

TRANSNET PROPERTY

an Operating Division of **TRANSNET SOC LTD**

[hereinafter referred to as **Transnet**]

[Registration No. 1990/000900/30]

REQUEST FOR PROPOSAL [RFP]

FOR THE APPOINTMENT OF A PANEL OF PROFESSIONAL SERVICE PROVIDERS, BUILT ENVIRONMENT, FOR A PERIOD OF 2 YEARS

RFP NUMBER : TP/2024/01/0003/54754/RFP

ISSUE DATE: 26 January 2024

CLOSING DATE: 26 February 2024

CLOSING TIME: 14H00

NON COMPULSORY BRIEFING SESSION: 06 February 2024 14H00

BID VALIDITY PERIOD: 180 Business Days from Closing Date

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.

BIDDER TO NOTE THE PREQUALIFICATION CRITERIA SET OUT IN ANNEXURE A FOR COMPLIANCE TO THE REGULATED SOUTH AFRICAN GAZETTED RATES FOR THE BUILT ENVIRONMENT PROFESSIONS. FAILURE TO COMPLY WITH THE ABOVE-MENTIONED REQUIREMENTS WILL LEAD TO BID DISQUALIFICATION. THE RATES ARE SUBJECT TO NEGOTIATIONS AND WILL NOT BE MORE THAN THE UPDATED GAZETTED RATES AT CONTRACT STAGE.

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SECTION 1:

SBD 1 FORM									
PART A INVITATION TO BID									
YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET PROPERTY, A DIVISION TRANSNET SOC LTD									
BID NUMBER:	TP/2024/01/0003/54754/RFP	ISSUE DATE:	26 January 2024	CLOSING DATE:	26 February 2024	CLOSING TIME:	14H00		
DESCRIPTION	PROVISION FOR THE APPOINTMENT OF A PANEL OF PROFESSIONAL SERVICE PROVIDERS, BUILT ENVIRONMENT, FOR A PERIOD OF 2 YEARS								
BID RESPONSE DOCUMENTS SUBMISSION									
RESPONDENTS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH TENDER SELECTED (please refer to section 2, paragraph 3 for a detailed process on how to upload submissions): https://transnetetenders.azurewebsites.net									
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO					TECHNICAL ENQUIRIES MAY BE DIRECTED TO:				
CONTACT PERSON	Phumzile Nkosi				CONTACT PERSON				
E-MAIL ADDRESS	phumzile.nkosi@transnet.net				E-MAIL ADDRESS				
SUPPLIER INFORMATION									
NAME OF BIDDER									
POSTAL ADDRESS									
STREET ADDRESS									
TELEPHONE NUMBER	CODE				NUMBER				
CELLPHONE 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]				B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]		
		Yes		No				Yes	No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]									
1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		Yes		No	2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?			Yes	No
	[IF YES ENCLOSE PROOF]						[IF YES, ANSWER QUESTIONNAIRE BELOW]		
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS									
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?								YES	NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?								YES	NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?								YES	NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?								YES	NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?								YES	NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.									

Respondent's Signature

Date & Company Stamp

PART B TERMS AND CONDITIONS FOR BIDDING**1. TAX COMPLIANCE REQUIREMENTS**

- 1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company resolution)

DATE:

SECTION 2 :

NOTICE TO BIDDERS	
1 INVITATION TO BID	
Responses to this RFP [hereinafter referred to as a Bid or a Proposal] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as an entity, Respondent or Bidder].	
Description	Detail
DESCRIPTION	PROVISION FOR THE APPOINTMENT OF A PANEL OF PROFESSIONAL SERVICE PROVIDERS, BUILT ENVIRONMENT, FOR A PERIOD OF 2 YEARS
TENDER ADVERT	All Transnet tenders are 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.
RFP DOWNLOADING	<p>This RFP may be downloaded directly from National Treasury's e-Tender Publication Portal at www.etenders.gov.za free of charge.</p> <p>To download RFP and Annexures:</p> <ul style="list-style-type: none"> Click on "Tender Opportunities"; Select "Advertised Tenders"; In the "Department" box, select Transnet SOC Ltd. <p>Once the tender has been located in the list, click on the "Tender documents" tab and process to download all uploaded documents.</p> <p>The RFP may also be downloaded from the Transnet Portal at https://transnetetenders.azurewebsites.net (please use Google Chrome to access Transnet link/site) free of charge (refer to section 2, paragraph 3 below for detailed steps)</p>
COMMUNICATION	<p>Transnet will publish the outcome of this RFP on the National Treasury e-tender portal and Transnet website with 10 days after the award has been finalised. All unsuccessful Bidders have a right to request for reasons for their bid not being successful. This requested must be directed to the contact person stated in the SBD 1 form</p> <p>Any addenda to the RFP or clarifications will be published on the e-tender portal and Transnet website. Bidders are required to check the e-tender portal or Transnet website prior to finalising their bid submissions for any changes or clarifications to the RFP.</p> <p>Transnet will not be held liable if Bidders do not receive the latest information regarding this RFP with the possible consequence of either being disadvantaged or disqualified as a result thereof.</p>
BRIEFING SESSION	<p>Non Compulsory</p> <p>A Non-Compulsory Tender Clarification Meeting will be conducted on MICROSOFT TEAM on the 6th of February 2024 at 14:00pm for a period of ± 2 (two) hours on the following link https://teams.microsoft.com/join/19%3ameeting_ZDQyMzZkZjMtNDY0My00Mjk1LWZyYktZGYyYTYwMzg4ZDFj%40thread.v2/0?context=%7b%22Tid%22%3a%22a1a39996-f913-4016-a58a-361c60dec580%22%2c%22Oid%22%3a%22a117ff53-03ac-4d34-8e94-ce7df8861647%22%7d</p>
CLOSING DATE	<p>14h00 on 26 February 2024</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><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. 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</i></p>

