



Botswana Railways

A commercial enterprise of the government of Botswana  
[hereinafter referred to as BR]

And

Transnet Freight Rail

an Operating Division of TRANSNET SOC LTD [hereinafter referred to as Transnet] [Registration No. 1990/000900/30]

**REQUEST FOR INFORMATION [RFI] / EXPRESSIONS OF INTEREST [EOI]** - are sought to obtain information from the market to enable Botswana Railways and Transnet to prequalify interested companies willing to undertake the Funding and Development of the Proposed New Railway Corridor underpinned by the Construction of the New Rail Link between Mmamabula (Botswana) and Lephale (South Africa), i.e. the Mmamabula-Lephale Rail Link.

**THEREAFTER**

**THROUGH A SEPARATE "REQUEST FOR PROPOSAL" [RFP] PROCESS**

to appoint a Service Provider to undertake the Funding and Development of the Proposed New Railway Corridor underpinned by the Construction of the New Rail Link between Mmamabula (Botswana) and Lephale (South Africa), i.e. Mmamabula-Lephale Rail Link. The subsequent Request for Proposal [RFP] if and when is issued by Botswana Railways and Transnet, will be limited only to those Respondents who have been shortlisted following the evaluation/prequalification process stipulated in this RFI/EOI

<b>RFI/EOI NUMBER:</b>	<b>BR/EOI/2023-24 (01) &amp; HOAC_HO_42283</b>
<b>ISSUE DATE:</b>	<b>14 JULY 2023</b>
<b>CLOSING DATE:</b>	<b>15 SEPTEMBER 2023</b>
<b>CLOSING TIME:</b>	<b>10:00 AM, South African Standard Time (SAST)</b>

**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. Botswana Railways and Transnet will not be held liable for any technical challenges experienced by bidders during submission of bids. 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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**RFI/EOI for the Funding and Development of the Proposed New Railway Corridor underpinned by the Construction of the New Rail Link between Mmamabula (Botswana) and Lephallale (South Africa), i.e. Mmamabula-Lephallale Rail Link****SECTION 1: SBD1 FORM****PART A****INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF BOTSWANA RAILWAYS AND TRANSNET SOC LTD</b>							
BID NUMBER:	<b>BR/EOI/2023-24 (01) &amp; HOAC_HO_42283</b>	ISSUE DATE:	<b>14 July 2023</b>	CLOSING DATE:	<b>15 September 2023</b>	CLOSING TIME:	<b>10:00 AM, South African Standard Time (SAST)</b>
DESCRIPTION	<b>Funding and Development of the Proposed New Railway Corridor underpinned by the Construction of the New Rail Link between Mmamabula (Botswana) and Lephallale (South Africa), i.e. Mmamabula-Lephallale Rail Link</b>						
<b>BID RESPONSE DOCUMENTS SUBMISSION</b>							
RESPONDENTS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH BID/RFI SELECTED ( <i>please refer to section 2, paragraph 4 for a detailed process on how to upload submissions</i> ): <a href="https://transnetetenders.azurewebsites.net">https://transnetetenders.azurewebsites.net</a>							
<b>FOR BOTSWANA RAILWAYS ENQUIRIES MAY BE DIRECTED TO:</b>				<b>FOR TRANSNET ENQUIRIES MAY BE DIRECTED TO:</b>			
CONTACT PERSON	<b>Ankwetse Raditshego</b>			CONTACT PERSON	<b>Mbuyiswa Sekele</b>		
TELEPHONE NUMBER	<b>+267 4711375</b>			TELEPHONE NUMBER	<b>+2711 308 1265</b>		
FACSIMILE NUMBER	<b>N/A</b>			FACSIMILE NUMBER	<b>N/A</b>		
E-MAIL ADDRESS	<a href="mailto:177787@botrail.bw">177787@botrail.bw</a>			E-MAIL ADDRESS	<a href="mailto:Mbuyiswa.Sekele@transnet.net">Mbuyiswa.Sekele@transnet.net</a>		
<b>SUPPLIER INFORMATION</b>							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE			NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:			OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		

Respondent's Signature

Date and Company Stamp

<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA) AND/OR BOTSWANA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA AND/OR BOTSWANA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA AND/OR BOTSWANA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA AND/OR BOTSWANA?			<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA AND/OR BOTSWANA FOR ANY FORM OF TAXATION?			<input type="checkbox"/> YES <input type="checkbox"/> NO

**NOTE:** BIDDING FOREIGN SUPPLIERS ARE ENTITIES THAT ARE REGISTERED AND OPERATING OUTSIDE BOTH COUNTRIES (BOTSWANA AND SOUTH AFRICA)

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. COMPLIANCE REQUIREMENTS</b>
<p><b>BOTSWANA</b></p> <ul style="list-style-type: none"> <li>Copies of valid Certificate of Incorporation/Business registration</li> <li>Certified copies of identity of directors (Oman or passport where applicable)</li> <li>Certified copies of shareholders certificates</li> <li>Certificate of authority of signatory</li> <li>Tax Identification Number (TIN) and Tax Clearance Certificate (TCC) Number or exemption thereof issued by Botswana Unified Revenue Service (BURS). The validity of the Certificate is to be verified online.</li> <li>Declaration form for tendering purposes (Annexure C)</li> </ul> <p><b>SOUTH AFRICA</b></p> <ul style="list-style-type: none"> <li>TAX COMPLIANCE SYSTEM PIN _____;</li> <li>CENTRAL SUPPLIER DATABASE (UNIQUE REGISTRATION REFERENCE NUMBER: _____);</li> </ul>

**NB: Bidders who fail to submit the above-mentioned documents will be requested during the evaluation to submit them within 2-5 days of notification. Non-responsiveness by the bidder shall result in disqualification of bid.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

(Proof of authority must be submitted e.g. company resolution)

DATE: \_\_\_\_\_

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

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

**SECTION 2 : NOTICE TO RESPONDENTS****1 INFORMATION REQUEST**

Information is requested from interested persons, companies, close corporations or enterprises [hereinafter referred to as the **Respondent(s)**] to supply the aforementioned information to Botswana Railways and Transnet. Respondents are to note that only those who have been shortlisted following the bid evaluation process detailed in this RFI/EOI, will be allowed to participate in the Stage 2 RFP process.

