potential “transfer of control” of the Licences should the SPV not have its own licences, to facilitate a seamless start-up process. The “transfer of control” will be effected in accordance with the requirements of ICASA, in respect of the amendment of the requisite sections in the Electronic Communications Act 36 (ECA), brought into effect from 21 May 2014.

SECTION 6: THE PSP TRANSACTION

14. COMMERCIAL ARRANGEMENTS

- 14.1. To facilitate the PSP transaction for the Project, Transnet will incorporate a Special Purpose Vehicle, to ring-fence identified Fibre Optic Network and Optical Transport Network assets (section 5), to be jointly owned by Transnet and the PSP partner.
- 14.2. Transnet will issue shares in the SPV to the Preferred Bidder at a price to be determined from the RFP stage of the Procurement Process.
- 14.3. Both Transnet and the PSP partner will participate in profit sharing from the SPV in accordance with their respective shareholding. A shareholders' agreement will be signed by the parties to the Transaction, where Transnet seeks an equal shareholding in the SPV for the duration of the transaction, with Transnet retaining 50% plus one share.
- 14.4. Subject to agreement by existing customers, Transnet's existing customer contracts for the provision of dark fibre pairs will be transferred into NewCo.
- 14.5. To ensure that Transnet's operational requirements for telecommunication services are met, NewCo will supply dark fibre pairs and managed capacity services to Transnet. Transnet will be a customer to NewCo and will enter into a Service Level Agreement with NewCo.
- 14.6. Further details on Project assets, i.e., age, length, standards, condition etc., including the draft Project Agreements, will be included as part of the RFP documentation which will be issued to the Shortlisted Respondents.



14.7. NewCo is expected to achieve and maintain a Level 2 B-BBEE Contributor Status using the B-BBEE Elements in the B-BBEE Codes, in relation to its activities.

Transnet reserves the right to change any or all of the above-described arrangements during the course of the Procurement Process, and a more detailed description of the commercial and financial terms associated with the Project will be included in the RFP.

SECTION 7: PROCUREMENT PROCESS AND SCHEDULE

15. PROCUREMENT PROCESS OVERVIEW

15.1. Transnet expects to conduct the Procurement Process for the selection of a private sector partner for Transnet's Fibre Optic Network and Optical Transport Network, by:

- 15.1.1. soliciting Submissions in response to this RFQ;
- 15.1.2. providing Respondents with the opportunity to seek clarification and to submit questions regarding this RFQ and the Project to Transnet;
- 15.1.3. selecting Shortlisted Respondents based on the criteria set out in Section 8;
- 15.1.4. issuing the RFP to all Shortlisted Respondents. The RFP shall request detailed Proposals which will include technical submissions*;
- 15.1.5. providing Shortlisted Respondents with the opportunity to seek clarification and to submit questions regarding the RFP Procurement Process and the Project to Transnet, within a framework provided for in the RFP. It is intended that the proposed forms of the Project Agreements will be made available with the RFP for comment by Shortlisted Respondents and may be revised and reissued pursuant to a consideration by Transnet of those comments, as part of the RFP Procurement Process. Enquiries, responses and, where applicable, revised versions of any provision of the RFP or any Project Agreement, will be made available to all Shortlisted Respondents. Transnet reserves the right, however, subject to applicable legislation, to elect to not respond to any enquiry or question;

- 15.1.6. evaluating the Proposals and, to the extent appropriate, engaging further with all or certain Respondents in accordance with the RFP;
- 15.1.7. selecting the Preferred Bidder; and
- 15.1.8. negotiating and finalizing the Project Agreements with the Preferred Bidder.

* Shortlisted Respondents may be required to provide Transnet with a refundable bid bond, likely in the amount of USD 50,000 or the equivalent in South African Rands, concurrently with the submission of their Proposals (for the avoidance of doubt: only at the RFP stage, not during this RFQ stage).

16. **ANTICIPATED PROCUREMENT SCHEDULE**

16.1. The key milestones in the Procurement Process and the currently anticipated schedule for its completion are set out in Table 4 below:

Table 4: Anticipated Procurement Process Schedule

	Activity	Milestone Date
1.	ISSUE REQUEST FOR QUALIFICATIONS	11 April 2023
2.	RFQ QUESTION AND ANSWER PERIOD	13 April 2023 to 19 May, 2023
3.	BID SUBMISSION DATE	09 June 2023
4.	EVALUATION OF SUBMISSIONS	June 2023
5.	SELECTION OF SHORTLISTED RESPONDENTS	June 2023
6.	ISSUE REQUEST FOR PROPOSALS	July 2023

16.2. The schedule set out above represents the approximate dates on which Transnet currently anticipates the various stages of the Procurement Process will be carried out and, except as otherwise set out in this Request for Qualifications, remains subject to change at the discretion of Transnet.

17. **CONSORTIUMS**

17.1. Submissions from Consortiums will be accepted by Transnet provided that:

- 17.1.1. Consortium Team Members only participate in one Submission;
- 17.1.2. Each Consortium Team Member enters into a Non-Disclosure Agreement (attached hereto marked Form I) and submits it to Transnet through the Transnet e-Tender Submission Portal on or before the Bid Submission date;
- 17.1.3. Each Consortium Team Member completes a Qualification Declaration (attached hereto marked Form II) and a Declaration of Interest Form (attached hereto marked Form IV) and submits the completed Submission Documents to Transnet through the Transnet e-Tender Submission Portal on or before the Bid Submission date;
- 17.1.4. The information and material required from a Respondent for purposes of the Submission, as set out in the Statement of Qualifications form (attached hereto marked Form III), is submitted for each Consortium Team Member;
- 17.1.5. The Consortium must include one or more Consortium Team Members that satisfy the Minimum Technical Criteria; and
- 17.1.6. The Consortium must include one or more Consortium Team Members that satisfy the Minimum Financial Criteria. That member or those members (if more than one member satisfies the Minimum Financial Criteria) of a Shortlisted Respondent which satisfy the Minimum Financial Criteria will be required to assume responsibility

for the rights and obligations contained in the Shareholders Agreement if the Consortium is ultimately selected as the Preferred Bidder, through the provision of appropriate performance and financial guarantees to Transnet.

18. **PREFERENTIAL PROCUREMENT QUALIFICATION CRITERIA**

18.1. Transnet will not allocate preference points for B-BBEE Contributor Status or apply any B-BBEE-related qualification requirements in the RFQ stage of the Procurement Process or for purposes of selecting the Shortlisted Respondents. However, Transnet seeks to partner with a Preferred Bidder who has at least a Level 4 B-BBEE Contributor status. Individual Respondents or Consortiums are required to have achieved this status by the time the Project Agreements are signed.

18.2. Transnet will apply the 90:10 preference points system provided for in the PPPFA and the Preferential Procurement Regulations of 2022, issued in terms of the PPPFA, on the evaluation of the Proposals based on the final price offered to Transnet.

18.3. The Respondent's Submission must be accompanied by a B-BBEE Verification Certificate showing its B-BBEE Contributor Status. Where the Respondent's B-BBEE Contributor Status has not been verified through the issue of a B-BBEE Verification Certificate, the Respondent should clearly indicate this in the Submission.

19. **RFQ SUBMISSION**

19.1. Transnet has implemented an electronic tender submission system, the e-Tender Submission Portal, in line with the overall Transnet digitalization strategy, where suppliers can view advertised tenders, register their information, log their intent to respond to bids and upload their bid proposals/responses on to the system. All Submissions in response to this RFQ must be uploaded by the Respondent via the Transnet e-Tender Submission Portal.