	<i>to submit. A Bidder can upload 30mb per upload and multiple uploads are permitted.</i>
VALIDITY PERIOD	<p>180 Business Days from Closing Date</p> <p>Bidders are to note that they may be requested to extend the validity period of their bid, at 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 and award of the business to the successful Bidder(s), the validity of the successful Bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.</p> <p>With regard to the validity period of next highest ranked Bidders, please refer to Section 2, paragraph 11.12</p>
2 FORMAL BRIEFING	
<p>A Non-Compulsory Tender Clarification Meeting will be conducted on MICROSOFT TEAM on the 6th of February 2024 at 14:00pm for a period of \pm 2 (two) hours on the following link https://teams.microsoft.com/l/meetupjoin/19%3ameeting_ZDQyMzZkZjMtNDY0My00Mjk1LWEzYTktZGYyYT_YwMzg4ZDFi%40thread.v2/0?context=%7b%22Tid%22%3a%22a1a39996-f913-4016-a58a-361c60dec580%22%2c%22Oid%22%3a%22a117ff53-03ac-4d34-8e94-ce7df8861647%22%7d</p> <p>2.1 The Non-Compulsory Briefing Meeting will start punctually and information will not be repeated for the benefit of Tenderers joining late</p> <p>2.2 Respondents experiencing technical difficulties to join using the above provided link to send a request for the link on the following email Phumzile.nkosi@transnet.net to enable the team to send a meeting invite to the meeting.</p> <p>2.3 Despite the briefing session being non-compulsory, 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.</p> <p>2.4 Respondents are encouraged to have a copy of the RFP during the briefing.</p>	
3 SUBMISSION	
<p>Transnet has implemented a new 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.</p> <p>a. The Transnet e-Tender Submission Portal can be accessed as follows:</p> <ul style="list-style-type: none"> ▪ Log on to the Transnet eTenders management platform website/ Portal (transnetetenders.azurewebsites.net) Please use Google Chrome to access Transnet link/site); ▪ Click on "ADVERTISED TENDERS" to view advertised tenders; ▪ 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 	

4 RFP INSTRUCTIONS

- 4.1 Please sign documents [sign, stamp/name and date the bottom of each page] before uploading them on the system. The person or persons signing the submission must be legally authorised by the respondent to do so.
- 4.2 **All returnable documents tabled in the Proposal Form [Section 5] must be returned with proposals.**
- 4.3 Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.
- 4.4 Any additional conditions must be embodied in an accompanying letter. Subject only to clause 15 [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions, paragraph 12 below (Legal Review) and Section 6 of the RFP, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.

5 JOINT VENTURES OR CONSORTIUMS

Respondents who would wish to respond to this RFP as a Joint Venture [**JV**] or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must also submit a signed JV or consortium 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 Transnet through this 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 Transnet.

Respondents are to note that for the purpose of Evaluation, a JV will be evaluated based on one consolidated B-BBEE score card (a consolidated B-BBEE Status Level verification certificate) as per the B-BBEE Preferential Procurement Regulations, 2022 preference point scoring.

6 COMMUNICATION

- 6.1 For specific queries relating to this RFP, an RFP Clarification Request Form should be submitted onto the system and to The Buyer on Phumzile.nkosi@transnet.net before **the 13th of February 2024**, substantially in the form set out in Section 8 hereto. In the interest of fairness and transparency, Transnet's response to such a query will be published on the e-tender portal and Transnet website.
- 6.2 After the closing date of the RFP, a Respondent may only communicate with The Buyer, at email Phumzile.nkosi@transnet.net on any matter relating to its RFP Proposal.
- 6.3 Respondents are to note that changes to its submission will not be considered after the closing date.
- 6.4 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in respect of this RFP between the closing date and the date of the award of the business.
- 6.5 Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.
- 6.6 Transnet will publish the outcome of this RFP in the National Treasury e-tender portal and Transnet website with 10 days after the award has been finalised. Respondents are required to check the National Treasury e-tender Portal and Transnet website for the results of the tender process. All unsuccessful Bidders have a right to request Transnet to furnish individual reasons for their bid not being successful. This requested must be directed to the contact person stated in the SBD 1 form.