**2 EXPRESSION OF INTEREST [EOI]**

Respondents should note that Botswana Railways and Transnet will only approach those entities which have completed and submitted an RFI/EOI to Botswana Railways and Transnet through this procurement process. The subsequent Request for Proposal [**RFP**] if and when is issued by Botswana Railways and Transnet, will be limited only to those Respondents who have been shortlisted following the evaluation/prequalification process stipulated in this RFI/EOI.

<b>DESCRIPTION</b>	<b>Funding and Development of the Proposed New Railway Corridor underpinned by the Construction of the New Rail Link between Mmamabula (Botswana) and Lephallale (South Africa), i.e. Mmamabula-Lephallale Rail Link.</b>
<b>TENDER ADVERT</b>	<p>In Botswana this RFI/EOI is advertised on the Botswana Railways website <a href="https://www.botswanarailways.co.bw/tender">https://www.botswanarailways.co.bw/tender</a></p> <p style="text-align: center;">And</p> <p>In South Africa this RFI/EOI is advertised on the National Treasury's e-Tender Publication Portal and the Transnet website. Should one of these media (i.e. National Treasury's e-Tender Publication Portal or Transnet website) not be available, bidders are advised to check on the other media for advertised tenders.</p>
<b>RFI DOWNLOADING</b>	<p>In Botswana this RFI/EOI may be downloaded directly from Botswana Railways website <a href="https://www.botswanarailways.co.bw/tender">https://www.botswanarailways.co.bw/tender</a></p> <p style="text-align: center;">And</p> <p>In South Africa this RFI/EOI may be downloaded directly from National Treasury e-Tender Publication Portal at <a href="http://www.etenders.gov.za">www.etenders.gov.za</a> free of charge.</p> <p>To download RFI/EOI:</p> <ul style="list-style-type: none"> <li>• Click on "Tender Opportunities";</li> <li>• Select "Advertised Tenders";</li> <li>• In the "Department" box, select Transnet SOC Ltd;</li> </ul> <p>Once the tender has been located in the list, click on the "Tender documents" tab and process to download all uploaded documents.</p>
<b>COMMUNICATION</b>	<p>Any addenda to the RFI/EOI or clarifications will be published on the Botswana Railways website and National Treasury e-Tender Publication Portal. Bidders are required to check the Botswana Railways website and National Treasury e-Tender Publication Portal website prior to finalising their bid submissions for any changes or clarifications to the RFI/EOI.</p> <p>Botswana Railways and Transnet will not be held liable if Bidders do not receive the latest</p>

Respondent's Signature

Date and Company Stamp

	information regarding this RFI/EOI.
<b>BRIEFING SESSION</b>	<p>Yes/Non-compulsory</p> <p>Bidders are required to confirm their attendance and to send their contact details including the number of representatives (where applicable) to the following email addresses: <a href="mailto:177787@botrail.bw">177787@botrail.bw</a> no later than 19 July 2023.</p> <p>This is to ensure that Botswana Railways and Transnet may make the necessary arrangements for the briefing session.</p> <p>Refer to paragraph 3 for details.</p>
<b>CLOSING DATE</b>	<p><b>Friday, 15 September 2023 at 10.00 am South African Standard Time (SAST)</b></p> <p>Bidders must ensure that bids are uploaded timeously onto the system.</p> <p>As a general rule, if a bid is late, it will not be accepted for consideration.</p> <p><b><i>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. Botswana Railways and Transnet will not be held liable for any technical challenges experienced by bidders during submission of bids. Please do not wait for the last hour to submit. A Bidder can upload 30MB per upload and multiple uploads are permitted.</i></b></p>
<b>VALIDITY PERIOD</b>	<p><b>180 Business Days from Closing Date.</b></p> <p>Bidders are to note that they may be requested to extend the validity period of their bid, on the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process, the validity of the bidder(s)' bid will be deemed to remain valid until the RFI/EOI process has been concluded.</p>

Any additional information or clarification will be published on the Botswana Railways website, South African National Treasury e-Tender portal and Transnet website, if necessary.

### 3 FORMAL BRIEFING

A non-compulsory RFI/EOI briefing meeting will be conducted on **MS Teams** on **21 July 2023**, at **10:00am South African Standard Time (SAST)** for a period of  $\pm 3$  (three) hours. The briefing session will start punctually, and information will not be repeated for the benefit of Respondents joining the session late. Bidders are required to confirm their attendance and to send their contact details including the number of representatives (where applicable) to the following email address [177787@botrail.bw](mailto:177787@botrail.bw) no later than 19 July 2023.

Despite the briefing session being non-compulsory, Botswana Railways and Transnet nevertheless encourages all Respondents to attend. Transnet will not be held responsible if any Respondent who did not attend the non-compulsory session subsequently feels disadvantaged as a result thereof.

### 4 RESPONSE SUBMISSION

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.

a) The Transnet e-Tender Submission Portal can be accessed as follows:

- Log on to the Transnet eTenders management platform website/ Portal ([transnetetenders.azurewebsites.net](https://transnetetenders.azurewebsites.net)) Please use **Google Chrome** to access Transnet link/site);
- Click on "ADVERTISED TENDERS" to view advertised tenders;

Respondent's Signature

Date and Company Stamp

- Click on "SIGN IN/REGISTER – for bidder to register their information (must fill in all mandatory information);
- Click on "SIGN IN/REGISTER" - to sign in if already registered;
- Toggle (click to switch) the "Log an Intent" button to submit a bid;
- Submit bid documents by uploading them into the system against each tender selected;
- No late submissions will be accepted. The bidder guide can be found on the Transnet Portal [transnetetenders.azurewebsites.net](https://transnetetenders.azurewebsites.net)

## **5 RFI/EOI INSTRUCTIONS**

- 5.1 All returnable documents listed in the expression of interest [section 5] in this RFI/EOI must be returned with your submission.
- 5.2 The person or persons signing the submission must be legally authorised by the respondent to do so.

## **6 JOINT VENTURES OR CONSORTIUMS**

Bidders may choose during the subsequent RFP process to enter into a Joint Venture. RFP Bidders will also be required to submit a signed JV agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If at the time of the bid submission such a JV or consortium agreement has not been concluded, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Botswana Railways and Transnet through the RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Botswana Railways and Transnet.

