

**TRANSNET NATIONAL PORTS AUTHORITY**

an Operating Division of **TRANSNET SOC LTD**

[hereinafter referred to as **Transnet**]

[Registration No. 1990/000900/30]

REQUEST FOR PROPOSAL NO: TNPA/2024/09/0020/78418/RFP

REQUEST FOR PROPOSAL TO LEASE A WAREHOUSE/STORAGE IN EXTENT 1 489m² AT COODE CRESCENT IN DUNCAN DOCK PRECINCT FOR A PERIOD OF UP TO TEN YEARS (10) YEARS.

ISSUE DATE: 04 October 2024

NON-COMPULSORY BRIEFING SESSION DATE: 16 October 2024

NON-COMPULSORY BRIEFING SESSION TIME: 10:00 AM

CLOSURE OF CLARITY SEEKING QUESTIONS: 25 October 2024

CLOSING DATE: 04 November 2024

CLOSING TIME: 12:00 PM

BID VALIDITY PERIOD: 120 Business Days from Closing Date

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REQUEST FOR PROPOSAL TO LEASE A WAREHOUSE/STORAGE IN EXTENT 1 489m2 AT COODE CRESCENT IN DUNCAN DOCK PRECINCT FOR A PERIOD OF UP TO TEN YEARS (10) YEARS.

SECTION 1: STANDARD BIDDING DOCUMENT (SBD)1 FORM

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF ENTERING INTO A LEASE WITH TRANSNET NATIONAL PORTS AUTHORITY, A DIVISION TRANSNET SOC LTD							
BID NUMBER:	TNPA/2024/09/0020/78418/RFP	ISSUE DATE:	04 October 2024	CLOSING DATE:	04 November 2024	CLOSING TIME:	12:00 PM
DESCRIPTION	REQUEST FOR PROPOSAL TO LEASE A WAREHOUSE/STORAGE IN EXTENT 1 489m2 AT COODE CRESCENT IN DUNCAN DOCK PRECINCT FOR A PERIOD OF UP TO TEN YEARS (10) YEARS.						
BID RESPONSE DOCUMENTS SUBMISSION							
BIDDERS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH TENDER SELECTED (<i>please refer to section 2, paragraph 3 for a detailed process on how to upload submissions</i>): https://transnettenders.azurewebsites.net							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO E-MAIL ADDRESS: PORTOFCAPETOWNPROPERTYRFP@transnet.net							
BIDDER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE			NUMBER			
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE			NUMBER			
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
BIDDER 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		
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]							

Respondent's Signature

Date & Company Stamp

<p>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No [IF YES ENCLOSE PROOF]</p>	<p>2 ARE YOU A FOREIGN BASED BIDDER FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No [IF YES, ANSWER QUESTIONNAIRE BELOW]</p>
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QUESTIONNAIRE TO BIDDING FOREIGN BIDDERS

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.

**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:

Respondent's Signature

Date & Company Stamp

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 the **Bidder**].

DESCRIPTION	REQUEST FOR PROPOSAL TO LEASE A WAREHOUSE/STORAGE IN EXTENT 1 489m2 AT COODE CRESCENT IN DUNCAN DOCK PRECINCT FOR A PERIOD OF UP TO TEN YEARS (10) YEARS.
TENDER ADVERT	All Transnet tenders are advertised on the National Treasury's e-Tender Publication Portal and the Transnet website.
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"; and • In the "Department" box, select Transnet SOC Ltd. <p>Once the tender has been 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 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 within 10 days after the award has been finalised, unless otherwise advised. All unsuccessful bidders have a right to request for reasons for their bid not being successful. This request 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>
NON-COMPULSORY BRIEFING SESSION AND SITE VISIT	<p>A Non-compulsory briefing session will be held via Microsoft Team on 16 October 2024 at 10:00am. Bidders can join the non-compulsory briefing session by using the following Microsoft teams details on:</p> <p>Meeting ID: 331 940 692 740 Passcode: juBwas</p> <p>Upon completion of the non-compulsory briefing session bidders may make arrangements for a site visit at a time to be agreed.</p>
CLOSING DATE 16 OCTOBER 2024	<p>Bidders must ensure that bids are uploaded onto the system by the stipulated time.</p> <p>If a bid is late and or loaded correctly by the closing date, it will not be accepted and receive further consideration.</p>

	<p>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 their technical challenges. Please do not wait for the last hour to submit. A Bidder can upload 30mb per upload and multiple uploads are permitted. Bidders may only use alphabetical and/ or numerical characters in the file names of electronic documents which are uploaded. Use of any other characters may result in the documents being corrupted, for which TNPA takes no responsibility.</p>
VALIDITY PERIOD	<p>One hundred and twenty (120) Business Days from Closing Date</p> <p>Validity period is the period for which the Bid, remains valid. 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 agreement has been concluded. Should a bidder fail to respond to a request for extension of the validity period before it expires, that bidder will be excluded from the tender process.</p> <p>Bidders who fail to respond to a request for extension of bid validity before the validity lapses, or who declines such a request shall not be considered further in the Tender evaluation process.</p>

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

2 FORMAL NON-COMPULSORY BRIEFING SESSION AND SITE VISIT

A non-compulsory RFP briefing session will be conducted online. The briefing session will start punctually, and information will not be repeated for the benefit of Bidders arriving late. Bidders must join the briefing meeting session by using the meeting details **Meeting ID: 331 940 692 740 Passcode: juBwas**

- 2.1 Despite the briefing session being non-compulsory, Transnet nevertheless encourages all Bidders to attend. Transnet will not be held responsible if any Bidder who did not attend the **non-compulsory** session subsequently feels disadvantaged as a result thereof.
- 2.2 Bidders are encouraged to bring a copy of the RFP to the RFP briefing.
- 2.3. Bidders who wish to view the property must make arrangements through the dedicated email address.