19.2. The Transnet e-Tender Submission Portal can be accessed as follows:

1. log on to the Transnet e-Tenders management platform website/ Portal (transnetetenders.azurewebsites.net). Please use **Google Chrome** to access Transnet link/site);
2. click on "ADVERTISED TENDERS" to view advertised tenders;
3. click on "SIGN IN/REGISTER" – for Respondent to register their information (must fill in all mandatory information);
4. click on "SIGN IN/REGISTER" - to sign in if already registered;
5. toggle (click to switch) the "Log an Intent" button to submit a bid; and
6. submit bid documents by uploading them into the system against each tender selected.
7. No late submissions will be accepted. The Respondent guide can be found on the Transnet e-Tender Submission Portal transnetetenders.azurewebsites.net.

20. **COMMUNICATION**

- 20.1. Transnet shall manage the Procurement Process and shall be the single point of contact for all Respondents.
- 20.2. During the RFQ stage of the Procurement Process, Respondents shall contact Transnet only through the Contact Person.
- 20.3. All communications regarding the Procurement Process must be addressed to the Contact Person and/or through the Transnet e-Tender Submission portal.

21. **CLARIFICATION AND QUESTIONS SUBMISSION PROCESS**

- 21.1. Specific queries relating to this RFQ, and completed RFQ Clarification Request Forms, should be submitted to Transnet through the Transnet e-Tender Submission Portal and/or to the Contact Person,

substantially in the form set out in Form V hereto. The period during which RFQ Clarification Request Forms may be submitted to Transnet is from 12:00 pm (SAST) on 13 April 2023, to 12:00 pm (SAST) on 19 May 2023.

- 21.2. In the interest of fairness and transparency, Transnet's response to any questions or comments raised in submitted RFQ Clarification Request Forms will be made available to all Respondents by publishing them on the Transnet e-Tender Submission Portal and/or the Transnet website and National Treasury e-tender portal
- 21.3. After the closing date of the RFQ, a Respondent which wants to contact Transnet in connection with the Procurement Process may only communicate by using the RFQ Clarification Request Form, substantially in the form set out in Form V hereto and submitting it by electronic mail to the Contact Person. Respondents are to note that changes to their Submission will not be considered by Transnet after the RFQ Bid Submission date.
- 21.4. It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in relation to any matter concerning this RFQ between the Bid Submission date and the date of notification of selection of the Shortlisted Respondents, other than through the communication channel described in paragraph 20.1 above.

SECTION 8: ASSESSMENT OF SUBMISSION DOCUMENTS

22. ASSESSMENT PROCEDURE

22.1. Submissions received by Transnet in response to this RFQ will be evaluated by Transnet to determine which Respondents are qualified to meet Transnet's objectives and to efficiently undertake and complete the Project as an equity partner to Transnet in NewCo.

22.2. The process of evaluation of Submissions will be conducted in four stages, as follows (each described in more detail below):

22.2.1. Compliance with Process Criteria;

22.2.2. Compliance with Exclusion Criteria;

22.2.3. Compliance with Minimum Technical Criteria; and

22.2.4. Compliance with Minimum Financial Criteria.

23. EVALUATION OF SUBMISSIONS

In its consideration of each Submission and the selection of Shortlisted Respondents, Transnet will apply the following criteria in the order set out below:

23.1. Process Criteria

23.1.1. Submissions will first be assessed to confirm whether these have been submitted according to the instructions for submission as stated in Section 9. Transnet reserves the right to disqualify any Respondent whose Submission deviates from those instructions for submission.

23.1.2. Assessment as to whether the Submission meets the content requirements as described in Section 9. Transnet

reserves the right to disqualify any Respondent whose Submission does not meet those content requirements.

23.2. Exclusion Criteria

23.2.1. The Respondent in question shall be disqualified from participating further in this RFQ and the Procurement Process unless the Respondent, and in the case of a Consortium each Consortium Team Member thereof executes and delivers to Transnet a Qualification Declaration confirming that none of the exclusion criteria set out there in apply to the Respondent or Consortium Team Member.

23.2.2. Transnet reserves the right to undertake a due diligence process on Shortlisted Respondents during the RFP process. Details of the due diligence will be provided as part of the RFP documentation.

23.2.3. Respondents comply to the exclusion criteria if they (and their Consortium Team Member/s) conform to the following requirements, to be confirmed by formally declaring, amongst other matters as set out in the Qualification Declaration, that:

23.2.3.1. All information and material contained in, or provided together with, the Respondent's Statement of Qualifications and submitted to Transnet concurrently herewith is true, accurate and complete.

23.2.3.2. The Respondent (and its Consortium Team Member, as applicable) is not, and has not been, the subject of any bankruptcy, insolvency or creditor protection proceedings, and has not at any time been declared bankrupt or insolvent

and has not initiated or taken any action to protect itself from creditors' rights.

- 23.2.3.3. No parent corporation, affiliate, major shareholder or partner of the Respondent (and its Consortium Team Member, as applicable) is, or has been, the subject of any bankruptcy, insolvency or creditor protection proceedings and none have at any time been declared bankrupt or insolvent or initiated or taken any action to protect themselves from creditors' rights.
- 23.2.3.4. None of the Respondent (and its Consortium Team Member, as applicable), any parent corporation, affiliate or partner of the Respondent (and its Consortium Team Member, as applicable) or any of their respective directors or officers have at any time been convicted of fraud, breach of trust, bribery, corruption or another criminal offence.
- 23.2.3.5. Full disclosure has been made, using form IV, regarding the involvement of Persons of Influence in the Respondent (and its Consortium Team Member, as applicable).
- 23.2.3.6. The Respondent (and its Consortium Team Member, as applicable) accepts irrevocably the terms and conditions of this Request for Qualifications without reservations or qualifications.

23.3. Minimum Technical Criteria

23.3.1. To qualify for consideration as a Shortlisted Respondent, a Respondent (or in the case of a Consortium, one or more Consortium Team Members thereof) must have a score of at least 80%, from the evaluation criteria listed in Table 5 (based on a “Y” response to the evaluation criteria and the weight assigned to the “Y” response). Transnet reserves the right to disqualify any Respondent whose total score from Table 5 is less than 80%.

Table 5: Minimum Technical Evaluation Criteria

<u>Item</u>	<u>Category</u>	<u>Evaluation Criteria</u>	<u>Weight (%)</u>	<u>Response</u>
1	INFRASTRUCTURE			
1.1	Respondent footprint NLD across SA provinces	The Respondent has at least 100 Gb/s.	4.51%	Y/N
2	SUBSEA CABLE SYSTEM INFRASTRUCTURE			
2.1	East Coast cable system e.g., SEACOM, EASSy, SAFE, METISS etc.	The Respondent has at least 100 Gb/s subsea spare cable capacity.	4.51%	Y/N
2.2	West Coast Cable System e.g., SAT-3, WACS, ACE (indicate system(s))	The Respondent has at least 100 Gb/s subsea spare cable capacity.	4.51%	Y/N
3	OTN/ROADM SYSTEMS			
3.1	OTN/ROADM Systems	The Respondent has at least 14 Nodes Nationally.	4.51%	Y/N

<u>Item</u>	<u>Category</u>	<u>Evaluation Criteria</u>	<u>Weight (%)</u>	<u>Response</u>
3.2	Network Service offered Layer 1	The Respondent offers Dark fibre service.	4.50%	Y/N
3.3	Network Services offered Layer 2	The Respondent has 1 Gb/s, and 10 Gb/s OSI Layer 2 network services offered.	4.50%	Y/N
3.4	Customer base (L2 or L3 access ports)	The Respondent has at least 5 000 ports (directly connected access ports).	4.50%	Y/N
3.5	OEM Contracts with Vendor	The Respondent has at least 1 current contract with recognised OEM OTN vendor.	4.50%	Y/N
3.6	List MEF certification	The Respondent MEF (Metro Ethernet Forum) certificate is current and valid.	1.58%	Y/N
4	UPSTREAM/LOCAL INTERNET PEERING			
4.1	International upstream peering points	The Respondent has at least 100 Gb/s accumulative bandwidth and 2 or more partners.	1.58%	Y/N
4.2	Local peering	The Respondent has at least 2 local peering partners at least at two diverse peering POPs.	1.58%	Y/N