Please indicate below whether your entity has an existing JV, and if so, provide details, including details of the percentage split of business, or whether your entity intends to create a JV relationship for RFP purposes:

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Respondent's Signature

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Date and Company Stamp

## **7 COMMUNICATION**

- 7.1 For specific queries relating to this RFI/EOI a Clarification Request Form should be submitted to Ankwetse Raditshego at [177787@botrail.bw](mailto:177787@botrail.bw) and Mbuyiswa Sekele at [Mbuyiswa.Sekele@transnet.net](mailto:Mbuyiswa.Sekele@transnet.net) by no later than 25 August 2023 substantially in the form set out in Section 7. In the interest of fairness and transparency, Botswana Railways and Transnet's response to such queries will be consolidated and published on the Botswana Railways website, South African National Treasury e-Tender portal and Transnet website.
- 7.2 After the closing date of the RFI/EOI a Respondent may only communicate with Ankwetse Raditshego at [177787@botrail.bw](mailto:177787@botrail.bw) and Mbuyiswa Sekele at [Mbuyiswa.Sekele@transnet.net](mailto:Mbuyiswa.Sekele@transnet.net) on any matter relating to its RFI/EOI Proposal.
- 7.3 Respondents are to note that changes to its submission will not be considered after the closing date.
- 7.4 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Botswana Railways and Transnet in respect of this RFI/EOI.

Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with Botswana Railways and Transnet for a specified period.

## **8 CONFIDENTIALITY**

All information related to this RFI/EOI is to be treated with strict confidence. In this regard Respondents are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information related to this RFI/EOI or the subsequent RFP process, written approval to divulge such information must be obtained from Botswana Railways and Transnet.

## **9 STATUS OF THIS RFI/EOI AND SUBSEQUENT PROCESS**

- 9.1 It is envisaged that Service Provider will be appointed, through a separate RFP process, to provide Funding and Development of the Proposed New Railway Corridor underpinned by the Construction of the New Rail Link between Mmamabula (Botswana) and Lephale (South Africa), i.e. Mmamabula-Lephale Rail Link.
- 9.2 It is envisaged that Respondents to this RFI/EOI will be subjected to pre-qualification criteria and will be shortlisted in order to proceed to a second stage of evaluation.
- 9.3 This RFI/EOI is not an offer to purchase and Botswana Railways and Transnet is under no obligation to accept any proposals in this process and/or the subsequent RFP which may be issued hereafter.
- 9.4 As this is a Request for Information / Expression of Interest only, no business will be awarded through this process.

## **10 DISCLAIMERS**

- 10.1 Respondents are hereby advised that Botswana Railways and Transnet are not committed to any course of action as a result of its issuance of this RFI/EOI and/or its receipt of submissions in response to it. In particular, please note that Botswana Railways and Transnet reserve the right and at their sole and full discretion to:

(a) utilise any information provided to them in response to this RFI/EOI to draft the scope of requirements for



- inclusion in an RFP;
- (b) take no further action whatsoever, if they so decide;
  - (c) withdraw from this process and the provisions of this project at any time;
  - (d) select the RFI/EOI and RFP participants based on Botswana Railways and Transnet's pre-determined criteria;
  - (e) change the dates of adjudication and submission;
  - (f) not invite RFI/EOI respondents for further participation in the RFP process;
  - (g) not bind themselves to accept any or all of the RFIs/EOIs;
  - (h) increase or decrease the quantities/scope as indicated in the RFI/EOI;
  - (i) validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Botswana Railways and Transnet to do so;
  - (j) request audited financial statements or other documentation for the purposes of a due diligence exercise;
  - (k) not accept any changes or purported changes by the Respondent to the bid rates after the closing date;
- 10.2 Botswana Railways and Transnet's decisions will be final and no correspondence will be entered into after the selection process. You will be formally notified of your result.
- 10.3 An RFI/EOI will only be deemed accepted once written notice is given by Botswana Railways and Transnet to the successful Respondent(s) and after any amendments have been documented and agreed to.
- 10.4 Note that Botswana Railways and Transnet will not reimburse any Respondent for any preparatory costs or other work performed in connection with this submission.

## **11 SECURITY CLEARANCE**

Acceptance of this bid could be subject to the condition that the Successful Respondent, its personnel providing the goods and its subcontractor(s) must obtain security clearance from the appropriate authorities to the level of **CONFIDENTIAL/SECRET/TOP SECRET**. Obtaining the required clearance is the responsibility of the Successful Respondent. Acceptance of the bid is also subject to the condition that the Successful Respondent will implement all such security measures as the safe performance of the contract may require.

## **12 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE (APPLICABLE IN SOUTH AFRICA ONLY)**

South African Respondents are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information. Respondents must register on the CSD prior to submitting their bids. Business may not be awarded to a South African Respondent who has failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD.

**For this purpose, the attached SBD 1 Form must be completed and submitted as a returnable document by the closing date and time of the bid.**

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

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

**13 TAX COMPLIANCE**

Respondents must be compliant when submitting a proposal to Botswana Railways and Transnet and remain compliant for the entire contract term with all applicable tax legislation of the two countries.

It is a condition of this bid that the tax matters of the successful Respondents be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) and Botswana Unified Revenue Service (BURS) to meet the bidder’s tax obligations.

The Tax Compliance status requirements are also applicable to foreign Respondents / individuals who wish to submit bids. Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database (South Africa) and their tax compliance status will be verified through the Central Supplier Database (South Africa).

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

**TIP-OFFS ANONYMOUS:**



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



**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.



**What's App**  
 Speak to an Agent via What's App.



**Speak to an Agent**  
 Speak to an Agent via the platform with no call or data charge



**Telegram**  
 Speak to an Agent via Telegram



**0800 003 056**



**086 551 4153**



**reportit@ethicshelpdesk.com**



**\*120\*0785980808#**

Respondent's Signature

Date and Company Stamp

## SECTION 3 : RFI SCOPE OF REQUIREMENTS

### 1 INTRODUCTION

#### BOTSWANA RAILWAYS

- 1.1. Botswana Railways (BR) is a commercial enterprise of the Government of Botswana established through an act of Parliament in 1986, CAP 70:01 as a rail transport organisation wholly owned by the Government of Botswana.