7 CONFIDENTIALITY

All information related to this RFP 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 RFP or the subsequent contract, written approval must be obtained from Transnet.

8 EMPLOYMENT EQUITY ACT

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

Respondents must comply with the requirements of the Employment Equity Act 55 of 1998 applicable to it including (but not limited to) Section 53 of the Employment Equity Act.

9 DISCLAIMERS

Respondents are hereby advised that Transnet is not committed to any course of action as a result of its issuance of this RFP and/or its receipt of Proposals. In particular, please note that Transnet reserves the right to:

- 9.1 modify the RFP's Goods/Services and request Respondents to re-bid on any such changes;
- 9.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 9.3 disqualify Proposals submitted after the stated submission deadline [closing date];

- 9.4 award a contract in connection with this Proposal at any time after the RFP's closing date;
- 9.5 award a contract for only a portion of the proposed Goods/Services which are reflected in the scope of this RFP;
- 9.6 split the award of the contract between more than one Supplier/Service provider, should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations;
- 9.7 cancel the bid process;
- 9.8 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 Transnet to do so;
- 9.9 request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 9.10 not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it;
- 9.11 to cancel the contract and/request that National Treasury place the Respondent on its Database of Restricted Suppliers for a period not exceeding 10 years, on the basis that a contract was awarded on the strength of incorrect information furnished by the Respondent or on any other basis recognised in law;
- 9.12 to award the business to the next ranked Bidder, provided that he/she is still prepared to provide the required Goods at the quoted price, should the preferred Bidder fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked Bidder(s) will be deemed to remain valid, irrespective of whether the outcome of the tender has been published the outcome of the bid process on the National Treasury e-tender Portal and Transnet website. Bidders may therefore be requested to advise whether they would still be prepared to provide the required Goods at their quoted price.

Note that Transnet will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Proposal, whether or not the Respondent is awarded a contract.

10 LEGAL REVIEW

A Proposal submitted by a Respondent will be subjected to review and acceptance or rejection of its proposed contractual terms and conditions by Transnet's Legal Counsel, prior to consideration for an award of business. A material deviation from the Standard terms or conditions could result in disqualification.

11 SECURITY CLEARANCE

Acceptance of this bid could be subject to the condition that the Successful Respondent, its personnel providing the Goods/Services 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

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 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 mandatory returnable document by the closing date and time of the bid.

13 TAX COMPLIANCE

Respondents must be compliant when submitting a proposal to Transnet and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).

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) to meet the Respondents tax obligations.

Any additional information or clarification will be published on the e-Tender portal and Transnet website, if necessary.

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



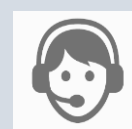
AI Voice Bot "Jack"

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#

SECTION 3:

BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS

1 BACKGROUND

Transnet Property, an operating division of Transnet SCO Ltd, hereby invites bidders from the built environment to make submissions for the PROVISION OF A PANEL OF PROFESSIONAL SERVICE PROVIDERS with an aim to establish a high quality supplier database of Professional Consultants who are accredited with the relevant professional institutions to assist in delivering its mandate and strategic initiatives through delivering developments that can be turned into assets utilized for long term capital generation.

Through this procurement process, Transnet Property intends to appoint a panel of competent Professional Service Providers in the following categories

- A. Project Manager
- B. Architects (incl. Space Planner and Interior Design)
- C. Quantity Surveyors
- D. Electrical & Electronic Engineers
- E. Mechanical & Wet Services Engineers
- F. Civil Engineers
- G. Structural Engineers
- H. Fire Engineers

Depending on the nature and requirements of specific projects that Request for Quotations will be issued out for, the following disciplines may be required / added as disbursements to those indicated above and will be indicated accordingly in the Request for Quotation.

- I. Geo-technology
- J. Land Surveying
- K. OHS Consultant
- L. Heritage Services
- M. Furniture and Equipment Specialists
- N. Information Technology
- O. Landscaping Services
- P. Any other specialized service required for the successful implementation Note: Only disciplines / services listed in items 1 (A-H) may be bidden for as part of this tender. Items 1 (I -P) will only be included in the pricing proposals / RFQs.