3 PROPOSAL SUBMISSION

Transnet has implemented a new electronic bid submission system, the e-Tender Submission Portal, in line with the overall Transnet digitalization strategy where Bidders can view advertised tenders, register their information, log their intent to respond to bids and upload their bid proposals/responses on to the system. The Transnet e-Tender Submission Portal can be accessed as follows:

- 3.1 Log on to the Transnet eTenders management platform website/ Portal ((transnetetenders.azurewebsites.net) Please use Google Chrome to access Transnet link/site);

- 3.2 Click on "ADVERTISED TENDERS" to view advertised tenders;
- 3.3 Click on "SIGN IN/REGISTER – for bidder to register their information (must fill in all mandatory information);
- 3.4 Click on "SIGN IN/REGISTER" - to sign in if already registered;
- 3.5 Toggle (click to switch) the "Log an Intent" button to submit a bid;
- 3.6 Submit bid documents by uploading them into the system against each tender selected; and

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 the documents [**sign and date the bottom of each page**] before submission. The person(s) signing the submission/documents must be legally authorised by the Bidder 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 11 below (Legal Review) and **Section 6** of the RFP, alterations, additions, or deletions **must not** be made by the Bidder to the actual RFP documents.

5 JOINT VENTURES OR CONSORTIUMS

- 5.1 Bidders 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 Bidders 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.
- 5.2 Bidders 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). Preference points will be awarded to a bidder for attaining the specific goals requirements in accordance with the table indicated in paragraph 4.1 of Section 9 of the specific goals Claim Form.

6 COMMUNICATION

- 6.1 For specific queries relating to this RFP, an RFP Clarification Request Form should be submitted onto the system before **25 October 2024 @12:00** 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 Bidder may only communicate via email address PORTOFCAPETOWNPROPERTYRFP@transnet.net on any matter relating to its RFP Proposal.
- 6.3 Bidders are to note that changes to its submission will not be considered after the closing date.
- 6.4 It is prohibited for Bidders 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 Bidders 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 within 10 days after the award has been finalised. Bidders 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 request 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 Bidders are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent agreement, 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 agreement, written approval must be obtained from Transnet.

8 COMPLIANCE

The successful Bidder shall be in full and complete compliance with any and all applicable laws and regulations.

9 EMPLOYMENT EQUITY ACT

Bidders must comply with the requirements of the Employment Equity Act (Act No. 55 of 1998) applicable to it including (but not limited to) **Section 53** of the Employment Equity Act.

10 DISCLAIMERS

Bidders 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:

- 10.1 modify the RFP and request Bidders to re-bid on any such changes;
- 10.2 reject any Proposal which does not conform to instructions and scope of requirements which are detailed herein;
- 10.3 disqualify Proposals submitted after the stated submission deadline [closing date];
- 10.4 award an agreement in connection with this Proposal at any time after the RFP's closing date;
- 10.5 award an agreement for only a portion of the proposed Premises which are reflected in the scope of this RFP;
- 10.6 split the award of the agreement between more than one Bidder, should it at Transnet's discretion be more advantageous in terms of, amongst others, cost, or developmental considerations;
- 10.7 cancel the bid process;
- 10.8 validate any information submitted by Bidders in response to this bid. This would include, but is not limited to, requesting the Bidders to provide supporting evidence. By submitting a bid, Bidders hereby irrevocably grant the necessary consent to Transnet to do so;

- 10.9 request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 10.10 not accept any changes or purported changes by the Bidder to the rental offer after the closing date and/or after the award of the business;
- 10.11 cancel the agreement and/request that the National Treasury to place the Bidder on its Database of Restricted Bidders for a period not exceeding 10 years, on the basis that an agreement was awarded on the strength of incorrect information furnished by the Bidder or on any other basis recognised in law;
- 10.12 award the business to the next ranked bidder, provided that he/she is still prepared to provide the required rental offer, should the preferred bidder fail to sign or commence with the agreement 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 bid process has been published on the National Treasury e-tender Portal and Transnet website.

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

11 LEGAL REVIEW

A Proposal submitted by a Bidder will be subject to evaluation and adjudicated by the relevant governance structures within Transnet. Any changes to the standard terms and conditions of Transnet's lease agreement shall be subject to review and acceptance of Transnet's Legal Counsel, prior to the finalisation of an award of a lease agreement.

12 SECURITY CLEARANCE

Acceptance of this bid could be subject to the condition that the Successful Bidder and personnel 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 Bidder. Acceptance of the bid is also subject to the condition that the Successful Bidder will implement all such security measures as the safe performance of the agreement may require.

13 NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE

Bidders are required to self-register on the 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 bidder information. Bidders must register on the CSD prior to submitting their bids. Business may not be awarded to a Bidder who has failed to register on the CSD. Only foreign Bidders with no local registered entity need not register on the CSD. Such Bidders should note however, that it will be required to incorporate and register a South African company in accordance with South African company laws for the purpose of concluding a lease agreement.

For this purpose, the attached SBD 1 form must be completed and submitted as an essential returnable document by the closing date and time of the bid.

14 TAX COMPLIANCE

Bidders must be compliant when submitting a proposal to Transnet and remain compliant for the entire agreement 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 Bidders be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Bidders tax obligations.

The Tax Compliance status requirements are also applicable to foreign Bidders/ individuals who wish to submit bids.

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.

**Transnet urges its clients, Bidders and the general public to report any fraud or corruption to
TIP-OFFS ANONYMOUS:**


Ethics Management System™

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

				
	<p>AI Voice Bot "Jack" Speak to our AI Voice Chat Bot "JACK", you converse with him like chatting to a human, with the option to record a message and speak to an agent at anytime.</p>	<p>What's App Speak to an Agent via What's App.</p>	<p>Speak to an Agent Speak to an Agent via the platform with no call or data charge</p>	<p>Telegram Speak to an Agent via Telegram</p>
 0800 003 056	 086 551 4153	 reportit@ethicshelpdesk.com	 *120*0785980808#	