The primary mandate of Botswana Railways is to provide an efficient, cost effective and safe transportation of bulk goods and passengers. The Botswana Railways Act was amended in 2004 to allow the organisation to venture into other business opportunities e.g., Joint Ventures.

Exported commodities include:-

- 1.1.1. Salt;
- 1.1.2. Coal;
- 1.1.3. Soda Ash.

Imported commodities include –

- 1.1.4. Cement;
- 1.1.5. Fuel.

#### TRANSNET

- 1.2. Transnet is a company that is wholly owned by the South African Government and consists of five main operating divisions:

- 1.2.1. Transnet Freight Rail;
- 1.2.2. Transnet Rail Engineering;
- 1.2.3. Transnet National Ports Authority;
- 1.2.4. Transnet Port Terminals; and
- 1.2.5. Transnet Pipelines.

- 1.3. TFR is a world-class heavy haul freight rail company that specialises in the transportation of freight. The company maintains an extensive rail network across South Africa that connects with other rail networks in the sub-Saharan region, with its rail infrastructure representing about 80% of Africa's total. The operating division is made up of the following corridors:-

- 1.3.1. North East;
- 1.3.2. North;
- 1.3.3. Container;
- 1.3.4. Central;
- 1.3.5. Cape;
- 1.3.6. Ore line.

## 2 BACKGROUND

- 2.1. The Mmamabula-Lephhalale Rail Link Project is a strategic initiative of Botswana Railways and Transnet to develop a new rail link from Mmamabula (Botswana) to Lephhalale (South Africa) to facilitate trade within the region through transportation of bulk commodities.
- 2.2. The initiative to develop the Mmamabula-Lephhalale Rail Link dates as far back as 2011 when BR concluded a prefeasibility study of the section of the project in Botswana. TFR also carried concept studies of developing the rail link in South Africa. Although some progress was made in developing sections of the link in South Africa, the development of the link is now being accelerated as a bilateral project that is supported by the governments of Botswana and South Africa.
- 2.3. The objective of the project is to unlock Botswana's mineral resources by establishing a new railway corridor which will link the mines in Botswana to South Africa's ports. A large portion of the corridor exists in both countries but requires the development of the proposed rail link to complete it.
- 2.4. The pre-feasibility study of the Mmamabula-Lephhalale Rail Link is in progress and expected to be completed by September 2023.
  - 2.4.1. The route of the proposed Mmamabula-Lephhalale Rail Link has been identified and will be approximately 113km long, with 68.9km located in Botswana and 44.1km located in South Africa.
  - 2.4.2. The entire 68.9km in Botswana will be a greenfields development. In South Africa, 17.1km will be greenfields and 27km will be brownfields.
  - 2.4.3. The Mmamabula-Lephhalale Rail Link will have a capacity of approximately 24 million tonnes per annum, operated at 20 t/a. The substructure should be designed and constructed at 26t/a and the superstructure may be constructed at 20t/a.
  - 2.4.4. In order to unlock the full capacity of the Mmamabula-Lephhalale Rail Link, the adjoining railway networks will have to be upgraded:-
    - 2.4.4.1 For Transnet, this will include upgrade of the lines in the Waterberg area (Stage 4) which will unlock 24 mtpa.
    - 2.4.4.2 Secondly, The Multiple Purpose Terminal (MPT) in the port of Richards Bay will have to be upgraded to ensure port capacity to accommodate Botswana volumes.
    - 2.4.4.3 For Botswana Railways, this will include upgrade of the line from Morupule Coal Mine to Mmamabula (140 km) including building new crossing loops to accommodate additional volumes from the mine.
  - 2.4.5. The Mmamabula-Lephhalale Rail Link will be operated as one seamless service with no stopovers at the South Africa/ Botswana border.



Figure 1 – Mmamabula - Lephale Rail Link in context of the current railway system

Respondent's Signature

Date and Company Stamp



Figure 2 – Botswana and Waterberg Coalfields

2.5. On completion, the Mmamabula-Lephhalale Rail Link is expected to deliver significant socio-economic benefits to Botswana Railways, Transnet and the region. Some of these benefits will include:-

- 2.5.1. A significant boost to the rail capacity of Botswana Railways and Transnet;
- 2.5.2. A shift from road to rail and as a resultant easing off the burden on the region's road infrastructure.
- 2.5.3. Improved regional integration and connectivity.
- 2.5.4. Job creation during the construction phase of the project.
- 2.5.5. Economic opportunities for small and medium enterprises.

### 3 PROPOSED APPROACH TO DEVELOPING THE MMAMABULA-LEPHALALE RAIL LINK

- 3.1. Botswana Railways and Transnet intend to develop the Mmamabula-Lephhalale Rail Link as one single project encompassing the work in Botswana and South Africa.
- 3.2. The upgrades of the railway network in Botswana and in South Africa will be executed separately under the management of Botswana Railways and Transnet respectively.

- 3.3. The development of the Mmamabula-Lephhalale Rail Link project is supported by the Government of Botswana and the Government of South Africa
- 3.3.1 Botswana Railways and Transnet intend to develop the rail link in partnership with the private sector and other interested parties.
- 3.3.2 Transnet and Botswana Railways are seeking interested and capable partners to develop the project.
- 3.3.3 In order to minimize the risks of the project to potential partners, Transnet and Botswana Railways have committed to support the project by:-
- 3.3.3.1 Completing the pre-feasibility study of the project;
  - 3.3.3.2 Obtaining their respective governments' support for the project;
  - 3.3.3.3 Acquiring the land in Botswana only. The service provider will be required to acquire the land in South Africa.
  - 3.3.3.4 Lending their expertise to the project as logistics operators;

#### **4 PROPOSED PARTNERSHIP REQUIREMENTS**

- 4.1 Based on the objectives and scope of the Mmamabula-Lephhalale Rail Link project, Botswana Railways and Transnet are seeking for suitable partners to provide Information on how to Fund and Develop the project by executing the following works:-

i. **Project Funding**

Botswana Railways and Transnet will be seeking suitable partner(s) to Fund and Develop the Mmamabula-Lephhalale Rail Link. Approximately BWP3 billion or R4,11 billion of funding (based on pre-feasibility estimates) will be required to execute the project, excluding bankable feasibility costs.

ii. **Bankable Feasibility Study**

Botswana Railways and Transnet will be seeking for suitable partners to fund, conduct and produce a bankable feasibility report for the Mmamabula-Lephhalale rail link. This will constitute but not limited to all environmental approvals, land acquisition, detailed engineering designs, operating model, economic and financial analysis.

iii. **Infrastructure Development**

Botswana Railways and Transnet will be seeking for suitable partners to develop the 113km rail link from Mmamabula (Botswana) to Lephhalale (South Africa).

iv. **Rolling Stock**

Botswana Railways and Transnet anticipate the development of the new railway corridor to increase the need for rolling stock (wagons and locomotives) to service customer needs. Botswana Railways and Transnet will be seeking for partners to provide information on how to deal with the additional rolling stock requirements to support the rail link and the increased volumes.