2 SCOPE OF REQUIREMENTS

2.1 Built Environment Professions

As outlined above, each built environment profession will be guided by a government gazette that outlines the scope of services. Other allied professions which are outside the built environment also have their scope of services, but for purposes of this document, scope of work for the built environment professions only is outlined as follows: -

- For Engineering Professionals (civil, structural, mechanical, electrical etc) the scope of services and applicable rates will be in terms of the gazetted rates and services as contained in the Engineering Council of South Africa (ECSA) under section 34(2) of Engineering Professions Act, 2000 (Act No. 46 of 2000).
- For the Construction Project Management Professionals, scope of services and applicable rates will be in terms of the gazetted rates and services as contained in The South African Council for Project & Construction Management Professionals (SACPCMP) under Section 34(2) of the Project and Construction Management Profession Act, 2000 (Act 48 of 2000).
- For the Architectural Profession, scope of services and applicable rates will be in terms of the gazette rates and services as contained in The South African Council for the Architectural Profession (SACAP) under Section 34(2) of the Architectural Profession Act 2000 (Act 44 of 2000).
- For the Quantity Surveying Profession, the scope of services and applicable rates will be in terms of the gazette rates and services as contained in the South African Council for the Quantity Surveying Profession under Section 34(2) of the Quantity Surveying Profession Act 2000 (Act 49 of 2000).

2.2 Scope of Allied Professions to the Built Environment Professions

It is recognised that increasingly, the organization may from time to time need to use PSPs which may not necessarily fall under the Built Environment, but which may be critical for successful implementation of various projects, be it on once-off or on continuous basis. Such services, but not limited to, are contained in Section (1) of this document.

2.3 Selection of Participation Category/Discipline

Bidders are to select the category/discipline in which they wish to participate using the table below.

NO	Related Annexure	CATEGORY/DISCIPLINE	TICK Applicable Box	REMINDER: Independent Annexure been submitted? (Yes/No)
1	Annexure A (1)	Project Managers		
2	Annexure A (2)	Architects (incl. Space Planner and Interior Design)		
3	Annexure A (3)	Quantity Surveyors		
4	Annexure A (4)	Electrical & Electronic Engineers		
5	Annexure A (5)	Mechanical & Wet Services Engineers		
6	Annexure A (6)	Civil Engineers		
7	Annexure A (7)	Structural Engineers		
8	Annexure A (8)	Fire Engineers		

Note: Bidders to ensure that the category/discipline selected in the table above is indicated on this page of the document. Bidders are reminded to submit relevant information for each category/discipline separately and independently.

Bidders must tick next to the category/discipline they are bidding for. The supporting documents per each category/discipline selected must be provided as per Annexure A1 to A8. (i.e. if a Bidder delivers more than one of the above categories/disciplines and the Bidder wishes to submit for all such categories/disciplines, then the Bidder must submit all supporting documents as per Annexure A1 to A8 for each of the categories/disciplines independently.)

The bidder must provide ALL requirements as outlined in Annexure A1 to A8 independently, as applicable. Failure to comply with the requirements of Annexure A1 to A8 independently, as applicable shall render the bid concerned non-responsive and shall result in the bid concerned being disqualified.

No submission of Annexure A1 to A8 as applicable shall be dependent on another submission. Each Annexure A is independent. All requirements as outlined in this bid document shall be addressed in full per each category/discipline.

After the framing of the panel of service providers through this procurement process, only bidders framed on the panel will be invited to bid for business in the respective professional services disciplines and the invitations will be based on a formal Request for Quotation (RFQ) procurement process wherein a successful bidder is selected. This process will exist until expiry of the 2 year panel. Bidders must note that **all rates quoted are subject to negotiations and will not exceed the gazetted rates guidelines issued by professional service organizations or regulatory bodies, as may be relevant.**

2.4 ETHICAL CONSIDERATION

At the core of all PSPs in the Built Environment and allied professions, there is a government gazette which is based on a corresponding Act of Parliament. The gazette outlines the tasks and responsibilities typical of each profession at every construction stage, the fee structures, and the typical deliverables of each profession. **Each PSP is expected to abide by any of the Professional Services Contracts available on the market which TRANSNET PROPERTY may choose to use for specific projects. These include, but are not limited to the Professional Services Agreement (PROCSA), and the CIDB Standard Professional Services Contract as well as the New Engineering Contract (NEC) and their variations or adaptations that may be tailored to suit TRANSNET PROPERTY.**

The obligations and responsibilities for each part are outlined in these contracts, as well as dispute resolution processes.

Ethical issues such as conflict of interest and corruption, confidentiality, and copyright, are covered in the Professional Services Agreements that TRANSNET PROPERTY may choose to use for particular contracts.