<u>Item</u>	<u>Category</u>	<u>Evaluation Criteria</u>	<u>Weight (%)</u>	<u>Response</u>
5	NETWORK OPERATIONS			
5.1	24 x 7 Network Operations Centre (NOC)	The Respondent has at least one NOC in South Africa managing OTN networks of at least 200Gb/s cumulative capacity.	4.50%	Y/N
5.2	Service Desk System in use	The Respondent has at least 1 industry recognized ITSM in use that is ITIL version 3 compliant.	4.50%	Y/N
5.3	Indicate OSS and BSS capabilities	The Respondent has at least one industry recognized OSS, and at least 1 industry recognized BSS in use.	4.50%	Y/N
5.4	NOC Disaster Recovery (DR)	The Respondent has NOC DR capability in a different geographic location.	4.50%	Y/N
6	BUSINESS OPERATIONS			
6.1	GIS system deployed	The Respondent has a GIS system in use.	1.58%	Y/N
6.2	Data repository	The Respondent has at least one EDW (Enterprise Data	1.58%	Y/N

<u>Item</u>	<u>Category</u>	<u>Evaluation Criteria</u>	<u>Weight (%)</u>	<u>Response</u>
		Warehouse) in use for Network systems.		
7	RESOURCES (Support capability i.t.o. employees and subcontractors)			
7.1	Skilled resources (relevant to OEM products)	The Respondent has OEM accredited technical resources skilled in installing and maintaining OTN networks.	4.50%	Y/N
7.2	National footprint	The Respondent has OTN capability to provide support across South Africa (i.e., skilled technical resources).	4.50%	Y/N
7.3	Outsource agreements & SLAs in place	The Respondent has existing outsource agreements and SLAs (restoration and new services) in place for fibre.	4.50%	Y/N
8	PROGRAM/PROJECT CAPABILITY			
8.1	List key infrastructure projects related to Layer1/Layer2 infrastructure	The Respondent has executed projects with at least a cumulative value	4.50%	Y/N

<u>Item</u>	<u>Category</u>	<u>Evaluation Criteria</u>	<u>Weight (%)</u>	<u>Response</u>
		of R150 million over the past 3 years.		
8.2	List Program Office System(s) in place	The Respondent has at least 1 industry recognized Program office for ICT in place.	4.50%	Y/N
9	WORKFLOW & DOCUMENT MANAGEMENT SYSTEMS (Procedural controls)			
9.1	List current document process and version control system(s) in use	The Respondent has at least 1 industry recognised document management system in use.	1.58%	Y/N
10	FACILITIES/POPS			
10.1	Uptime Institute Tier III or Tier IV Data Centre facility ownership	The Respondent has at least 2 Tier III Data Centers distributed across at least 2 provinces.	1.58%	Y/N
10.2	Footprint at open access data Centre Sites	The Respondent has presence in at least 2 open access data center sites.	1.58%	Y/N
11	LAYER 3 – 7 SERVICES (OSI MODEL)			

<u>Item</u>	<u>Category</u>	<u>Evaluation Criteria</u>	<u>Weight (%)</u>	<u>Response</u>
11.1	Confirm national Layer 3 capability and services provided	The Respondent currently provides layer 3 network services.	1.58%	Y/N
11.2	List Cloud Access capability and Hyperscale connectivity	The Respondent currently integrates into public cloud platforms (e.g., Azure, AWS, Google, Oracle, etc.).	1.58%	Y/N
11.3	Infrastructure services offered and operating systems	The Respondent has compute and storage support capabilities.	1.58%	Y/N
11.4	Cybersecurity Services	The Respondent currently provides cybersecurity services for network systems.	4.50%	Y/N
11.5	Co-location/hosting services provided	The Respondent currently provide hosting services to customers.	1.58%	Y/N
	Total		100%	

23.3.2. The Shortlisted Respondent (or in the case of a Consortium one or more Consortium Team Members thereof) will be required to demonstrate at the RFP stage of the Procurement Process the Fibre Optic Network/Optical Transport Network management expertise that will be employed by the Shortlisted Respondent (or in the case of a Consortium one or more Consortium Team Members thereof).

23.3.3. Transnet will require that claims and declarations made by Shortlisted Respondents in response to the Minimum Technical Criteria described in the *Table 5* above and included in the Statement of Qualifications be verified by an independent third party as part of the RFP process (in the event that an RFP process follows the RFQ process) (at the Shortlisted Respondent's cost). Further details about this third-party verification / certification process will be provided to Shortlisted Respondents in the RFP document.

23.4. Minimum Financial Criteria

A Respondent will be considered to have sufficient financial capacity, when the following criteria are met (at latest financial year end):

23.4.1. Each Respondent must submit its most recent five (5) years audited, consolidated financial statements (including auditor's report) showing that the profit, EBITDA and operational free cashflow in each of the last five years were positive. Where the impact of COVID-19 has resulted in a negative result, Transnet will concede the requirement for positive results in the affected financial years provided sufficient explanation of the COVID-19 impact is provided. Transnet reserves the right to admit Respondents that can provide a convincing explanation for a negative profit, EBITDA or operational free cashflow. For ease of assessment the Respondents should attach a table that has the EBITDA, Net Profit Before Tax, and Cash flows from operations for the past 5 years, with an explanation where applicable.

- 23.4.2. Solvency Ratio, computed from the most recent audited financial statements, is equal to or exceeds 0.4, as calculated by the following formula:

$$\text{Solvency: Total Equity}^1/\text{Total Assets is equal to or exceeds } 0.4$$

- 23.4.3. Liquidity Ratio, computed from the most recent audited financial statements, using the Acid Test Ratio, is equal to or exceeds 1 as calculated by the following formula:

$$\text{Acid Test Ratio: (Current Assets – Inventory)/ Current Liabilities is equal to or exceeds } 1$$

24. **SOLE DISCRETION, NO LIABILITY**

- 24.1. Transnet shall be the sole assessor of each Respondent's conformity with the requirements of this RFQ and the merits of each Submission. Transnet reserves the right, subject to applicable laws, to:

- 24.1.1. Amend, modify, or withdraw this RFQ.
- 24.1.2. Require supplemental statements of information from any Respondents.
- 24.1.3. Accept or reject any or all Submission Documents.
- 24.1.4. Negotiate or hold discussions with one or more of the Respondents.
- 24.1.5. Issue a subsequent RFQ to a shortlist of qualified Respondents or a list of Respondents, on a new competitive basis.

¹ Both Total Equity and Total Assets will be expressed in ZAR, using the IMF Historic Exchange Rate for the relevant reporting currency if conversion is required, as of the date of publication of the financial statement. The relevant exchange rates may be found through: https://www.imf.org/external/np/fin/data/param_rms_mth.aspx



- 24.1.6. Request clarification from Respondents regarding their Submission, during the Procurement Process.
 - 24.1.7. Cancel this RFQ, in whole or in part, for any reason or no reason in Transnet's sole discretion.
- 24.2. Transnet may exercise any such rights at any time, without notice or liability to any Respondent, Respondent or other parties for their costs, expenses or other obligations incurred in the preparation of Submission Documents or otherwise; and to waive any condition or modify any provision of this RFQ with respect to one or more Respondents.

SECTION 9: SUBMISSION REQUIREMENTS

25. FORM AND CONTENT OF SUBMISSION DOCUMENTS

25.1. Each Respondent is required to submit completed Non-Disclosure Agreements, Qualification Declarations, a Statement of Qualifications, and Declaration of Interest Forms. Transnet is interested in Respondents that have proven experience and capability to deliver the Project, and Respondents should include in their Statement of Qualifications any information which will assist in demonstrating their qualifications and capability to successfully complete the Project.

26. NON-DISCLOSURE AGREEMENT

26.1. All Respondents must execute and deliver a Non-Disclosure Agreement (attached hereto marked Form I) to Transnet as part of the Submission Documents. If the Respondent is a Consortium, the Non-Disclosure Agreement must be executed and delivered by each of the Consortium Team Members.