#### **5 GENERAL RESPONDENT OBLIGATIONS**

- 5.1 The Respondent(s) shall be fully responsible to Botswana Railways and Transnet for the acts and omissions of persons directly or indirectly employed by them.

5.2 The Respondent (s) must comply with the requirements stated in this RFI/EOI.

## **6 CONFIDENTIALITY AND COMPLIANCE**

This RFI/EOI and information contained herein or provided for purposes thereof, remain the property of Botswana Railways and Transnet and may not be reproduced, sold or otherwise disposed of. All recipients of this document (whether a RFI/EOI is submitted or not) shall treat the details of this document as strictly private and confidential.

Information disclosed in this RFI/EOI is given in good faith and only for the purposes of providing sufficient information to the Respondent to enable submission of a well-informed and realistic RFI/EOI.

## **7 UNDERTAKINGS BY RESPONDENT**

It will be accepted that the Respondent, on submitting the RFI/EOI response, has read, understood and accepted all the terms and conditions of the document. The submission of an RFI/EOI by any Respondent shall presume complete acceptance of the terms and conditions of the document. All qualifications and or exceptions should be noted in the RFI/EOI Response document.

## **8 COSTS TO RESPOND TO THE RFI/EOI**

All Respondents wishing to submit a RFI/EOI response must be in possession of this document, the RFI/EOI. Botswana Railways and Transnet will not be responsible for or pay any expense or losses which may be incurred by any Respondent in the preparation and submission of the RFI/EOI and the costs of the RFI/EOI at all stages of the RFI process. Costs, if any, will be for each Respondent's own account.

Botswana Railways and Transnet reserves the right to invite certain Respondents to present or otherwise demonstrate their proposed solution as per their RFI/EOI, at the Respondent's own cost.

## **9 AUTHORITY OF SIGNATORY**

9.1 If the RFI/EOI Respondent is a company, a certified copy of the resolution of the Board of Directors (i.e. personally signed by the Chairman or Secretary of the Board) authorising the person who signs this RFI/EOI to do so and any other documents and correspondence in connection with this RFI/EOI and/or agreement on behalf of the company, must be submitted with their RFI/EOI.

9.2 If the RFI/EOI Respondent is a partnership, a certified copy of the resolution of the partners (personally signed by all the partners) authorising the person who signs this RFI/EOI to do so and any other documents and correspondence in connection with this RFI/EOI and/or agreement on behalf of the partnership, must be submitted with this RFI/EOI.

9.3 If the RFI/EOI Respondent constitutes a "one-man business", certified proof must be submitted that the person signing this RFI/EOI and any other documents and correspondence in connection with this RFI/EOI and/or agreement is the sole owner of the one-man business.

Failure to comply with this clause may result in rejection of the RFI/EOI response.

## **10 OFFERING OF COMMISSION OR GRATUITY**

If a Respondent, or any person employed by him, is found to have either directly or indirectly offered, promised or given to any person in the employ of Botswana Railways and Transnet, any commission, gratuity, gift or other consideration,

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Respondent's Signature

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Date and Company Stamp



Botswana Railways and Transnet shall have the right and without prejudice to any other legal remedy which it may have in regard to any loss or additional cost or expenses, to disqualify the RFI/EOI Respondent from further participation in this process and any other subsequent processes in this regard. The RFI/EOI Respondent will be responsible for all and any loss that Botswana Railways and Transnet may suffer as a result thereof. In addition, Botswana Railways and Transnet reserves the right to exclude such a Respondent from future business with Botswana Railways and Transnet.

#### **11 UNDERTAKING BY BOTSWANA RAILWAYS AND TRANSNET**

In responding to this RFI/EOI, Botswana Railways and Transnet encourage all RFI/EOI Respondents to put their best effort into the funding, development and construction of the proposal.

The RFI/EOI process will include due governance and the results of the adjudication process will be available to Respondents.

#### **12 RFI/EOI SELECTION CRITERIA**

The following selection criteria will be used as a guide for adjudicating Respondents.

Specific detailed items that are important for the Respondent to consider in the response preparation process include:

- Quality of presentation, reply to the RFI/EOI and attention to required detail during the selection process.
- Compliance with the terms and conditions of the RFI/EOI documents.
- Satisfaction of the project objectives.

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Respondent's Signature

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Date and Company Stamp

## SECTION 4 : RFI/ EOI INFORMATION

### 1 **STATISTICS [The Funding and Development of the Proposed New Railway Corridor underpinned by the Construction of the New Rail Link between Mmamabula (Botswana) and Lephale (South Africa), i.e. Mmamabula-Lephale Rail Link]**

Please note that the aforementioned information is provided merely as an indication of the size and nature of Botswana Railways and Transnet's current requirements and consequently does not necessarily reflect the extent of the Services to be provided by appointed Service Provider through an award of business at any future date.

### 2 **REQUIREMENTS FOR RFI/EOI**

Respondents expressing an interest to participate in this RFI/EOI stage must qualify in terms of the minimum predetermined requirements and have the capability to provide the full range of Services, as set out below:

#### **TECHNICAL CAPABILITY**

Botswana Railways and Transnet intend to develop the Mmamabula - Lephale Rail Link as a turnkey project which will be enabled by rail network upgrades in Botswana and South Africa. The development of the new railway corridor will comprise the following deliverables:

- i. Funding the development of Mmamabula – Lephale Rail link line on the 86km greenfield and 27km brownfield (partially built).
- ii. Construction of 86km greenfield railway from Mmamabula in Botswana, to the connection point at the Boikarabelo line in South Africa. Approximately 17.1km of the construction will be in South Africa inclusive of a bridge over Limpopo river and 68.9km will be in Botswana.
- iii. Completion of 27km of the Boikarabelo line that is partially constructed from the connection point all the way to the Network Stabilising Facility (NSF), subject to the current owner's consent.
- iv. Provide information on how to address the need for additional rolling stock for the project.