SECTION 3: EXECUTIVE OVERVIEW AND SCOPE OF REQUIREMENTS

1. EXECUTIVE OVERVIEW

- 1.1. Transnet National Ports Authority (TNPA) is established through the National Ports Act 12 of 2005 to be a Ports authority and landlord, responsible for the safe, efficient, and economic functioning of the national ports system, which it manages, controls and administers on behalf of the State.
- 1.2. **Section 11** of the National Ports Act prescribes the core functions of TNPA, to include the following:
 - 1.2.1. to plan, provide, maintain, and improve port infrastructure;
 - 1.2.2. prepare and periodically update a Port Development Framework Plan (PDFP) for each Port;
 - 1.2.3. to promote the use, improvement and development of Ports and control land use within the Ports, having the power to lease Port land under conditions that it determines;
 - 1.2.4. to promote greater representation, in particular to increase participation in Port operations of historically disadvantaged people;
 - 1.2.5. to provide or arrange marine-related services, i.e., pilotage services, tug assistance, berthing services, dredging and hydrographic services;
 - 1.2.6. to ensure that adequate, affordable, and efficient Port services and facilities are provided, including regulatory oversight of all Port activities; and
 - 1.2.7. to provide aids to assist the navigation of vessels within Port limits and along the coast.
- 1.3. At an operational level, TNPA occupies a strategic position in the country's transport logistics chain, managing South Africa's eight (8) commercial seaports, namely Cape Town, Durban, East London, Mossel Bay, Ngqura, Port Elizabeth, Richards Bay and Saldanha Bay.
- 1.4. The Ports under the control of the TNPA span the South African coastline, which measures approximately 2 800 km. TNPA's asset base consists of Port land, basic Port infrastructure and marine fleet at the eight (8) commercial ports. TNPA manages Port land of approximately 43,4 million m² across the Port system.
- 1.5. Operating within the Port industry, TNPA provides its services to Port users, namely terminal operators, shipping lines, shipping agents, cargo owners and the clearing and forwarding industry.
- 1.6. TNPA also carries a distinctive feature of being self-sustaining, unlike most other landlord Port authorities that rely on National or Provincial governments for financial support.

2. SCOPE OF REQUIREMENTS

- 2.1. The objective of this document is to invite interested parties to submit to TNPA RFP responses for the lease of premises at the **Port of Cape Town**.
- 2.2. The below property is to be leased on as is basis (voetstoots), as reflected on attached Site/Lease Plan (Annexure 1).

Description	Extent	Proposed Use	Available From	Precinct
Warehouse/Storage at Coode Crescent	1 489m ²	Warehouse/Storage/ Retail	Immediate	Duncan Dock Precinct

- 2.3. The property is currently occupied and is used for duty free shop.
- 2.4. **Exclusions:** Handling and storage of hazardous chemicals, staging of trucks, storage of fertilizers, truck refueling station, contained handling depots activities. No dust minerals stored in the open areas. Subject to compliance with all relevant laws to usage.
- 2.5. The Successful/Preferred Bidder must note that it shall be obliged to undertake whatever refurbishment, repairs, upgrades, and capital improvements as may be necessary.

- 2.6. It may require, at its own costs, to ensure that the leased premises is fit for purpose and that its use complies with all relevant and applicable laws and legislation unless negotiated otherwise and agreed to by the TNPA.
- 2.7. Depending on the extent of work required, which will be evaluated based on the submission made by the Bidder, beneficial occupation may be considered and negotiated.
- 2.8. Bidders are to note that should beneficial occupation be required, this must be properly motivated and justified in the Business Plan which will be subject to approval by TNPA Governance structures, in line with policies and procedures. The Bidder will be liable for all property holding costs during the beneficial occupation period.
- 2.9. Bidders bear the onus to carry out whatever inspections they may deem necessary prior to submitting any RFP Responses. In terms of this RFP, bidders must ensure that an inspection of the property is conducted prior to submitting the applications to ensure a full understanding and appreciation of the condition of the property. TNPA accepts no responsibility or any liability for any failure and or refusal of a prospective applicant to do so. To access the property, enquiries may be directed to PORTOFCAPETOWNPROPERTYRFP@transnet.net

3. GREEN ECONOMY / CARBON FOOTPRINT

Transnet wishes to understand your company's position regarding environmental commitments, including key environmental characteristics such as waste disposal, recycling, and energy conservation.

4. GENERAL BIDDER OBLIGATIONS

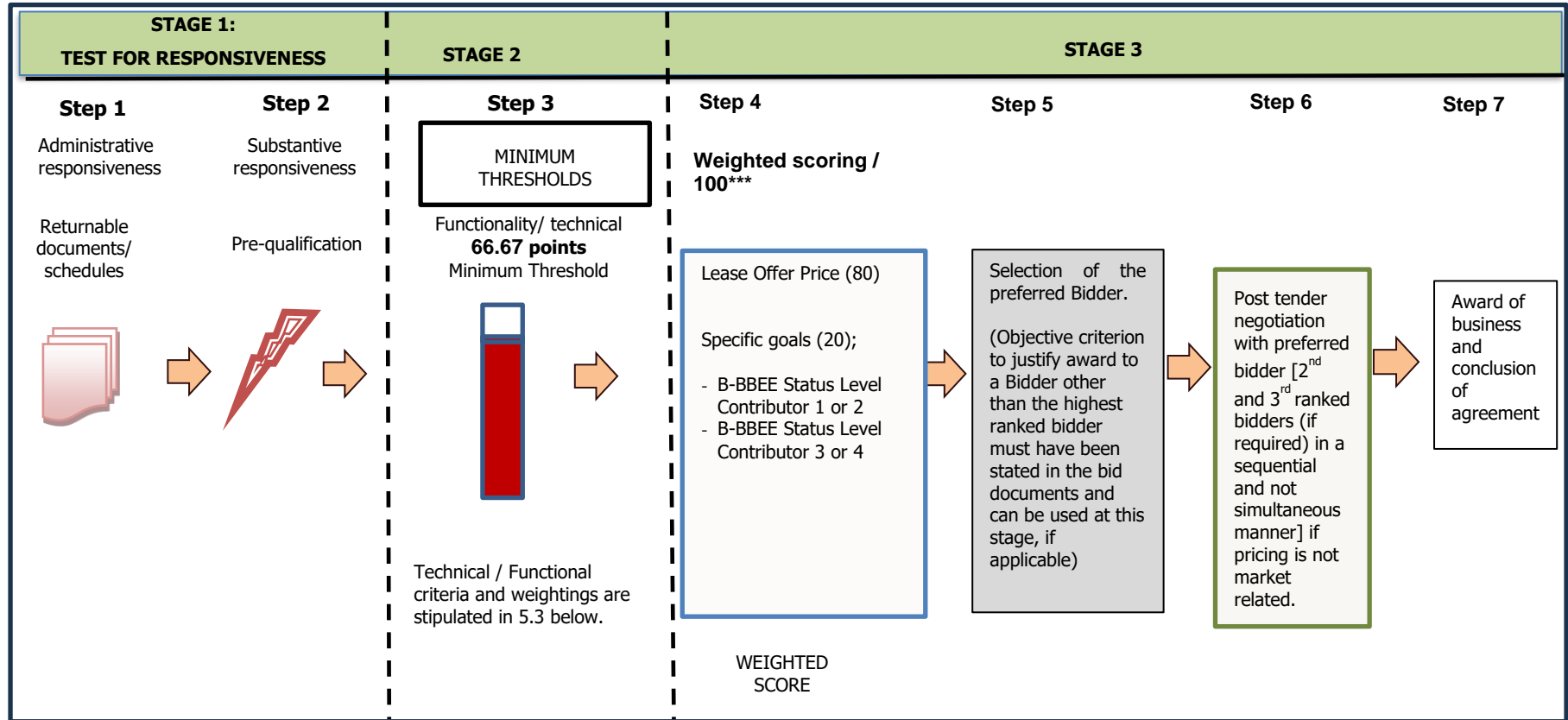
- 4.1. The Bidder shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.
- 4.2. The Bidder must comply with the requirements stated in this RFP.