27. QUALIFICATION DECLARATION

27.1. A Qualification Declaration (attached hereto marked Form II) must be completed and executed by each Respondent and submitted to Transnet concurrently with the Respondent's Statement of Qualifications. If the Respondent is a Consortium, each Consortium Team Member must complete, execute, and submit a separate Qualification Declaration.

28. IDENTIFICATION OF THE RESPONDENT

28.1. Each Statement of Qualifications must include the full corporate name, contact person, mailing address, email address, telephone number, website address, ownership structure and country of incorporation or organization of the Respondent. In addition, each

Respondent should include in its Statement of Qualifications, a detailed summary of the Respondent's global business activities.

- 28.2. If the Respondent is a Consortium, the information must be provided for each Consortium Team Member. A Respondent which has been selected by Transnet as a Shortlisted Respondent will, in general, not be permitted to make changes to the Consortium, for purposes of or in anticipation of submitting a Proposal in response to the RFP. Changes to the membership of the Shortlisted Respondent will be subject to Transnet's consent during the RFP stage of the Procurement Process. It will not be permissible for those members of a Shortlisted Respondent whose experience and credentials were relied upon for purposes of qualification under this RFQ, including the Lead Member, to be substituted at RFP stage.
29. **PROJECT OBJECTIVES**
 - 29.1. Each Statement of Qualifications should set out a general description of the Respondent's proposed strategy to meet the Transnet objectives for the Project described in paragraph 9 of the RFQ, in a brief, concise statement which is concrete and focused on the Respondent's proposed methodology to meet the Project objectives.
30. **FIBRE OPTIC NETWORK AND TRANSPORT NETWORK OPERATION**
 - 30.1. In completing its Statement of Qualifications, each Respondent must provide information and supporting documentation regarding the Respondent's history, capability, and experience in relation to operating and managing fibre optic networks and optical transport networks in the form and with the detail required in terms of the Statement of Qualifications (attached hereto marked Form III). Shortlisted Respondents shall be required to demonstrate their network operating and management experience, in the RFP stage of the Procurement Process.



31. **FINANCIAL INFORMATION**

31.1. In completing its Statement of Qualifications, each Respondent must provide financial information and supporting documentation in compliance with the requirements in the Statement of Qualifications (attached hereto marked Form III). Transnet may, at its discretion, request additional financial information at any time during the Procurement Process.

32. **DECLARATION OF INTEREST FORM**

32.1. A Declaration of Interest Form (attached hereto marked Form IV) must be completed and executed by each Respondent and submitted to Transnet concurrently with the Respondent's Statement of Qualifications. If the Respondent is a Consortium, each Consortium Team Member must complete, execute, and submit a separate Declaration of Interest Form.

SECTION 10: INSTRUCTIONS FOR RFQ PROCUREMENT PHASE

33. TIME PLANNING OF RFQ PHASE

The tentative schedule for the RFQ phase of the Procurement Process is stated in paragraph 16.1.

34. QUESTIONS AND ANSWERS PROCEDURE (Q&A)

34.1. Respondents can address their questions to Transnet regarding the RFQ the Procurement Process and the Project, using the process described in paragraph 21. Transnet reserves the right to keep questions and communications with Respondents confidential.

35. INSTRUCTIONS FOR SUBMISSION

35.1. Bid Submission Date for receipt by Transnet of Submissions

35.1.1. The Respondent shall submit the Non-Disclosure Agreements, Statement of Qualifications, Qualification Declarations and Declaration of Interest Forms for the Respondent including each Consortium Team Member on or before the Bid Submission Date. All these Submission Documents must be uploaded into the Transnet e-Tender Submission Portal system in accordance with the instructions in paragraph 19.

35.2. Language

35.2.1. The Submission Documents and all enclosures thereto shall be written in, or translated into, English.

35.3. Currency

35.3.1. All amounts and calculations in the Statement of Qualifications shall be presented in South African Rand (ZAR). Respondents should make use of the IMF Historic

Exchange Rate for the relevant reporting currency if conversion is required, as of the date of publication of the financial statement. The relevant exchange rates may be found through: https://www.imf.org/external/np/fin/data/param_rms_mth.aspx

35.4. **Contact Person**

35.4.1. For purposes of this Procurement process, Respondents may only contact Transnet through the e-Tender Submission Portal and/or through the following email address:

35.4.2. Barbara.msomi@transnet.net

36. **BRIEFING NOTES**

36.1. Up to five (5) Business Days prior to the Bid Submission date, Transnet may, for any reason, whether at its own initiative or in response to a clarification requested by a Respondent, subject to applicable laws, modify any part or aspect of this RFQ by the issue of one or more Briefing Notes.

36.2. Transnet may also issue additional information to Respondents regarding the RFQ and the Project on an *ad hoc* basis, which information shall be provided in the form of Briefing Notes.

36.3. Briefing Notes will be sequentially numbered and will indicate whether they supplement, vary or amend any portion of the RFQ. All Briefing Notes shall be published on the Transnet e-Tender Submission Portal / Transnet website and National Treasury e-tender portal. All Briefing Notes shall be deemed to be part of the RFQ.

36.4. The Respondent shall ensure that its Submission Documents are prepared taking into account all Briefing Notes issued by Transnet.

37. **OTHER REQUIREMENTS AND CONDITIONS**

37.1. **Reporting obligation of the Respondent**

37.1.1. The Request for Qualifications has been drafted with the greatest possible care. However, it is possible that information in this Request for Qualifications is unclear, ambiguous or contradictory. Respondents are obliged to report such issues to the Contact Person in order to ensure a smooth Procurement Process.

37.2. **Changes to the Procurement Process**

37.2.1. Transnet reserves the right to make any changes to the Procurement Process, the Project and all relevant information pertaining thereto, in its discretion. In such event, Transnet shall timely inform the Respondents and, where applicable, give the Respondents an opportunity to adapt their Submission according to the changes.

37.3. **Cancellation of Procurement Process by Transnet**

37.3.1. Transnet reserves the right, subject to applicable laws, to unilaterally cancel, stay, or suspend the Procurement Process at any time, in which case Transnet shall inform the Respondents. Respondents are not entitled to obtain compensation from Transnet for any costs incurred and/or damage suffered as a result of the cancellation of the Procurement Process.

37.4. **Prohibition on Use of Transnet Transaction Advisors**

37.4.1. It is strictly forbidden for Respondents to use or obtain advice from Transnet's Transaction Advisors in relation to the Procurement Process. Transnet may disqualify any



Respondent that includes in its Consortium, engages, or consults with any such Transaction Advisor.

37.5. Media Release

37.5.1. Media releases and advertising pertaining to the Procurement Process shall not be made by or on behalf of any Respondent without prior written approval from Transnet.

37.6. Costs of Submission preparation

37.6.1. Each Submission and all information required to be submitted pursuant to this Request for Qualifications shall be compiled and prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against Transnet, its staff, or its professional advisors, for reimbursement for the payment of costs or expenses incurred in the preparation of the Submission or other information related in any way to this Request for Qualifications.

37.7. Clarifications, verifications, and corrections by Transnet

37.7.1. Transnet reserves the right to ask the Respondents for clarification of any information presented in or accompanying the Submission Documents. The Respondent is obliged to co-operate with Transnet in regard to any such request.

37.7.2. Transnet reserves the right to verify the reliability of information presented in or accompanying the Submission Documents. The Respondent is obliged to co-operate in this context. Failure to comply with a verification request may lead to the exclusion from consideration of those

sections of the Respondent's Submission Documents for which verification of information was requested.

37.7.3. Transnet reserves the right to request Respondents for corrections of information presented in the Submission Documents. The Respondent is obliged to co-operate in regard to any such request.