3 GENERAL SERVICE PROVIDER OBLIGATIONS

3.1 The Service provider(s) shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.

3.2 The Service provider(s) must comply with the requirements stated in this RFP.

4 EVALUATION METHODOLOGY

Transnet will utilise the following methodology and criteria in selecting a preferred Service provider:

Stage 1 Test for Responsiveness		Stage 2 Test for Capability	Stage 3 Adjudication and Award	
Step 1	Step 2	Step 3	Step 4	Step 5
Administrative responsiveness	Substantive responsiveness	Technical Capability/ Functionality	Selection of the preferred bidder	Award of business and conclusion of contract
Returnable documents/ schedules 	Mandatory Requirements  <ul style="list-style-type: none"> COIDA; Valid proof of Professional Registration, SBD 1 Form Completed and signed. 	Minimum Threshold 70 Points 	Post tender negotiation with preferred bidder [2nd and 3rd ranked bidders (if required) in a sequential and not simultaneous manner] if pricing is not market-related	 
NB: Evaluation of the various stages will normally take place in a sequential manner. However, in order to expedite the process, Transnet reserves the right to conduct the different steps of the evaluation process in parallel. In such instances the evaluation of bidders at any given stage must not be interpreted to mean that bidders have necessarily passed any previous stage(s).				

4.1 STEP ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check	RFP Reference
Whether the Bid has been lodged on time	<i>Section 1 paragraph 3</i>
Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time	<i>Section 4</i>
Verify the validity of all returnable documents	<i>Section 4</i>
Verify if the Bid document has been duly signed by the authorised respondent	<i>All sections</i>
<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</i>	

4.2 STEP TWO: Test for Substantive Responsiveness to RFP

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

Check for substantive responsiveness	RFP Reference
Whether any general and legislation qualification criteria set by Transnet, have been met	<i>All sections including: Section 2 paragraphs, 2.2, 6, 11.2, General Bid Conditions clause 20</i>
Whether the Bid materially complies with the scope and/or specification given	<i>All Sections</i>
Whether any Technical Pre-qualification Criteria/minimum requirements/legal requirements have been met as follows: <ul style="list-style-type: none"> SBD 1 Form; Bidder's commitment to the gazetted or regulated rates per professional discipline; Valid Proof of professional registration (certification not older six (6) months from bid closing date Valid Letter of Good Standing (COIDA) from the Department of Labour or its agencies; 	<i>Section 3 – Scope of Work</i>
<i>The test for substantive responsiveness [Step Two] must be passed for a Respondent's proposal to progress to Step Three for further evaluation</i>	

4.3 STEP THREE: Minimum Threshold 70 points for Technical Criteria

The test for the Technical and Functional threshold will include the following:

Technical Evaluation Criteria	Points Weightings
▪ Experience of key personnel	50
▪ Company's Experience in managing Building Projects	40
▪ Client References	10
Total Weighting:	100
Minimum qualifying score required:	70

Respondents are to note that Transnet will round off final technical scores to the nearest 2 (two) decimal places for the purposes of determining whether the technical threshold has been met.

The minimum threshold for technical/functionality [Step Three] must be met or exceeded for a Respondent's Proposal to progress to Step Four for final evaluation

4.4 STEP FOUR: Selection of Preferred Bidder - Objective Criteria (if applicable)

Transnet reserves the right to award the business to the highest scoring bidder/s unless objective criteria justify the award to another bidder. The objective criteria Transnet may apply in this bid process include:

- Skills Transfer and Capacity Building for Transnet;
- Impact on Transnet's Return On Investment;
- Rotation of Suppliers to promote opportunities for other suppliers, by overlooking a supplier that has been awarded business repeatedly overtime in order to benefit other suppliers in the market;
- the tenderer:
 - is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement,
 - is not undergoing a process of being restricted by Transnet or other state institution that Transnet may be aware of,
 - can, as necessary and in relation to the proposed contract, demonstrate that he or she possesses the professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and reputation, expertise and the personnel, to perform the contract,
 - has the legal capacity to enter into the contract
- is not insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, bankrupt or being wound up, has his affairs administered by a court or a judicial officer, has suspended his business activities, or is subject to legal proceedings in respect of any of the foregoing,
- complies with the legal requirements, if any, stated in the tender data and
- is able, in the option of the employer to perform the contract free of conflicts of interest.

4.5 STEP FIVE: Award of business and conclusion of contract

- Immediately after approval to award the contract has been received, the successful bidder(s) will be informed of the acceptance of his/their Bid by way of a Letter of Award. Thereafter the final contract will be concluded with the successful Respondent(s).
- A final contract will be concluded and entered into with the successful Bidder at the acceptance of a letter of award by the Respondent.

SECTION 4:

PROPOSAL FORM AND LIST OF RETURNABLE DOCUMENTS	
I/We	
<i>[name of entity, company, close corporation or partnership] of [full address]</i>	
represented by	
in my capacity as	
	being duly authorised thereto by a Resolution of the Board of Directors or Members or Certificate of Partners,
Dated	
to enter into, sign execute and complete any documents relating to this proposal and any subsequent Agreement. The following list of persons are hereby authorised to negotiate on behalf of the abovementioned entity, should Transnet decide to enter into Post Tender Negotiations with highest ranked Bidder(s).	
FULL NAME(S)	SIGNATURE
I/We hereby offer to supply/provide the abovementioned Goods/Services at the prices quoted in the schedule of prices in accordance with the terms set forth in the documents listed in the accompanying schedule of RFP documents.	
I/We agree to be bound by those conditions in Transnet's:	
(i) Master Agreement (which may be subject to amendment at Transnet's discretion if applicable);	
(ii) General Bid Conditions; and	
(iii) any other standard or special conditions mentioned and/or embodied in this Request for Proposal.	