5. EVALUATION METHODOLOGY

Transnet will utilise the following methodology as diagram 1 and criteria in selecting a preferred Bidder:

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).

Diagram 1 Evaluation Methodology



5.1. **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</i>
Verify if the bid document has been duly signed by the authorised Bidder	<i>All Sections</i>

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

5.2. **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 the Bid contains a priced rental offer as prescribed in the schedule	<i>Section 4</i>

The test for substantive responsiveness [Step Two] must be passed for a Bidder's proposal to progress to Step Three for further evaluation.

5.3. **STEP THREE: Minimum Threshold 66.67 points for Functionality/Technical Criteria**

- 5.3.1 Bidders will be evaluated on previous experience and track record as well as the Business Plan. Weighted scores for each criterion will be allocated and bidders are required to achieve a minimum of **66.67/100** in order to progress to the next evaluation stage.

No.	Weight	Criteria	Requirements	Type of Proof / Evaluation Document/s	Scoring Guide	Points
5.3.1.1	10	Previous Experience	A Bidder must have a minimum of 2 years' experience in the proposed use. Bidder must submit a company profile confirming the number of years in proposed operations and also provide supporting evidence confirming the number of years in a form of lease agreement, licence, or any other verifiable document	Company profile with evidence of number of years	>2 years' experience with supporting evidence	3
					2 years' experience with supporting evidence	2
					<2 years' experience with supporting evidence	1
					No submission / company profile without supporting evidence	0
5.3.1.2	15	Previous Experience	Bidder to submit a minimum of 2 Reference Letters in relation to the operations proposed. The Reference Letters must not be older than 5 years for the entity submitting the RFP. Format to Include: Customer/ Company Name, Customer/ Company Address, Customer/Company contact details and email address, Project Scope/Services provided and Project Duration	Reference Letters not older than 5 years	More than 2 reference letters not older than 5 years	3
					2 reference letters not older than 5 years	2
					1 reference letter not older than 5 years	1
					No submission or reference letter is older than 5 years	0
5.3.1.3	15	Track Record	Bidder's bank rating issued by a financial institution confirming the rating of the entity as a going concern, which is not older than 3 months	Bank Rating not older than 3 months	Bank Rating A not older than 3 months	3
					Bank Rating B not older than 3 months	2
					Bank Rating C not older than 3 months	1
					No Submission / D rating and below / report older than 3 months	0
5.3.1.4	10	Proposed Bidder's operations to align to Port Development Framework Plan (PDFP) and Port Priority activities as outlined on Annexure 7	The Bidder's operations as a minimum must detail the following details: 1. Use of the premises, 2. Prove the use is Port related, and 3. Use will support the Port business	Business Plan	Proposed operations address all 3 elements with additional benefits and details	3
					Proposed operations address only the 3 elements	2
					Proposed operations address less than 3 elements	1
					No submission / Proposed operations does not align to PDFP	0

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No.	Weight	Criteria	Requirements	Type of Proof / Evaluation Document/s	Scoring Guide	Points
5.3.1.5	10	Market Analysis that is a Port Related Commercial Activity	<p>Market Analysis must demonstrate the following:</p> <ol style="list-style-type: none"> 1. Identification of status quo market and services. Bidder to demonstrate a clear undertaking of business operating environment. 2. Identification of the potential market or segment analysis 3. Gap analysis identification of discrepancy between actual and potential market. 4. Bidder to provide a SWOT analysis. 5. Bidder to identify and illustrate economic spin-offs per market segment. 	Business Plan	Market analysis is a Port related commercial activity that addresses all 5 elements or more with substantial detail on each	3
					Market analysis is a Port related commercial activity that addresses only the 5 elements	2
					Market analysis is a Port related commercial activity that addresses less than 5 elements	1
					No submission / market analysis is not a Port related commercial activity	0
5.3.1.6	10	Prospective Bidder's operations must add Value to Port operations	<p>Bidder's operations must add Value to Port operations in the following ways:</p> <ol style="list-style-type: none"> 1. Vision and Mission statement to clearly articulate major goals and ambitions. 2. Applicant to demonstrate relevant and achievable strategic objectives. 3. Applicant to indicate how they will bring innovation to the fore. 4. Proposed value to Port (short and medium term). 	Business Plan	Prospective Bidder's operations will add Value to Port operations by addressing all 4 elements or more with substantial detail on each	3
					Prospective Bidder's operations will add Value to Port operations by addressing only 4 the elements	2
					Prospective Bidder's operations will add Value to Port operations by addressing less than 4 elements	1
					No submission / Prospective Bidder's operations will NOT add Value to Port operations	0
5.3.1.7	10	Bidder must have Capital Expenditure for Refurbishment and or upgrade plans *The plan must be for the duration of the lease term	Bidder to submit a detailed Work Breakdown Structure and Project schedule (clear project scope, measurable deliverables, logical and hierarchical structure, appropriate level of detail and mutual exclusivity of tasks)	Business Plan	Concise WBS and Project Schedule	3
					Good WBS and Project Schedule	2
					Average WBS and Project Schedule	1
					No submission / Inadequate information provided on WBS and Project Schedule	0
5.3.1.8	10			Business Plan	Concise Maintenance Plan	3
					Good Maintenance Plan	2