37.7.4. The submission of any inaccurate information or material by any Respondent to Transnet, or the failure of the Respondent to comply with any of the rules or conditions of the Procurement Process, may, at the discretion of Transnet, result in the Respondent's exclusion from further participation in the Procurement Process.

38. **NON-ELIGIBLE PERSONS**

38.1. Respondents are required to declare if any of their Consortium Team members, or any individual who is a director, officer, employee, or shareholder of any such member or partner, is employed by or Related to any employee of Transnet and/or a Government Department, by completing and submitting the Declaration of Interest Form (attached hereto marked Form IV).

38.2. If any Respondent's Submission includes the involvement of any Person:

38.2.1. blacklisted by the office of National Treasury; or

38.2.2. blacklisted by such person's professional body (if applicable);

38.2.3. employed by, or Related to any employee of, Transnet or a Government Department;

38.2.4. Related to any other Government official or Person directly involved in the Project, who may be involved with the

evaluation of the Submission Documents, or any Person with the ability to influence the decision of Transnet with respect to the appointment of Shortlisted Respondents and or the Preferred Bidder;

- 38.2.5. who has been found guilty in a court of law of fraud or corruption-related crimes or is named on any recognized international sanctions list; or
 - 38.2.6. who is a Person of Influence, whose involvement in the Project has the potential to harm the reputation or standing of Transnet or bring the Project into disrepute,
- 38.3. such Submission may, in the sole discretion of Transnet, be rejected by Transnet.
- 38.4. A Respondent (and where the Respondent is a Consortium, a Consortium Team Member) may not participate in, advise, or be involved (either directly or indirectly) with more than one Respondent at any stage during the Procurement Process pertaining to the Project.
- 38.5. Respondents shall ensure that no anti-competitive or collusive behaviour pertaining to the Procurement Process, or the Project is displayed or engaged in by any Person, Respondent, member, or advisor participating or involved with the Respondent.
- 38.6. Transnet shall, in its sole discretion, be entitled to disqualify any Respondent whose Submission Documents display any such anti-competitive or collusive behaviour, or if it becomes aware of any such anti-competitive or collusive conduct having been engaged in by any Respondent or Person associated therewith.

39. **ACKNOWLEDGEMENT OF SOUTH AFRICAN LAW**

39.1. The Respondent, and each member of a Consortium, is required to submit with their Statement of Qualifications a declaration stating, inter alia, that it is fully acquainted with the laws of South Africa (including without limitation all applicable statutes and regulations in the national, provincial and municipal spheres) in relation to procurement and the subject matter of the Project, or has engaged South African counsel to advise them in relation to the laws of South Africa, and that it will comply with such laws. The declaration required in respect of the Respondent or in respect of each Respondent in a Consortium is included in the Statement of Qualifications (attached hereto marked Form III).

39.2. Each Respondent will be solely responsible for satisfying itself with respect to all the legal requirements applicable to the Project as specified in this RFQ and shall have no claim against Transnet or the Transaction Advisors for any loss or damage it may suffer or incur by reason of any error, oversight or omission in relation thereto. This includes applying for, obtaining, maintaining, renewing and/or adhering to all relevant consents, permits, licences, authorisations and exemptions required to implement the Project. Failure to do so will be at the entire risk of each Respondent, and no relief will be given by Transnet for errors, oversights, or omissions of a Respondent or in the case of a Consortium any Person or Respondent who is a member of the Respondent. Further, no relief will be given for errors, oversights, or omissions of Transnet.

40. **CORRUPT GIFTS AND PAYMENTS**

40.1. The attention of the Respondents is drawn to the Prevention and Combating of Corrupt Activities Act.

40.2. None of the Respondents, or any of its members in the case of a Consortium, or other Respondent in a Submission or a Proposal or

any of their agents or advisors, may commit an offence in terms of the Prevention and Combating of Corrupt Activities Act, including directly or indirectly, offering or giving to any Person in the employment of Transnet or any other Government official, who is directly or indirectly involved in the Procurement Process or the Project, or any of the Transaction Advisors, any gift or consideration of any kind as an inducement or reward for appointing any Respondent as a Shortlisted Respondent or a Preferred Bidder, or for showing or omitting to show favour or disfavour to any Respondent, Persons or Respondents who are members of any Respondent, or its subcontractors in relation to the Project.

- 40.3. If any offence in terms of the Prevention and Combating of Corrupt Activities Act is committed, Transnet shall be entitled to terminate the relevant Respondent's participation in the Procurement Process and/or to prohibit such Respondent, Persons or Respondents who are its members, or any other Respondent in the Submission Documents and their agents and advisors, from participating in any further stage or part of the Procurement Process or the Project.

41. **NO COLLUSION**

- 41.1. The attention of each of the Respondents, Persons and Respondents who are its members, as well as their advisors and agents, is drawn to section 4(1)(b)(iii) of the Competition Act which prohibits collusive bidding.
- 41.2. By submitting the Submission Documents, each of the Respondent, Persons and Respondents who are its members in the case of a Consortium, and all other Respondents in the Submission certify that:
- 41.2.1. its Qualification Declaration and Statement of Qualifications have been prepared without consultation, communication or agreement for restricting competition with any other Respondent, Persons or Respondents who

are member of another Respondent or Respondent in another Submission, or any other competitor or potential competitor;

- 41.2.2. its Qualification Declaration and Statement of Qualifications have not been disclosed, nor will they be disclosed to any Respondent, Persons and/or Respondents who are members of another Respondent or Respondent in another Submission, or any competitor or potential competitor;
- 41.2.3. no attempt has been made or will be made by it to induce any other Person not to make a Submission or participate in the Procurement Process for the purpose of restricting competition; and
- 41.2.4. no attempt has been made or will be made by it to induce any other Person to alter the form or contents of its participation in any Qualification Declaration and Statement of Qualifications for the purpose of restricting competition.

SECTION 11: FORMS

Form I: Non-Disclosure Agreement

Form II: Qualification Declaration

Form III: Statement of Qualifications

Form IV: Declaration of Interest

Form V: RFQ Clarification Request



FORM I: NON-DISCLOSURE AGREEMENT

**TRANSNET SOC Ltd
REQUEST FOR QUALIFICATIONS**

TRANSNET'S FIBRE OPTIC NETWORK AND OPTICAL TRANSPORT NETWORK

NON-DISCLOSURE AGREEMENT

___ of _____, 2023
[COMPLETE DATE]

Transnet SOC Ltd
138 Eloff Street
Johannesburg
2000

Re: Transnet – Request for Qualifications PSP FOR TRANSNET'S FIBRE OPTIC NETWORK AND OPTICAL TRANSPORT NETWORK

[NAME OF RESPONDENT] of **[ADDRESS OF RESPONDENT]** (the "**Respondent**") confirms its intention to participate in the Request for Qualifications and Procurement Process described in the Request for Qualifications issued on 11 April 2023 (the "**RFQ**") by Transnet for the selection of a partner for the Project.

The Respondent further confirms, acknowledges, and agrees that:

- (a) The Respondent has received the RFQ and has registered on Transnet's e-Tender Submission Portal confirming its intent to participate in the Procurement Process.

- (b) In connection with the Respondent's participation in the Procurement Process, and in order to assist it in considering the potential selection of a PSP Partner for Transnet's Fibre Optic Network and Optical Transport Network as described in the RFQ, Transnet will disclose and make available to the Respondent information, materials and documents relating to the selection of a PSP partner for Transnet's Fibre Optic Network and Optical Transport Network and the business and affairs of Transnet.
- (c) All such information, materials and documents made available or provided by Transnet whether furnished before or after the date hereof, whether oral or written, and regardless of the manner in which it is made available or provided (including whether or not it is specifically described as being confidential), is of a confidential and proprietary nature and is referred to in this Non-Disclosure Agreement as "**Confidential Information**".
- (d) The Confidential Information includes, without limitation, all communications, whether written, electronically stored or delivered, or oral, of any kind between Transnet, or any of its representatives and the Respondent, including all information, materials and documents contained or made available through Transnet, whether by way of dedicated websites, or otherwise, the electronic data room established by Transnet in respect of the Procurement Process, and any and all information reports, analyses, studies, compilations, forecasts and other material prepared by or on behalf of the Respondent which contain or otherwise reflect such information.