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

Should Transnet decide that a formal contract should be signed and so inform me/us in a letter of award [the **Letter of Award**], this Proposal [and, if any, its covering letter and any subsequent exchange of correspondence] together with Transnet's Letter of Award, shall constitute a binding contract between Transnet and me/us until the formal contract is signed.

I/We further agree that if, after I/we have been notified of the acceptance of my/our Proposal, I/we fail to enter into a formal contract if called upon to do so, or fail to commence the supply/provision of Goods/Services within 2 [two] weeks thereafter, Transnet may, without prejudice to any other legal remedy which it may have, recover from me/us any expense to which it may have been put in calling for Proposals afresh and/or having to accept any less favourable Proposal.

Furthermore, I/we agree to a penalty clause/s which will allow Transnet to invoke a penalty against us for non-compliance with material terms of this RFP including the delayed delivery of the Goods/Services due to non-performance by ourselves, , etc.

I/we agree that non-compliance with any of the material terms of this RFP, including those mentioned above, will constitute a material breach of contract and provide Transnet with cause for cancellation.

ADDRESS FOR NOTICES

The law of the Republic of South Africa shall govern any contract created by the acceptance of this RFP. The *domicilium citandi et executandi* shall be a place in the Republic of South Africa to be specified by the Respondent hereunder, at which all legal documents may be served on the Respondent who shall agree to submit to the jurisdiction of the courts of the Republic of South Africa. Foreign Respondents shall, therefore, state hereunder the name of their authorised representative in the Republic of South Africa who has the power of attorney to sign any contract which may have to be entered into in the event of their Proposal being accepted and to act on their behalf in all matters relating to such contract.

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

Name of Entity:	
Facsimile:	
E-mail:	
Address:	

NOTIFICATION OF AWARD OF RFP		
As soon as possible after approval to award the contract(s), the successful Respondent [the Supplier/Service provider] will be informed of the acceptance of its Proposal, and the outcome of the RFP will be published per the requirements of legislation. Upon their request, unsuccessful Respondents will be advised in writing of the reason why their Proposals have been unsuccessful, for example, in the category of price, delivery period, quality, B-BBEE status or for any other reason.		
VALIDITY PERIOD		
Transnet requires a validity period of 180 Business Days [from closing date] against this RFP, excluding the first day and including the last day.		
NAME(S) AND ADDRESS / ADDRESSES OF DIRECTOR(S) OR MEMBER(S)		
The Respondent must disclose hereunder the full name(s) and address(s) of the director(s) or members of the company or close corporation [C.C.] on whose behalf the RFP is submitted.		
(i)	Registration number of company / C.C.	
(ii)	Registered name of company / C.C	
(iii)	Full name(s) of director/member(s)	<div>Address/Addresses</div> <div>ID Number(s)</div>

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	<i>Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this RFP <u>will</u> result in a Respondent's disqualification.</i>
Returnable Documents Used for Scoring	<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>
Essential Returnable Documents	<i>Failure to provide essential Returnable Documents <u>will</u> result in 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>

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

a) Mandatory Returnable Documents

Respondents are required to submit with their bid submissions the following **Mandatory Returnable Documents**, and also to confirm submission of these documents by so indicating [Yes or No] in the tables below:

MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
SECTION 1: SBD1 Form completed and signed	
Valid Letter of Good Standing (COIDA) from the Department of Labour or its agencies	
Valid proof of professional registration (certification not older than 6 months from bid closing date) At least one of the Company Directors must be professionally registered with the relevant discipline for the bid to be considered for evaluation. (If none of the Company Directors registered on the CK documents are registered with the <i>relevant</i> discipline the bid shall be regarded as non-responsive. Proof of registration to be submitted. <ul style="list-style-type: none"> Project manager : The South African Council for the Project and Construction Management Professions (SACPMCP) Architects: South African Council for The Architectural Professions (SACAP) Quantity Surveyors: The South African Council for the Quantity Surveying Profession 	