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No.	Weight	Criteria	Requirements	Type of Proof / Evaluation Document/s	Scoring Guide	Points
		Maintenance Expenditure Plan and Cost *The plan must be for the duration of the lease term	Bidder to detailed maintenance plan aligned to the property and proposed use of the property (must show identification and prioritisation, scoping and objectives, allocation of resources, timeframes and cost of the works)		Average Maintenance Plan	1
					No submission / Maintenance plan does not address any element	0
5.3.1.9	10	Financial Viability	Bidder must submit cashflow projections over the proposed lease period, with assumptions where applicable, demonstrating the ability for the entity to remain a going concern. The cashflows must be signed of by a Finance Professional	Business Plan	Detailed cash flow	3
					High level/summarised cashflow	1
					No submission / Bidder's Revenue and Cash flow is NOT viable over the lease term	0
	100					

Technical Proposal Guidelines

Capital and Maintenance Cost Methodology

- **Concise** - The schedule is linked to the methodology at every activity level; the applicable activities are detailed to level 3; the representation is calendar and Gantt; the activities are numbered; the sequence of execution is clear from the Gantt chart; activities sequencing is in parallel as far as is practical; the activities are grouped according to best practice.
- **Good** - The schedule is linked to the methodology at every activity level; the applicable activities are detailed to level 3; the representation is calendar and Gantt; the activities are numbered; the sequence of execution is clear from the Gantt chart.
- **Average** - The schedule is linked to the methodology; the high-level activities are represented as a calendar or Gantt chart; the activities are numbered; the sequence of execution is clear from the representation.

Financial Viability

- **Assumptions** – assumptions applied in the cash flow projections must be clearly indicated and rationale must be proven in terms of variable values.
- **Mitigations** – where net cashflows are negative clear mitigations must be put in place to ensure that continued operation of the business.

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

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5.4. STEP FOUR: Evaluation and Final Weighted Scoring

5.4.1 Rental Offer Price Criteria [Weighted score 80/90 points]:

Evaluation Criteria	RFP Reference
Commercial offer (Rental)	<i>Section 4</i>

Transnet will utilise the following either of the following formulae in its evaluation of Price which will be **determined by the lowest priced bid received** inclusive of all applicable taxes:

$$PS = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where:

Ps = Points scored for the price of Bid under consideration

Pt = Price of Bid under consideration

Pmax = Price of highest acceptable Bid

OR

$$PS = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where:

Ps = Points scored for the price of Bid under consideration

Pt = Price of Bid under consideration

Pmax = Price of highest acceptable Bid

5.4.2 Specific Goals [Weighted score 20/10 points]

5.4.2.1. Specific goals preference points claim form.

5.4.2.2. Preference points will be awarded to a bidder for attaining the specific goals requirements in accordance with the table indicated in Section 4.1 of the specific goals Claim Form (SBD 6.2).

SUMMARY: Applicable Thresholds and Final Evaluated Weightings

Thresholds	Minimum Threshold
Technical / functionality	66.67

Evaluation Criteria	Final Weighted Scores
Rental Offer Price	80/90
Specific goals – Scorecard	20/10
TOTAL SCORE:	100

5.5. STEP FIVE: Objective Criteria

Transnet reserves the right to award the business to the highest scoring Bidder unless objective criteria justify the award to another Bidder as per the requirements of the PPPFA. The objective criteria Transnet may apply in this bid process include:

5.5.1 Rotation of Bidders to promote opportunities for other Bidders including new entrants, by overlooking a Bidder that already holds leases for similar operations in the Port (It is necessary to rotate Lessees to promote opportunities for other lease holders, in circumstances where the bidder has been

awarded business previously and the award of the tender will result in inequitable allocation of business);

- 5.5.2 Awarding to a bidder whose operations may be deemed as specialised operations.
- 5.5.3 Transnet may apply the objective criteria in this bid process as follows:
- 5.5.3.1 Bidder(s) is not in good standing with TNPA due to a poor track record of past performance with Transnet SOC Ltd and or TNPA.
- 5.5.3.2 There is clear, uncontrived and/or overwhelming evidence and/or facts that the bidder has or continues to be in breach of any of the provisions contained in the Integrity Pact (Annexure 6);
- 5.5.3.3 The Probity check undertaken by TNPA establishes the existence of any unmitigated risks which would have a negative impact on the agreement.
- 5.5.3.4 Unless the appointment of the bidder would result in a negative impact on Transnet's Return on Investment;
- 5.5.3.5 The tenderer or its members, directors, partners:
- a) Is under restrictions as contemplated in the Integrity Pact (Annexure 6),
- b) Is a subject of a process of restriction by Transnet or other state institution that Transnet may be aware of and there is a clear, uncontrived and/or overwhelming evidence and/or facts in relation to the alleged wrongdoing on the basis of which the restriction process has been initiated;
- 5.5.3.6. has no legal capacity to enter into the agreement.
- 5.5.3.7. is insolvent, in receivership, under Business Rescue as provided for in chapter 6 of the Companies Act, 2008, being wound up, has its affairs administered pursuant to a court order, has ceased or suspended their business activities, or is subject to legal proceedings in respect of any of the foregoing;
- 5.5.3.8. does not comply with the legal requirements, if any, stated in the tender data; and
- 5.5.3.9. is not able to perform the agreement free of conflicts of interest.
- 5.5.4. In relation to the proposed agreement, a due diligence exercise to validate the bidder's proposal that demonstrate that it 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 agreement.