In consideration of the opportunity to participate in the Procurement Process, the Respondent hereby further agrees, acknowledges, and confirms with Transnet as follows:

1. Non-Disclosure and use of Confidential Information

Except as required by law, the Respondent shall:

- (a) keep all Confidential Information confidential and not disclose or reveal any Confidential Information to any Person other than to the Respondent's directors, officers, employees, agents and representatives who are actively and directly participating in the Procurement Process or who otherwise need to know the Confidential Information for the purposes of the Procurement Process (collectively, the "**Respondent's Representatives**") and to cause all such Respondent's Representatives to observe the terms of this Non-Disclosure Agreement;
- (b) not use, or permit the use of, the Confidential Information for any purpose other than in connection with the Procurement Process, and without limiting the generality of the foregoing, not use, or permit the use of, the Confidential Information to obtain a competitive advantage over Transnet or any other Person directly or indirectly, in any line of business in which either Transnet or the Respondent is engaged;
- (c) not (and the Respondent shall cause the Respondent's Representatives to not) contact or attempt to contact any customer, supplier or employee of Transnet, any of their respective directors, officers, employees, agents and representatives or any other Person having business relations with Transnet;
- (d) not copy, reproduce or distribute, in whole or in part, any portion of the Confidential Information to any persons other than to the Respondent's Representatives or as otherwise permitted by Transnet hereunder, at any time without the prior written consent of Transnet;
- (e) not disclose to any Person (other than to the Respondent's Representatives) any information about the Procurement Process.

2. Liability for Breach

The Respondent acknowledges, confirms and agrees with Transnet that any disclosure of any Confidential Information by the Respondent or any of the Respondent's Representatives other than as specifically permitted hereunder, or

any other breach of the terms of this Non-Disclosure Agreement by the Respondent, or any of the Respondent's Representatives, may result in substantial and irreparable damage and loss to Transnet and that the Respondent shall remain solely responsible for and liable to Transnet for any damages, losses or liabilities arising from any breach of this Non-Disclosure Agreement by the Respondent, or any of the Respondent's Representatives.

3. Disclosure Required by Law

In the event the Respondent or any of the Respondent's Representatives are requested pursuant to, or required by, applicable law or regulation or by legal process to disclose any Confidential Information or any other information concerning Transnet or the Procurement Process, the Respondent agrees that it will provide Transnet with prompt written notice of such request or requirement in order to enable Transnet to seek an appropriate protective order or other remedy, to consult with the Respondent with respect to Transnet taking steps to resist or narrow the scope of such request or legal process, or to waive compliance, in whole or in part, with the terms of this Non-Disclosure Agreement. In any such event the Respondent will consent to Transnet obtaining any protective order or other appropriate remedy that Transnet may seek for the purpose of preventing disclosure of any of the Confidential Information. In the event that such protective order or other remedy is not obtained, or that Transnet waives compliance with the provisions of this Non-Disclosure Agreement, the Respondent or the Respondent's Representatives shall furnish only that portion of the Confidential Information which the Respondent is advised by written opinion of counsel is legally required and the Respondent shall use reasonable best efforts to cooperate with Transnet to obtain a protective order and to ensure that all Confidential Information and other information that is so disclosed will be accorded confidential treatment.

4. Governing Law and Jurisdiction

This Non-Disclosure Agreement shall be governed by and construed in accordance with the laws of South Africa. Each party hereto irrevocably submits to the non-



exclusive jurisdiction of the courts of South Africa with respect to any matter arising hereunder or in relation to this Non-Disclosure Agreement.

[RESPONDENT]

Authorized Signatory

Signature

Authorized Signatory

Signature

**Acknowledged and Agreed to as of the _____ day of _____,
2023 by Transnet**

Authorized Signatory

Signature



FORM II: QUALIFICATION DECLARATION

**TRANSNET SOC Ltd
REQUEST FOR QUALIFICATIONS**

**TRANSNET FIBRE OPTIC NETWORK AND OPTICAL TRANSPORT
NETWORK**

THIS DECLARATION

MADE BY:

[Name of Respondent]

[Address of Respondent]

Email: _____
[Email address of Respondent]
(the "**Respondent**")

TO:

TRANSNET SOC LTD
138 Eloff Street
Johannesburg
2000
Contact person: Barbara Msomi

PURSUANT TO: The Request for Qualifications (the "**RFQ**"): selection of a partner for the Project

DATE: _____ day of _____ 2023

All terms defined in the RFQ and used in this Qualification Declaration shall have the same meanings as ascribed thereto in the RFQ.



THE RESPONDENT HEREBY DECLARES, REPRESENTS AND WARRANTS TO TRANSNET AS FOLLOWS:

1. All information and material contained in, or provided together with, the Respondent's Statement of Qualifications (Form III) and submitted to Transnet concurrently herewith is true, accurate and complete.
2. The Respondent or if the Respondent is a Consortium, at least one Consortium Team Member, currently operates either directly (for example as owner or statutory operator), or via an operating lease or similar commercial agreement, such telecommunications infrastructure, the details of which are specified in the submitted Statement of Qualifications, and hereby confirms that the Respondent satisfies the Minimum Technical Criteria described in paragraph 23.3.
3. The Respondent or if the Respondent is a Consortium, at least one Consortium Team Member, satisfies the following 5 Minimum Financial Criteria:
 - (a) The profit, EBITDA and operational free cashflow of each of the last five (5) years were positive. Where the profit, EBITDA and operational cashflow were negatively impacted by the COVID-19 pandemic, sufficient details are provided to explain the negative returns;
 - (b) Solvency exceeds or is equal to 0.4 (based on latest audited financial statements); and
 - (c) Acid Test Ratio exceeds 1 (based on latest audited financial statements).
 - (d) Since the publication of the latest financial statements, the Respondent's situation has not materially changed, such that the Minimum Financial Criteria described above will not be

met in the financial statements of the current and subsequent financial years.

- (e) The Respondent has, to date, not engaged in commitments to the extent that such commitments might affect the Respondent's ability to finance or complete the Project.
4. The Respondent is not, and has not been, the subject of any bankruptcy, insolvency or creditor protection proceedings, and has not at any time been declared bankrupt or insolvent and has not initiated or taken any action to protect itself from creditors' rights.
 5. No parent corporation, affiliate, major shareholder or partner of the Respondent is, or has been, the subject of any bankruptcy, insolvency or creditor protection proceedings and none have at any time been declared bankrupt or insolvent or initiated or taken any action to protect themselves from creditors' rights.
 6. None of the Respondent, any parent corporation, affiliate or partner of the Respondent or any of their respective directors, officers or Persons associated with the Respondent have at any time:
 - (a) been convicted of fraud, breach of trust, bribery, corruption or other criminal offence;
 - (b) been named on any recognized international sanctions list;
 - (c) committed any offence in terms of the Prevention and Combating of Corrupt Activities Act including directly or indirectly, offering or giving to any Person in the employment of Transnet or any other Government official, who is directly involved in the Procurement Process or the Project, or any of the Transaction Advisors, any gift or consideration of any kind as an inducement or reward for appointing any Respondent as a Shortlisted Respondent or a Preferred Bidder, or for showing or omitting to show favour or disfavour to any



Respondent, Persons or Consortium Team Member, or its subcontractors in relation to the Project.