<ul style="list-style-type: none"> Electrical & Electronic Engineers: Engineering council of south Africa (ECSA) Mechanical & Wet Services Engineers: Engineering council of south Africa (ECSA) Civil Engineers: Engineering council of south Africa (ECSA) Structural Engineers: Engineering council of south Africa (ECSA) Fire Engineers: Engineering council of south Africa (ECSA) 		
b) Returnable Documents Used for Scoring		
<p>In addition to the requirements of section (a) above, Respondents are further required to submit with their Proposals the following Returnable Documents Used for Scoring and also to confirm submission of these documents by so indicating [Yes or No] in the table below:</p>		
NO.	RETURNABLE ITEMS	SUBMITTED YES/NO
1	Section 3 Paragraph 2.1 Selection of Participation Category/Discipline - Completed	
2	Curriculum Vitae together with certified proof of qualifications	
3	Letters of appointments for projects listed under the Project Experience returnable schedule	
4	Confirmation of project completion by the client for Projects listed under the Project Experience returnable schedule	
5	Client references on bidder's experience in managing major refurbishment and construction of buildings.	
c) Essential Returnable Documents:		
<p>Over and the above the requirements of section (a) and (b) mentioned above, Respondents are further required to submit with their Proposals the following Essential Returnable Documents and also to confirm submission of these documents by so indicating [Yes or No] in the table below:</p>		
CONTINUED VALIDITY OF RETURNABLE DOCUMENTS		
ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES		SUBMITTED YES/NO
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		
Tax PIN and Central Supplier Database (CSD) Registration Number. Complete in SBD 1.		

SECTION 4	Proposal Form and List of Returnable documents	
SECTION 5	Certificate of Acquaintance with RFP, Terms & Conditions & Applicable Documents	
SECTION 6	RFP Declaration and Breach of Law Form	
SBD 4	BIDDER'S DISCLOSURE	
SECTION8	Protection of Personal Information	
Transnet Master Agreement		
Transnet General Bid Conditions		
Transnet's Supplier Integrity Pact		
Non-Disclosure Agreement		
<p>The successful 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 RFP. Should the Respondent be awarded the contract [the Agreement] and fail to present Transnet with such renewals as and when they become due, Transnet shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement immediately without any liability and without prejudice to any claims which Transnet may have for damages against the Respondent.</p>		
SIGNED at _____ on this _____ day of 20_.....		
SIGNATURE OF WITNESS 1		ADDRESS OF WITNESS 1
NAME		
SIGNATURE OF WITNESS 2		ADDRESS OF WITNESS 1
NAME		

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE	
NAME	
DESIGNATION	

SECTION 5:

CERTIFICATE OF ACQUAINTANCE WITH RFP, MASTER AGREEMENT & APPLICABLE DOCUMENTS			
By signing this certificate the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with, and agrees with all the conditions governing this RFP. This includes those terms and conditions contained in any printed form stated to form part hereof, including but not limited to the documents stated below. As such, Transnet SOC Ltd will recognise no claim for relief based on an allegation that the Respondent overlooked any such term or condition or failed properly to take it into account for the purpose of calculating tendered prices or any other purpose:			
1	Transnet's General Bid Conditions		
2	Transnet's Master Agreement		
3	Transnet's Supplier Integrity Pact		
4	Non-disclosure Agreement		
Note:	Should a Respondent be successful and awarded the bid, they will be required to complete a Supplier Declaration Form for registration as a vendor onto the Transnet vendor master database.		
<p>Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFP 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.</p> <p>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 RFP was unclear but in respect of which he/she failed to obtain clarity.</p> <p>The Bidder understands that his/her Bid will be disqualified if the Certificate of Acquaintance with RFP documents included in the RFP as a returnable document, is found not to be true and complete in every respect.</p>			
<p>SIGNED at _____ on this _____ day of 20_.....</p>			
SIGNATURE OF WITNESS 1		ADDRESS OF WITNESS 1	
NAME			
SIGNATURE OF WITNESS 2		ADDRESS OF WITNESS 1	
NAME			
SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE			
NAME			
DESIGNATION			

SECTION 6:

RFP DECLARATION AND BREACH OF LAW FORM	
NAME OF ENTITY	
We	
Do hereby certify that:	
<ol style="list-style-type: none">1. Transnet has supplied and we have received appropriate responses to any/all questions [as applicable] which were submitted by ourselves for RFP Clarification purposes;2. We have received all information we deemed necessary for the completion of this Request for Proposal [RFP];3. We have been provided with sufficient access to the existing Transnet facilities/sites and any and all relevant information relevant to the Goods/Services as well as Transnet information and Employees, and have had sufficient time in which to conduct and perform a thorough due diligence of Transnet's operations and business requirements and assets used by Transnet. Transnet will therefore not consider or permit any pre- or post-contract verification or any related adjustment to pricing, service levels or any other provisions/conditions based on any incorrect assumptions made by the Respondent in arriving at his Bid Price.4. At no stage have we received additional information relating to the subject matter of this RFP from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the RFP documents;5. We are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this RFP and the requirements requested from Bidders in responding to this RFP have been conducted in a fair and transparent manner;6. We have complied with all obligations of the Bidder/Supplier as indicated in the Transnet Supplier Integrity which includes but are not limited to ensuring that we take all measures necessary to prevent corrupt practices, unfairness and illegal activities in order to secure or in furtherance to secure a contract with Transnet;7. We declare that a family, business and/or social relationship exists / does not exist [delete as applicable] between an owner / member / director / partner / shareholder of our entity and an employee or board member of the Transnet Group including any person who may be involved in the evaluation and/or adjudication of this Bid;8. We declare that an owner / member / director / partner / shareholder of our entity is / is not [delete as applicable] an employee or board member of Transnet;	