5.6. **STEP SIX: Post Tender Negotiations (if applicable)**

Bidders are to note that Transnet may not enter into a lease if the rental offered is not market related. In this regard, Transnet reserves the right to engage in Post Tender Negotiations (PTN) with a view of achieving a market-related return or to cancel the tender. Negotiations will be done in a sequential manner i.e.:

- 5.6.1. first negotiate with the highest ranked bidder or cancel the bid, should such negotiations fail, negotiate with the 2nd and 3rd ranked bidders (if required) in a sequential manner.
- 5.6.2. In the event of any Bidder being notified of such short-listed/preferred bidder status, his/her bid, as well as any subsequent negotiated best and final offers (BAFO), will automatically be deemed to remain valid during the negotiation period and until the ultimate award of business.

5.7. **STEP SEVEN: Award of business and conclusion of agreement**

Immediately after approval to enter into a lease agreement has been received, the Successful Bidder will be informed of the acceptance of his/their Bid by way of a Letter of Award. Thereafter the final lease agreement will be concluded with the successful Bidder(s).

SECTION 4: PRICING (RENTAL OFFER)

Bidders are required to complete tables below:

RENTAL OFFER SUMMARY					
	Extent (m ²)	Rate Per Square Meter	Monthly Rental Offer Excl. VAT	Vat @15%	Monthly Rental Offer Incl. VAT
Building (if applicable)	954 m ²				
Land Portion (if applicable)	535.0 m ²				
Total Monthly Rental Offer					
Escalation Rate Offer					

Rental Year	Monthly Rental (Excl. VAT)	Period (No. of months)	Annual Rental (Excl. VAT)
Year 1		12	
Year 2		12	
Year 3		12	
Year 4		12	
Year 5		12	
Total (Excl. Vat)			
Add 15% Vat			
TOTAL (Incl. Vat)			

Notes to Pricing (Rental Offer):

- a) Bidders must ensure that the annual escalation proposed is included in the overall rental offer submitted.
- b) TNPA will verify the correctness of the calculations provided in the above rental offer.
- c) TNPA reserves the right to consider the verified rental offer calculations in awarding the lease to the Bidder.
- d) Bidders are to note that if the rental offer by the highest scoring bidder is not market-related, Transnet may not award the lease to that Bidder. Transnet may-
 - (i) negotiate a market-related rental with the Bidder scoring the highest points or cancel the RFP;
 - (ii) if that Bidder does not agree to a market-related rental, TNPA/TSOC may negotiate a market-related rental with the Bidder scoring the second highest points or cancel the RFP;
 - (iii) if the Bidder scoring the second highest points does not agree to a market-related rental, TNPA may negotiate a market-related rental with the Bidder scoring the third highest points or cancel the RFP.
 - (iv) If a market-related rental is not agreed upon with the Bidder scoring the third highest points, Transnet must cancel the RFP.
- e) Rental must be quoted in South African Rand inclusive of VAT.
- f) **To facilitate like-for-like comparison bidders must submit rental offers strictly in accordance with this schedule and not utilise a different format. Deviation from this schedule could result in a bid being declared non-responsive.**

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Date & Company Stamp

1. DISCLOSURE OF AGREEMENT INFORMATION

RENTAL OFFER TENDERED

Bidders are to note that, on award of business, Transnet is required to publish the successful and unsuccessful Bidders *inter alia* on the National Treasury e-Tender Publication Portal, (www.etenders.gov.za), as required per National Treasury Instruction Note (Note 01 of 2015/2016).

JOHANNESBURG STOCK EXCHANGE DEBT LISTING REQUIREMENTS

Transnet may also be required to disclose information relating to the subsequent agreement i.e., the name of the company and lease tenure entered into etc. in compliance with the Johannesburg Stock Exchange (JSE) Debt Listing Requirements.

DOMESTIC PROMINENT INFLUENTIAL PERSONS (DPIP) OR FOREIGN PROMINENT PUBLIC OFFICIALS (FPPO)

Transnet is free to procure the services of any person within or outside the Republic of South Africa in accordance with the applicable legislation. Transnet shall not conduct or conclude business transactions, with any Bidders without having:

- Considered relevant governance protocols;
- Determined the DPIP or FPPO status of that counterparty; and
- Conducted a risk assessment and due diligence to assess the potential risks that may be posed by the business relationship.

As per the Transnet Domestic Prominent Influential Persons (DPIP) and Foreign Prominent Public Officials (FPPO) and Related Individuals Policy available on Transnet website <https://www.transnet.net/search/pages/results.aspx?k=FPIDP#k=DPIP>, Bidders are required to disclose any commercial relationship with a DPIP or FPPO (as defined in the Policy) by completing the following section:

The below form contains personal information as defined in the Protection of Personal Information Act of 2013 (the "Act"). By completing the form, the signatory consents to the processing of her/his personal information in accordance with the requirements of the Act. Consent cannot be unreasonably withheld.						
Is the Bidder (Complete with a "Yes" or "No")						
A DPIP/FPPO		Closely Related to a DPIP/FPPO		Closely Associated to a DPIP/FPPO		
List all known business interests, in which a DPIP/FPPO may have a direct/indirect interest or significant participation or involvement.						
No	Name of Entity / Business	Role in the Entity / Business (Nature of interest/ Participation)	Shareholding %	Registration Number	Status (Mark the applicable option with an X)	
					Active	Non-Active
1						
2						
3						
4						

Bidders declaring a commercial relationship with a DPIP or FPPO are to note that Transnet is required to annually publish on its website a list of all business agreements entered into with DPIP or FPPO. This list will include successful Bidders, if applicable.

SECTION 5: PROPOSAL FORM AND LIST OF RETURNABLE DOCUMENTS

I/We _____
[name of entity, company, close corporation or partnership] of [full address]

carrying on business trading/operating as

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)	CAPACITY	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I/We hereby offer to enter into a lease at the value quoted in the rental offer schedule 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) Standard Lease 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 agreement between Transnet and me/us.