For the purposes of orientation, please refer to the attached map (**Annexure D**)

Respondents are required to indicate their existing technical capability by answering the following questions:

#### **FUNDING**

It is estimated that the construction of the Mmamabula - Lephale Rail Link will cost approximately BWP3 billion or R4,11 billion based on prefeasibility estimates. Botswana Railways and Transnet are seeking partners who will be able to invest in the project.

1. How much would you be able to invest in the project and what type of funding (grant, equity, loan etc.) would this be?
2. Who are your financing partners (if applicable)?
3. What would you require from Botswana Railways and Transnet in order to invest in the project?
4. What indicative terms and conditions would you have, if any?

5. BR and TFR do not intend to contribute financially to be project development due to limited resources. What transaction structure would the market propose that would still ensure BR and TFR's meaningful participation in the project? What indicative terms and conditions would this entail?
6. What key points should be taken into consideration when structuring this transaction?
7. Will a transaction advisor be required to advise on the structuring of this transaction?
8. Please provide evidence of similar projects that you have funded or invested in previously?
9. Considering that the link will be a "bridge" between BR and TFR's networks, what proposal would the bidder provide on how the link should generate revenue to repay investors?
10. Although this is a developmental project, it is aimed at unlocking Botswana's mineral wealth. What mechanisms would the bidder propose be put in place to achieve maximum utilization, and hence revenue, of the link?
11. Developmental projects of this nature take a long time to become financially viable. What strategies would be recommended to achieve financial viability?

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Respondent's Signature

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Date and Company Stamp

## **ENGINEERING, PROCUREMENT & CONSTRUCTION MANAGEMENT**

Botswana Railways and Transnet intend to develop the Mmamabula - Lephhalale Rail Link as a turnkey project which will be enabled by rail network upgrades in Botswana and South Africa.

12. BR and TFR intend to appoint one 'service provider' to develop the project. What legal and regulatory requirements/instruments that would be needed for this project to be developed as one?
13. What is your experience in design and construction of railway projects? Elaborate, giving examples of projects you have successfully worked on and completed. Name the client, project location, capital costs, etc.
14. The Mmamabula-Lephhalale Rail Link project is to be undertaken in two countries, each having its own procurement guidelines. The Botswana regulatory body that governs procurement is the Public Procurement Regulatory Authority (PPRA). In South Africa the Preferential Procurement Policy Framework Act (PPPFA) governs Procurement guidelines. Provide a plan/approach to ensure compliance to their requirements on local content, local participation, and industrialisation whilst ensuring the project is efficiently delivered.
15. The South African regulatory body that governs construction projects is the Construction Industry Development Board (CIDB) and Association of Botswana Building and Civil Engineering Contractors being its equivalent in Botswana. How are you going to ensure that you comply to these regulatory bodies' requirements?
16. The Mmamabula-Lephhalale Rail Link is a cross border project with work to be undertaken in Botswana and South Africa. This will likely impact on the movement of people, machinery and materials involved in developing the project. Propose a plan on how to mitigate this risk.
17. Have you developed any similar cross-border infrastructure projects? If so, please provide evidence of these and case studies, if possible.
18. Please provide suggestions on how the delivery of the project can be accelerated. Also detail the support that is required (if any) from Botswana Railways and Transnet to support the achievement of the said acceleration.
19. Botswana and South Africa have different labour laws and wage regimes such as minimum wage agreements, work permits, etc. Please provide suggestions on how these considerations and related risks can be managed to ensure compliance and efficient project delivery.
20. Please recommend appropriate project planning and communication tools to be used for developing the Mmamabula-Lephhalale Rail Link Project.
21. Please provide suggestions of how stakeholder management can be handled as part of project planning and execution to ensure appropriate risks are identified and managed.

## **ROLLING STOCK**

Botswana Railways and Transnet anticipate the development of the new railway corridor to increase the need for rolling stock (wagons and locomotives) to service customer needs.

22. Would you be interested in funding the rolling stock for this operation? If so, please specify how will the funding be structured and the terms and conditions thereof.
23. Would you be interested in supplying the rolling stock? If so, then propose the transaction structure?

## **FREIGHT VOLUMES**

The development of the Mmamabula - Lephhalale Rail Link will unlock a general freight railway corridor with a carrying capacity of appropriately 24 million tonnes per annum. Transnet and Botswana Railways are seeking owners of freight, and related parties, who would be interested in utilising this new railway capacity.

24. Do you have commodities that will require transportation by rail? If so, indicate the types of commodities, the anticipated annual volumes and 10-year projections starting from 2025, including details related to commodity origins, destination, markets, etc.
25. Advise on the level of readiness of volumes that require rail transportation, as either being –
  - already operational;
  - advanced planning; or
  - concept level.
26. Would you be willing and able to commit to long-term transportation agreements? If so, under what conditions?

### **SOCIAL- ECONOMIC IMPACT**

The project development will take place in the rural communities of Botswana and South Africa. Botswana Railways and Transnet wish to uplift the livelihoods of these communities by maximizing their participation in the development of the project.

27. BR and TFR would like to maximise the social economic impact of the project, particularly its contribution to creating jobs and business opportunities for the communities that live along the project site. What proposals are suggested to maximise this? How many jobs and business opportunities could this project provide? What preparations would be required to ensure maximum local participation?

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Respondent's Signature

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Date and Company Stamp

### 3 EVALUATION METHODOLOGY AND CRITERIA

During this RFI/EOI process Botswana Railways and Transnet intends utilising the following methodology and criteria in shortlisting Service Providers. Please note that the criteria listed in the various stages below may change at RFP stage.