9. In addition, we declare that an owner / member / director / partner / shareholder/employee of our entity **has / has not been** [delete as applicable] a former employee or board member of Transnet in the past 10 years. I further declare that if they were a former employee or board member of Transnet in the past 10 years that they **were/were not** involved in the bid preparation or had access to the information related to this RFP; and
10. If such a relationship as indicated in paragraph 7, 8 and/or 9 exists, the Respondent is to complete the following section:

**FULL NAME OF
OWNER/MEMBER/D
IRECTOR/PARTNER/
SHAREHOLDER/
EMPLOYEE:**

ADDRESS

**Indicate nature of
relationship with
Transnet:**

Failure to furnish complete and accurate information in this regard will lead to the disqualification of a response and may preclude a Respondent from doing future business with Transnet. Information provided in the declarations may be used by Transnet and/or its affiliates to verify the correctness of the information provided]

We declare, to the extent that we are aware or become aware of any relationship between ourselves and Transnet [other than any existing and appropriate business relationship with Transnet] which could unfairly advantage our entity in the forthcoming adjudication process, we shall notify Transnet immediately in writing of such circumstances.

BIDDER'S DISCLOSURE

SBD4																																			
12 PURPOSE OF THE FORM																																			
<p>12.1 Any person (natural or juristic) may make an offer or off ers 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 further expressed in various pieces of legislation, it is required for the Bidder to make this declaration in respect of the details required hereunder.</p> <p>12.2 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.</p>																																			
13 BIDDER'S DECLARATION																																			
13.1 Is the Bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest ¹ in the enterprise, employed by the state?	YES	NO																																	
<p>13.1.1. 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.</p> <table border="1"> <thead> <tr> <th>Full Name</th> <th>Identity Number</th> <th>Name of State institution</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>			Full Name	Identity Number	Name of State institution																														
Full Name	Identity Number	Name of State institution																																	
13.2 Do you, or any person connected with the Bidder, have a relationship with any person who is employed by the procuring institution?	YES	NO																																	

¹ the power, by one person or a group of persons holding most 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.

13.2.1. If so, furnish particulars:		
13.3 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
13.2.2. If so, furnish particulars:		
14 DECLARATION		
I, the undersigned, (name)		
<p>in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:</p> <p>14.1 I have read and I understand the contents of this disclosure;</p> <p>14.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;</p> <p>14.3 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 consortium² will not be construed as collusive bidding.</p> <p>14.4 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.</p> <p>14.5 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.</p>		

² 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.

14.6 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.

14.7 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 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 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 12, 13 and 14 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

BREACH OF LAW

We further hereby certify that *I/we* (the bidding entity and/or any of its directors, members or partners) ***have/have not been*** [delete as applicable] found guilty during the preceding 5 [five] years of a serious breach of law, including but not limited to a breach of the Competition Act, 89 of 1998, by a court of law, tribunal or other administrative body. The type of breach that the Respondent is required to disclose excludes relatively minor offences or misdemeanours, e.g. traffic offences. This includes the imposition of an administrative fine or penalty.

Where found guilty of such a serious breach, please disclose:

NATURE OF BREACH:	
DATE OF BREACH	

Furthermore, I/we acknowledge that Transnet SOC Ltd reserves the right to exclude any Respondent from the bidding process, should that person or entity have been found guilty of a serious breach of law, tribunal or regulatory obligation.

SIGNED at

on this

day of

20

For and on behalf of		As Witness:	
duly authorised hereto			
Name:		Name:	
Position:		Position:	
Signature:		Signature:	
Date:		Date:	
Place:		Place	
Registration No of Company/CC			
Registration Name of Company/CC			

SECTION 8:

PROTECTION OF PERSONAL INFORMATION

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. 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 RFP, the Responsible party is “Transnet” and the Data subject is the “Respondent”. 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. Transnet reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this RFP and the Respondent is required to comply with all prescripts as detailed in the POPIA relating to all information concerning Transnet.
5. In responding to this bid, Transnet acknowledges that it will obtain and have access to personal information of the Respondent. 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. Transnet further agrees that in submitting any information or documentation requested in this RFP, 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 Transnet and/or its authorised appointed third parties.
7. Furthermore, 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, Transnet requires the Respondent to process any personal information disclosed by Transnet in the bidding process in the same manner.
8. 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 RFP (physically, through a computer or any other form of electronic communication).

9. 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 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 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 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 RFP, the Respondent is hereby consenting to the processing of their personal information for the purpose of this RFP and further confirming that they are aware of their rights in terms of Section 5 of POPIA

Respondents are required to provide consent below:

YES

NO

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 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 RFP 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 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