Should Transnet decide that a formal lease 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 an intension to enter into a binding agreement between Transnet and me/us until the Lease Agreement is signed.

Respondent's Signature

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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 agreement if called upon to do so within 5 [five] business days 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 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 agreement and provide Transnet with cause for cancellation.

ADDRESS FOR NOTICES

The law of the Republic of South Africa shall govern any agreement 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 Bidder hereunder, at which all legal documents may be served on the Bidder who shall agree to submit to the jurisdiction of the courts of the Republic of South Africa. Foreign Bidders 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 agreement 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 agreement.

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

Name of Entity:

Email Address: _____

Address: _____

NOTIFICATION OF AWARD OF A LEASE OPPORTUNITY

As soon as possible after approval to enter into a lease, the successful Bidder will be informed of the acceptance of its Proposal. Transnet will also publish the outcome of the tender, including successful and unsuccessful bidders, in the National Treasury e-tender portal. Any unsuccessful bidder has a right to request reasons for the bid not to be successful and Transnet has a duty to provide those reasons on receipt of the request from the bidder.

VALIDITY PERIOD

Transnet requires a validity period of 120 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 Bidder must disclose hereunder the full name(s) and address(s) of the director(s) or members of the company or close corporation [C.C.] on whose behalf the RFP is submitted.

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

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

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

Respondent's Signature

Date & Company Stamp

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 Bidders 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 on the Closing Date and time of this RFP <u>will</u> result in a Bidder'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 Bidder'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 Bidders a further opportunity to submit by a set deadline. Should a Bidder thereafter fail to submit the requested documents, this may result in a Bidder'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 Bidder.

a) Mandatory Returnable Documents

Bidders 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 4: Rental Offer Price	

b) Returnable Documents Used for Scoring

In addition to the requirements of section (a) above, Bidders 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:

<u>RETURNABLE DOCUMENTS USED FOR SCORING</u>	SUBMITTED [Yes or No]
Bidder's valid proof of evidence to claim points for compliance with Specific Goals' requirements as stipulated in Section 9 of this RFP	
Valid proof of Bidder's compliance to B-BBEE requirements stipulated in Section 9 of this RFP (Valid B-BBEE certificate or Sworn- Affidavit as per DTIC guidelines)	
Capital Expenditure Plan	
Maintenance Expenditure Plan	
Company Profile and any supporting documents	
Business Plan	
Reference Letters	
Bank Rating	

c) Essential Returnable Documents:

Over and the above the requirements of section (a) and (b) mentioned above, Bidders 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:

ESSENTIAL RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
SECTION 1: SBD 1 Form	
SECTION 6: Certificate Of Acquaintance with RFP, Terms & Conditions & Applicable Documents	
SECTION 7: RFP Declaration and Breach of Law Form	
SECTION 9: Specific Goals Points Claim Form	
SECTION 10: Job Creation and Skills Development	
SECTION 11: Protection of Personal Information	
SECTION 12: Certificate of Attendance of Compulsory/Non-Compulsory RFP Briefing	
Company Resolution	
Tax Pin or Tax Clearance Certificate	
Environmental Management Plan	
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	
Letter of Good Standing	
Traffic Management Plan	
Public Liability Insurance	
Latest Financial Statements signed by your Accounting Officer or latest Audited Financial Statements plus 2 previous years OR projected cashflows for a period of 2 years in the case of a new entity which must be signed by a registered accounting officer.	

CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

The successful Bidder 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 the Lease Agreement emanating from this RFP. Should the Bidder be awarded the Lease 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 Lease Agreement, to terminate such Lease Agreement immediately without any liability and without prejudice to any claims which Transnet may have for damages against the Bidder.

SIGNED at _____ on this ____ day of _____ 20__

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____
 Name _____

2 _____
 Name _____

SIGNATURE OF BIDDER'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

SECTION 6: CERTIFICATE OF ACQUAINTANCE WITH RFP, LEASE AGREEMENT AND APPLICABLE DOCUMENTS

By signing this certificate, the Bidder 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 Bidder overlooked any such term or condition or failed properly to take it into account for the purpose of calculating tendered rental offer or any other purpose:

1	Transnet's General Bid Conditions
2	Draft Lease Agreement
3	Transnet's Supplier Integrity Pact
4	Non-disclosure Agreement
5	Specifications and drawings attached to this RFP

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.

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.**

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.

SIGNED at _____ on this ____ day of _____ 20__

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF BIDDER'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

Respondent's Signature

Date & Company Stamp

SECTION 7: RFP DECLARATION AND BREACH OF LAW FORM

NAME OF ENTITY: _____

We _____ do hereby certify that:

1. Transnet has supplied and we have received appropriate responses to any/all questions [as applicable] which were submitted by us 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 Premises as well as Transnet information and have had sufficient time in which to conduct and perform a thorough due diligence of Transnet's operations and business requirements. Transnet will therefore not consider or permit any pre- or post-agreement verification or any related adjustment to rental offer or any other provisions/conditions based on any incorrect assumptions made by the Bidder in arriving at his Rental Offer;
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 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 Lease Agreement 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 Bidder is to complete the following section:

FULL NAME OF OWNER/MEMBER/DIRECTOR/
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 Bidder from doing future business with Transnet. Information provided in

Respondent's Signature

Date & Company Stamp

the declarations may be used by Transnet and/or its affiliates to verify the correctness of the information provided]

11. 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

12.1 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 further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

12.2 Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Bidders, that person will automatically be disqualified from the bid process.

13 Bidder's declaration

13.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state? **YES/NO**

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.

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**

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 agreement? **YES/NO**

¹ 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.

13.3.1. If so, furnish particulars:

.....
.....