#### 3.1. STEP ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check	RFI Reference
<ul style="list-style-type: none"> <li>Whether the Bid has been lodged on time</li> </ul>	<i>Section 1 paragraph 4</i>
<ul style="list-style-type: none"> <li>Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time</li> </ul>	<i>Section 4</i>
<ul style="list-style-type: none"> <li>Verify the validity of all returnable documents</li> </ul>	<i>Section 4</i>
<ul style="list-style-type: none"> <li>Verify if the Bid document has been duly signed by the authorised respondent</li> </ul>	<i>All sections</i>

***The test for administrative responsiveness [Step One] must be passed for a Respondent's Proposal to progress to Step Two for further pre-qualification***

#### 3.2. STEP TWO: Test for Substantive Responsiveness to RFI/EOI

The test for substantive responsiveness to this RFI/EOI will include the following:

Check for substantive responsiveness	RFI Reference
<ul style="list-style-type: none"> <li>Whether any general and legislation qualification criteria (excluding preferential procurement) set by Botswana Railways and Transnet, have been met</li> </ul>	<i>All sections</i>

### 4 FINANCIAL REQUIREMENTS FOR FUTURE AWARD OF BUSINESS

In the event of the RFP following this RFI/EOI process, it will be a condition prior to the award of business in terms of that RFP that the successful Respondent demonstrates its ability to fund, develop and construct as per Botswana Railways and Transnet's requirements.

Respondent's Signature

Date and Company Stamp

**SECTION 5 : REQUEST FOR INFORMATION [RFI] / EXPRESSIONS OF INTEREST [EOI]**

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

[name of company, close corporation or partnership]

of [full address] \_\_\_\_\_

\_\_\_\_\_ carrying on business under style or title of [trading as]

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

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

being duly authorised, hereby lodge an **RFI/EOI** in the Funding and Development of the Proposed New Railway Corridor underpinned by the Construction of the New Rail Link between Mmamabula (Botswana) and Lephale (South Africa), i.e. Mmamabula-Lephale Rail Link, as follows:

**ADDRESS FOR NOTICES**

Respondent to indicate its *domicilium citandi et executandi* hereunder:

Name of entity: \_\_\_\_\_

Facsimile: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

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

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

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**CONFIDENTIALITY**

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

**RETURNABLE DOCUMENTS**

Returnable Documents means all the documents, Sections and Annexures, as listed in the tables below. There are three types of returnable documents as indicated below and Respondents are urged to ensure that these documents are returned with their bids based on the consequences of non-submission as indicated below:

Mandatory Returnable Documents	<b><i>Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this RFI/EOI <u>will</u> result in a Respondent’s disqualification.</i></b>
Returnable Documents Used for Scoring	<b><i>Failure to provide all Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent’s disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion.</i></b>
Essential Returnable Documents	<b><i>Failure to provide essential Returnable Documents <u>will</u> result in Botswana Railways and Transnet affording Respondents a further opportunity to submit by a set deadline. Should a Respondent thereafter fail to submit the requested documents, this may result in a Respondent’s disqualification.</i></b>

**All Returnable Sections, as indicated in the header and footer of the relevant pages, must be signed, stamped and dated by the Respondent.**

a) Respondents must submit with their responses to this RFI/EOI, **as a requirement**, all the returnable documents indicated below with a [✓].

<b>Minimum Requirements - Returnable Documents</b>	<b>Submitted [✓]</b>
SECTION 1: SBD1 FORM	
SECTION 2 : Notice to Respondents	
SECTION 3 : RFI/EOI Scope of Requirements	
SECTION 4 : RFI/EOI Information	

\_\_\_\_\_  
 Respondent’s Signature

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



<b>Minimum Requirements - Returnable Documents</b>	<b>Submitted [√]</b>
SECTION 5 : REQUEST FOR INFORMATION / EXPRESSIONS OF INTEREST	
Proof of Eligibility:	
<b>BOTSWANA</b>	
a) Copies of valid Certificate of Incorporation/Business registration	
b) List of directors (Director's form)	
c) Certified copies of identity of directors (Oman or passport where applicable)	
d) Certified copies of shareholders certificates	
e) Tax Identification Number (TIN) and Tax Clearance Certificate (TCC) Number or exemption thereof issued by Botswana Unified Revenue Service (BURS). The validity of the Certificate is to be verified online.	
f) Declaration by shareholding and directors of the respondent or consortium members including their nationality.	
<b>SOUTH AFRICA</b>	
g) TAX COMPLIANCE SYSTEM PIN	
h) CENTRAL SUPPLIER DATABASE	

**b) Other Essential Returnable Documents:**

*Failure to provide other essential Returnable Documents may result in a Respondent's disqualification. Bidders are therefore urged to ensure that all these documents are returned with their Proposals.*

Please confirm submission of these essential Returnable Documents by indicating Yes or No in the table below:

	<b>SUBMITTED [Yes or No]</b>
In the case of Joint Ventures, a copy of the Joint Venture Agreement or written confirmation of the intention to enter into a Joint Venture Agreement	
Latest Financial Statements signed by your Accounting Officer or latest Audited Financial Statements plus 2 previous years	
SECTION 6: Certificate Of Acquaintance with RFI/EOI, Terms & Conditions & Applicable Documents	
SECTION 8: Bidder's Disclosure	
SECTION 9: Protection of Personal Information	

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 Respondent's Signature

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 Date and Company Stamp

**CONTINUED VALIDITY OF RETURNABLE DOCUMENTS**

The Respondent will be required to ensure the validity of all returnable documents, including but not limited to its valid proof of B-BBEE status, for the duration of any contract emanating from this RFI/EOI process.

SIGNED at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

2 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: \_\_\_\_\_

NAME: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

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Respondent's Signature

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Date and Company Stamp

**SECTION 6 : CERTIFICATE OF ACQUAINTANCE WITH RFI/EOI, TERMS & CONDITIONS & APPLICABLE DOCUMENTS**

**By signing these RFI/EOI documents, the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with all the conditions governing this RFI/EOI, including those contained in any printed form stated to form part hereof including but not limited to the documents stated below. Botswana Railways and Transnet will recognise no claim for relief based on an allegation that the Respondent overlooked any such term or condition.**

Non-disclosure Agreement

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in this RFI/EOI unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by Transnet’s Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from any term or condition may result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid to which they intend to respond on, before submitting the bid. The Bidder agrees that he/she will have no claim or cause of action based on an allegation that any aspect of this RFI/EOI was unclear but in respect of which he/she failed to obtain clarity.