7. None of the respective directors, executives, senior managers, officers or other Persons associated with the Respondent or any parent corporation, affiliate or partner of the Respondent is a Person of Influence, save for the Persons named below:

Name	Relationship between the Person of Influence and the Respondent	Description of the position/role which results in the named individual or entity being a Person of Influence

8. The Respondent accepts irrevocably the terms and conditions of this Request for Qualifications without reservations or qualifications.
9. The Respondent has obtained such legal and other advice as it has determined necessary and confirms its understanding of and agreement with the Procurement Process and the terms and conditions set out in the RFQ.
10. The Respondent is fully acquainted with the laws of South Africa (including without limitation all applicable statutes and regulations in the national, provincial and municipal spheres) in relation to procurement and the subject matter of the Project, or has engaged South African counsel to advise them in relation to the laws of South Africa, and that it will comply with such laws.

The Respondents will not make any claim or demand, or bring any action, suit or petition against Transnet, or any of its directors, officers, employees, consultants or representatives, for any costs, damages, liabilities or claims of any nature



whatsoever relating to its participation in the Procurement Process or based upon or relating to any information, material, forecasts or estimates contained in the RFQ or otherwise provided or made available by Transnet or any of its directors, officers, employees, consultants, contractors or representatives.

DATED AT ON day of , 2023.

Authorized Signatory of Respondent

Name

Title



FORM III: STATEMENT OF QUALIFICATIONS

TRANSNET SOC Ltd REQUEST FOR QUALIFICATIONS

TRANSNET'S FIBRE OPTIC NETWORK AND OPTICAL TRANSPORT NETWORK

ALL STATEMENTS OF QUALIFICATIONS MUST BE IN THE FORM SET OUT IN THIS STATEMENT OF QUALIFICATIONS AND MUST INCLUDE ALL INFORMATION AND MATERIAL SPECIFIED IN THIS STATEMENT OF QUALIFICATIONS AND IN THE REQUEST FOR QUALIFICATIONS (THE "RFQ").

IF THE RESPONDENT IS A CONSORTIUM, THE REQUIRED INFORMATION AND MATERIAL AS SPECIFIED BELOW MUST BE PROVIDED FOR EACH CONSORTIUM TEAM MEMBER.

ALL TERMS DEFINED IN THE RFQ AND USED IN THIS STATEMENT OF QUALIFICATIONS SHALL HAVE THE SAME MEANINGS AS ASCRIBED THERETO IN THE RFQ.

PART 1 - IDENTIFICATION OF RESPONDENT (AND WHERE APPLICABLE CONSORTIUM TEAM MEMBER)

- 1.1 Complete legal name of Respondent.
- 1.2 Jurisdiction of incorporation or organization of the Respondent.
- 1.3 Respondent's Head Office address.
- 1.4 Address of any office Respondent may have in South Africa.
- 1.5 Respondent's mailing address.



- 1.6 Respondent's email address.
- 1.7 Respondent's telephone number.
- 1.8 Respondent's website address.
- 1.9 Summary of the Respondent's business activities, showing geographical location.

PART 2 - CONSORTIUMS

- 2.1 If Respondent is a Consortium, list all Consortium Team Members, the role of each Consortium Team Member, the percentage shareholding intended for each Consortium Team Member, and indicate who will be the Lead Member of the Consortium.
- 2.2 In the event that a Consortium agreement is already in place, submit this agreement as part of this Statement of Qualifications.

PART 3 - OWNERSHIP OF RESPONDENT OR CONSORTIUM

- 3.1 If the Respondent is a wholly owned subsidiary of a parent corporation, provide the name, address, and jurisdiction of incorporation of the parent corporation.
- 3.2 If the Respondent is a corporation (other than a wholly owned subsidiary), provide the name, address and jurisdiction of incorporation, organization or residency of each of its major shareholders.
- 3.3 If the Respondent is a partnership, provide the name, address and jurisdiction of incorporation, organization or residency of each of its partners.



- 3.4 If the Respondent is an entity other than a corporation or partnership, describe the legal and ownership structure of the Respondent and provide the names, addresses and jurisdiction of incorporation or organization of each owner.

PART 4 - AUTHORIZED REPRESENTATIVE

Provide the name, title, residency, address, telephone number and email address of the individual authorized by the Respondent to represent the Respondent, to make enquiries to Transnet, and to receive correspondence on matters relating to the RFQ and the Procurement Process.

PART 5 - PROJECT OBJECTIVES

Having regard to the objectives of Transnet described in paragraph 9 of the RFQ, describe, to the extent now known or anticipated, the Respondent's methodology for trying to meet the Transnet objectives through implementation of the Project, in a brief, concise statement which is concrete and focused on the methodology to be applied by the Respondent to meet the Project objectives. This statement should not be longer than approximately one page of A4 size.

PART 6 - RESPONDENT'S EXPERIENCE

- 6.1 Provide a summary of the Respondent's experience in each of the areas of in the table in 6.2 below, including the following information:
- a) Role of the Respondent (or Consortium Team Member) in the Fibre Optic Networks and/or OTN operations;
 - b) Number of years of experience of the Respondent (or Consortium Team Member) in operating and/or managing fibre optic networks and optical transport networks;
 - c) Size (in ZAR value);

d) ICASA licences held;

6.2 Technical Information

<u>Category</u>	<u>Description of Technical Experience (ensuring that Minimum Technical Criteria are met), including number of years' experience, size in ZAR, and, where appropriate, whether ICASA licences are held</u>	<u>Role of Respondent</u>
INFRASTRUCTURE		
Respondent footprint NLD across SA provinces		
SUBSEA CABLE SYSTEM INFRASTRUCTURE		
East Coast cable system e.g., SEACOM, EASSy, SAFE, METISS etc.		
West Coast Cable System e.g., SAT-3, WACS, ACE (indicate system(s))		
OTN/ROADM SYSTEMS		
OTN/ROADM Systems		
Network Service offered Layer 1		
Network Services offered Layer 2		
Customer base (L2 or L3 access ports)		

<u>Category</u>	<u>Description of Technical Experience (ensuring that Minimum Technical Criteria are met), including number of years' experience, size in ZAR, and, where appropriate, whether ICASA licences are held</u>	<u>Role of Respondent</u>
OEM Contracts with Vendor		
List MEF certification		
UPSTREAM/LOCAL INTERNET PEERING		
International upstream peering points		
Local peering		
NETWORK OPERATIONS		
24 x 7 Network Operations Centre (NOC)		
Service Desk System in use		
Indicate OSS and BSS capabilities		
NOC Disaster Recovery (DR)		
BUSINESS OPERATIONS		
GIS system deployed		
Data repository		
RESOURCES (Support capability i.t.o. employees and subcontractors)		

<u>Category</u>	<u>Description of Technical Experience (ensuring that Minimum Technical Criteria are met), including number of years' experience, size in ZAR, and, where appropriate, whether ICASA licences are held</u>	<u>Role of Respondent</u>
Skilled resources (relevant to OEM products)		
National footprint		
Outsource agreements & SLAs in place		
PROGRAM/PROJECT CAPABILITY		
List key infrastructure projects related to Layer1/Layer2 infrastructure		
List Program Office System(s) in place		
WORKFLOW & DOCUMENT MANAGEMENT SYSTEMS (Procedural controls)		
List current document process and version control system(s) in use		

<u>Category</u>	<u>Description of Technical Experience (ensuring that Minimum Technical Criteria are met), including number of years' experience, size in ZAR, and, where appropriate, whether ICASA licences are held</u>	<u>Role of Respondent</u>
FACILITIES/POPS		
Uptime Institute Tier III or Tier IV Data Centre facility ownership		
Footprint at open access data Centre Sites		
LAYER 3 – 7 SERVICES (OSI MODEL)		
Confirm national Layer 3 capability and services provided		
List Cloud Access capability and Hyperscale connectivity		
Infrastructure services offered and operating systems		
Cybersecurity Services		
Co-location/hosting services provided		

6.3 Financial Information



- (1) Provide, at a minimum, the most recent five (5) years audited, consolidated financial statements, including auditors' reports, for the Respondent, and for each Consortium Team Member if the Respondent is a Consortium. Where applicable, provide the most recent five (5) years audited, consolidated financial statements, including auditors' reports, for respective parent corporations and any other entity anticipated to assume any financial responsibility in connection with the Project by way of equity contribution, guarantee, debt or otherwise.
- (2) Provide current credit rating reports if available, for the Respondent, and for each Consortium Team Member if the Respondent is a Consortium. Where applicable, provide current credit rating reports for respective parent corporations and any other entity anticipated to assume any financial responsibility in connection with the Project by way of equity contribution, guarantee, debt or otherwise.
- (3) Provide the Solvency and Liquidity calculations based on the most recent audited financial statements.