The bidder understands that his/her Bid will be disqualified if the Certificate of Acquaintance with RFI documents included in the RFI/EOI as a returnable document, is found not to be true and complete in every respect.

SIGNED at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

SIGNATURE OF RESPONDENT’S AUTHORISED REPRESENTATIVE: \_\_\_\_\_

NAME: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

\_\_\_\_\_  
Respondent’s Signature

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

**SECTION 7 : RFI/EOI CLARIFICATION REQUEST FORM**

RFI/EOI No: **BR/EOI/2023-24 (01) & HOAC\_HO\_42283**

Deadline for RFI/EOI clarification submissions: Before **10:00 am (SAST) before or on 25 August 2023**

TO: Botswana Railways and Transnet  
ATTENTION: Ankwetse Raditshego and Mbuyiswa Sekele  
EMAIL: [177787@botrail.bw](mailto:177787@botrail.bw) and [Mbuyiswa.Sekele@transnet.net](mailto:Mbuyiswa.Sekele@transnet.net)  
DATE: .....  
FROM: .....

RFI/EOI Clarification No *[to be inserted by Botswana Railways and Transnet]*

**REQUEST FOR RFI/EOI CLARIFICATION:**

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

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

**SECTION 8: - BIDDER'S DISCLOSURE****1 PURPOSE OF THE FORM**

- 1.1 Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and the Republic of Botswana and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.
- 1.2 Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

**2 Bidder's declaration**

- 2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state?

**YES/NO**

- 2.1.1. If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

- 2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

**YES/NO**

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

2.2.1. If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

**YES/NO**

2.3.1. If so, furnish particulars:

.....  
.....

**3 DECLARATION**

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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

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

3.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 in South Africa and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 in South Africa or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE BOTSWANA RAILWAYS AND TRANSET MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

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Respondent's Signature

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Date and Company Stamp

**SECTION 9: PROTECTION OF PERSONAL INFORMATION (IN SOUTH AFRICA)**

1. The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Person information act, No.4 of 2013.(“POPIA”):  
  
consent; data subject; electronic communication; information officer; operator; person; personal information; processing; record; Regulator; responsible party; special information; as well as any terms derived from these terms.
2. Botswana Railways and Transnet will process all information by the Respondent in terms of the requirements contemplated in Section 4(1) of the POPIA:  
  
Accountability; Processing limitation; Purpose specification; Further processing limitation; Information quality; Openness; Security safeguards and Data subject participation.
3. The Parties acknowledge and agree that, in relation to personal information that will be processed pursuant to this RFI/EOI, the Responsible party is “Botswana Railways and Transnet” and the Data subject is the “Respondent”. Botswana Railways and Transnet will process personal information only with the knowledge and authorisation of the Respondent and will treat personal information which comes to its knowledge as confidential and will not disclose it, unless so required by law or subject to the exceptions contained in the POPIA.
4. Botswana Railways and Transnet reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this RFI/EOI and the Respondent is required to comply with all prescripts as detailed in the POPIA relating to all information concerning Botswana Railways and Transnet.
5. In responding to this bid, Botswana Railways and Transnet acknowledges that it will obtain and have access to personal information of the Respondent. Botswana Railways and Transnet agrees that it shall only process the information disclosed by Respondent in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law.
6. Botswana Railways and Transnet further agrees that in submitting any information or documentation requested in this RFI/EOI, the Respondent is consenting to the further processing of their personal information for the purpose of, but not limited to, risk assessment, assurances, contract award, contract management, auditing, legal opinions/litigations, investigations (if applicable), document storage for the legislatively required period, destruction, de-identification and publishing of personal information by Botswana Railways and Transnet and/or its authorised appointed third parties.
7. Furthermore, Botswana Railways and Transnet will not otherwise modify, amend or alter any personal data submitted by the Respondent or disclose or permit the disclosure of any personal data to any third party without the prior written consent from the Respondent. Similarly, Botswana Railways and Transnet requires the Respondent to process any personal information disclosed by Transnet in the bidding process in the same manner.
8. Botswana Railways and Transnet shall, at all times, ensure compliance with any applicable laws put in place and maintain sufficient measures, policies and systems to manage and secure against all forms of risks to any information that may be shared or accessed pursuant to this RFI/EOI (physically, through a computer or any other form of electronic communication).

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Respondent's Signature

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Date and Company Stamp



- 9. Botswana Railways and Transnet shall notify the Respondent in writing of any unauthorised access to information, cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such crimes or suspected crime. The Respondent must take all necessary remedial steps to mitigate the extent of the loss or compromise of personal information and to restore the integrity of the affected personal information as quickly as is possible.
- 10. The Respondent may, in writing, request Botswana Railways and Transnet to confirm and/or make available any personal information in its possession in relation to the Respondent and if such personal information has been accessed by third parties and the identity thereof in terms of the POPIA. The Respondent may further request that Botswana Railways and Transnet correct (excluding critical/mandatory or evaluation information), delete, destroy, withdraw consent or object to the processing of any personal information relating to the Respondent in Botswana Railways and Transnet’s possession in terms of the provision of the POPIA and utilizing Form 2 of the POPIA Regulations.
- 11. In submitting any information or documentation requested in this RFI/EOI, the Respondent is hereby consenting to the processing of their personal information for the purpose of this RFI/EOI and further confirming that they are aware of their rights in terms of Section 5 of POPIA

**Respondents are required to provide consent below:**

<b>YES</b>		<b>NO</b>	
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- 12. Further, the Respondent declares that they have obtained all consents pertaining to other data subject’s personal information included in its submission and thereby indemnifying Botswana Railways and Transnet against any civil or criminal action, administrative fines or other penalty or loss that may arise as a result of the processing of any personal information that the Respondent submitted.
- 13. The Respondent declares that the personal information submitted for the purpose of this RFI/EOI is complete, accurate, not misleading, is up to date and may be updated where applicable.

Signature of Respondent’s authorised representative: \_\_\_\_\_

Should a Respondent have any complaints or objections to processing of its personal information, by Botswana Railways and Transnet, the Respondent can submit a complaint to the Information Regulator on <https://www.justice.gov.za/inforeg/>, click on contact us, click on complaints.IR@justice.gov.za