PART 7 - CONFIRMATION

- 7.1 Provide confirmation of the Respondent's acceptance of the Procurement Process, and the terms and conditions set out in the RFQ. Respondent to include confirmation that none of the exclusion criteria apply to the Respondent, or any Consortium Team Member, by signing and submitting the Qualification Declaration (Form II).
- 7.2 Provide confirmation that the Respondent obtained such legal and other advice as it has determined necessary and confirms its understanding of an agreement with the Procurement Process and the terms and conditions set out in the RFQ by signing and submitting the Qualification Declaration (Form II).

- 7.3 Provide confirmation that the Respondent is fully acquainted with the laws of South Africa (including without limitation all statutes and regulations (on a national, provincial and municipal level)) in relation to procurement and the subject matter of the Project, and will comply with such laws, or that the Respondent has engaged South African counsel to advise them in relation to the laws of South Africa (including without limitation all statutes and regulations (on a national, provincial and municipal level)) in relation to procurement and the subject matter of the Project by signing and submitting the Qualification Declaration (Form II).
- 7.4 Provide the B-BBEE Verification Certificate for the Respondent (if the Respondent has a B-BBEE Verification Certificate).
- 7.5 Provide confirmation that the Respondents will not make any claim or demand, or bring any action, suit or petition against Transnet, or any of its directors, officers, employees, consultants or representatives, for any costs, damages, liabilities or claims of any nature whatsoever relating to its participation in the Procurement Process or based upon or relating to any information, material, forecasts or estimates contained in the RFQ or otherwise provided or made available by Transnet or any of its directors, officers, employees, consultants, contractors or representatives by signing and submitting the Qualification Declaration (Form II).



FORM IV: DECLARATION OF INTEREST

**TRANSNET SOC Ltd
REQUEST FOR QUALIFICATIONS**

TRANSNET'S FIBRE OPTIC NETWORK AND OPICAL TRANSPORT NETWORK

NAME OF ENTITY:

We/I [insert full name]

representing the above-named Respondent do hereby certify that:

PART I: DECLARATION OF INTEREST REGARDING TRANSNET

1. At no stage has the Respondent received additional information relating to the subject matter of this RFQ from Transnet sources, other than information formally received from the designated Transnet Contact Person as nominated in the RFQ documents or via the Transnet e-Tender Submission Portal;
2. The Respondent has complied with all obligations which apply to Respondents as indicated in the Transnet Supplier Integrity Pact (available on the Transnet website) which includes but are not limited to ensuring that the Respondent takes all measures necessary to prevent corrupt practices, unfairness and illegal activities in order to secure or in furtherance to secure a contract with Transnet;
3. The Respondent declares that a family, business and/or social relationship **exists / does not exist** [delete as applicable] between an owner / member / director / partner / shareholder / employee of the Respondent



and a board member of Transnet or any employee of Transnet who may be involved in the evaluation and/or adjudication of this Submission;

4. The Respondent declares that an owner / member / director / partner / shareholder / employee of the Respondent **is / is not** [delete as applicable] an employee or board member of Transnet;
5. In addition, the Respondent declares that an owner / member / director / partner / shareholder / employee of the Respondent **has / has not been** [delete as applicable] an employee or board member of Transnet in the past 10 years. the Respondent further declares that if they were a former employee or board member of Transnet in the past 10 years, they **were/were not** involved in the bid preparation or had access to the information related to this RFQ; and
6. If such a relationship as indicated in paragraph 3, 4 and/or 5 above exists, the Respondent is to complete the following section:

FULL NAME AND POSITION IN THE RESPONDENT, OF OWNER / MEMBER / DIRECTOR / PARTNER / SHAREHOLDER / EMPLOYEE	NATURE OF RELATIONSHIP WITH TRANSNET (AND RELEVANT TIME-PERIOD IF FORMER EMPLOYEE OR BOARD MEMBER)

7. The Respondent declares, to the extent that the Respondent is aware or becomes 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, the Respondent shall notify Transnet immediately in writing of such circumstances.

8. The Respondent acknowledges and accepts that the failure to furnish complete and accurate information in this declaration will lead to the disqualification of the relevant Submission and may preclude a Respondent from doing future business with Transnet. Information provided in this declaration may be used by Transnet and/or its affiliates to verify the correctness of the information provided.

For and on behalf of	AS WITNESS:

duly authorised hereto	
Name:	Name:
Position:	Position:
Signature:	Signature:
Date:	Registration No of Company/CC
Place:	Registration Name of Company/CC

PART II: DECLARATION OF INTEREST REGARDING PERSONS EMPLOYED BY THE STATE (SBD4)

1. Any legal person, including persons employed by the state², or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to qualify (includes a price quotation, advertised competitive bid, limited bid or proposal). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or Related to them, it is required that the Respondent or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - the Respondent is employed by the state; and/or
 - the legal Person on whose behalf the Respondent's document is signed, has a relationship with persons/a Person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the Person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

² "State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.



2.1 Full Name of Respondent or his or her representative.....

2.2 Identity Number:

2.3 Position occupied in the Company (director, trustee, shareholder):
.....

2.4 Company Registration Number:

2.5 Tax Reference Number:

2.6 VAT Registration Number:
.....

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / persal numbers must be indicated in paragraph 3 below.

2.7 Is any Person connected with the Respondent presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of Person / director / trustee / shareholder/ member:
.....

Name of state institution at which you or the Person connected to the Respondent is employed:
.....

Position occupied in the state institution:

Any other particulars:
.....
.....

.....

2.7.2 If the Respondent is presently employed by the state, did the Respondent obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did the Respondent attached proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.)

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did the Respondent or anyone Related to the Respondent, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?
YES / NO

2.8.1 If so, furnish particulars:

.....



.....
.....

2.9 Does the Respondent, or any Related Person connected with the Respondent, have any relationship (family, friend, other) with a Person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

?

2.9.1 If so, furnish particulars.

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

2.10 Is the Respondent, or any Related Person connected with the Respondent, aware of any relationship (family, friend, other) between any other Respondent and any Person employed by the state who may be involved with the evaluation and or adjudication of this bid **YES/NO**

2.10.1 If so, furnish particulars.

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



2.11 Does the Respondent or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract **YES/NO**

2.11.1 If so, furnish particulars:

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

3. FULL DETAILS OF DIRECTORS / TRUSTEES / MEMBERS / SHAREHOLDERS.

Full Name	Identity Number	Personal Reference Number	Tax	State Employee Number / Persal Number (where applicable)



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4 DECLARATION

I, _____ THE _____ UNDERSIGNED
(NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3
ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN
TERMS OF PARAGRAPH 23 OF THE GENERAL CONDITIONS OF CONTRACT
SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....

Signature

Date

.....

Position

Name of Respondent



FORM V: RFQ CLARIFICATION REQUEST FORM

**TRANSNET SOC Ltd
REQUEST FOR QUALIFICATIONS**

**TRANSNET'S FIBRE OPTIC NETWORK AND OPTICAL TRANSPORT
NETWORK**

RFQ No: **TCC/2023/04/0002/26705/RFI**

RFQ deadline for enquiries, questions or clarifications: Before 12:00 pm SAST on
19 May 2023.

TO: Transnet SOC Ltd

ATTENTION: The Tender Administrator

EMAIL: Barbara.msomi@transnet.net

DATE: _____

FROM: _____

RFQ Clarification No *[to be inserted by Transnet]*