14 DECLARATION

I/We, 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:

- 14.1 I/We have read and I understand the contents of this disclosure;
- 14.2 I/We understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 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.
- 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.
- 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 agreement.
- 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/We am/are aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and agreements, 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 (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 (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, (Act No.89 of 1998), by a court of law, tribunal or other

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 agreement.

administrative body. The type of breach that the Bidder 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 Bidder 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 _____ duly authorised hereto	AS WITNESS:
Name:	Name:
Position:	Position:
Signature:	Signature:
Date:	Registration No of Company/CC
Place:	Registration Name of Company/CC

SECTION 8: RFP CLARIFICATION REQUEST FORM

RFP No: TNPA/2024/09/0020/78418/RFP

RFP deadline for questions / RFP Clarifications: Before **25 October 2024 @12:00**

TO: Transnet SOC Ltd
EMAIL: PORTOFCAPETOWNPROPERTYRFP@transnet.net
DATE: _____
FROM: _____

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

REQUEST FOR RFP CLARIFICATION

Respondent's Signature

Date & Company Stamp

SECTION 9: SPECIFIC GOALS POINTS CLAIM FORM – SBD 6.2

This preference form must form part of all bids invited. It contains general information and serves as a claim for preference points for specific goals Contribution. Transnet will award preference points to companies who provide valid proof of evidence of as per the table below.

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF SPECIFIC GOALS, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 for tenders to generate income with Rand value equal to or below of R50 million (all applicable taxes included); OR
- the 90/10 for tenders to generate income with Rand value equal to or above R50 million (all applicable taxes included);

1.2 Preference points for this bid shall be awarded for:

- (a) Price;
- (b) B-BBEE Status Level of Contribution; and
- (c) Any other specific goal determined in Transnet preferential procurement policy.

1.3 The maximum points for this bid are allocated as follows:

	Points	Points
PRICE	80	90
SPECIFIC GOALS	20	10
BBBEE Level 1 and 2 Contributor	10	5
Non-Compliant and/or B-BBEE Level 3-8 contributors	0	0
Entities +50% black youth owned	5	2
Entities +30% black female owned	3	2
Entities +50% people living with disabilities	2	1
Total points for Price and Specific Goals must not exceed	100	100

1.4 Failure on the part of a bidder to submit proof of evidence for any of the specific goals together with the bid will be interpreted to mean that preference points are not claimed.

1.5 TNPA reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by TNPA.

2. DEFINITIONS

- (a) **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- (b) **"B-BBEE"** means Broad-Based Black Economic Empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (c) **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (d) **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the lease of premises, through rental offer, advertised competitive bidding processes or proposals;
- (e) **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (f) **"EME"** means an Exempted Micro Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (g) **"functionality"** means the ability of a bidder to respond to the RFP in accordance with specification as set out in the bid documents
- (h) **"Price/Rental Offer "** includes all applicable taxes less all unconditional discounts.
- (i) **"Proof of B-BBEE Status Level of Contributor"**
 - i) the B-BBEE status level certificate issued by an authorised body or person;
 - ii) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
 - iii) any other requirement prescribed in terms of the B-BBEE Act.
- (j) **"QSE"** means a Qualifying Small Enterprise as defines by Codes of Good Practice under section 9 (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (k) **"rand value"** means the total estimated value of a agreement in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties.
- (l) **"Specific goals"** means targeted advancement areas or categories of persons or groups either previously disadvantaged or falling within the scope of the Reconstruction and Development Programme identified by Transnet to be given preference in allocation of procurement agreements in line with section 2(1) of the PPPFA.
- (m) **"tender for income-generating contracts"** means a written offer in the form determined by TNPA in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between TNPA and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (n) **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. POINTS AWARDED FOR PRICE/RENTAL OFFER

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 80/90 points is allocated for rental offer price on the following basis:

$$PS = 80/90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where:

P_s = Points scored for the price of Bid under consideration

Pt = Price of Bid under consideration

Pmax = Price of highest acceptable Bid

In terms of Transnet Preferential Procurement Policy (TPPP) and Procurement Manuals, the following preference points must be awarded to a bidder who provides the relevant required evidence for claiming points.

4. EVIDENCE REQUIRED FOR CLAIMING SPECIFIC GOALS

4.1 In terms of Transnet Preferential Procurement Policy (TPPP) and Procurement Manuals, preference points must be awarded to a bidder for providing evidence in accordance with the table below:

Specific Goals	Acceptable Evidence
B-BBEE Level 1 and 2	B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate (in case of JV, a consolidated scorecard will be accepted) as per DTIC guideline
30% Black Women Owned Entities	B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate (in case of JV, a consolidated scorecard will be accepted) as per DTIC guideline
+50% Black Youth Owned Entities	Certified copy of ID Documents of the Owners and B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate (in case of JV, a consolidated scorecard will be accepted) as per DTIC guideline
Entities Owned by People with Disability (PWD)	Certified copy of ID Documents of the Owners / Doctor's note and /or EEA1 form confirming the disability
South African Enterprises	CIPC Certificate
EME or QSE 51% Black Owned	B-BBEE Certificate / Sworn-Affidavit / CIPC Certificate
Entities that are 51 % Black Owned	CI B-BBEE Certificate / Sworn- Affidavit / B-BBEE CIPC Certificate (in case of JV, a consolidated scorecard will be accepted) as per DTIC guideline

4.2 The table below indicates the required proof of B-BBEE status depending on the category of enterprises:

Enterprise	B-BBEE Certificate & Sworn Affidavit
Large	Certificate issued by SANAS accredited verification agency
QSE	Certificate issued by SANAS accredited verification agency Sworn Affidavit signed by the authorised QSE representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership (only black-owned QSEs - 51% to 100% Black owned) [Sworn affidavits must substantially comply with the format that can be obtained on the DTIC's website at www.dti.gov.za/economic_empowerment/bee_codes.jsp .]
EME³	Sworn Affidavit signed by the authorised EME representative and attested by a Commissioner of Oaths confirming annual turnover and black ownership Certificate issued by CIPC (formerly CIPRO) confirming annual turnover and black ownership Certificate issued by SANAS accredited verification agency only if the EME is being measured on the QSE scorecard

- 4.3 A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level verification certificate for every separate bid.
- 4.4 Tertiary Institutions and Public Entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 4.5 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the agreement to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 4.6 A person awarded a agreement may not sub-contract more than 25% of the value of the agreement to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the agreement is sub-contracted to an EME that has the capability and ability to execute the sub-contract.
- 4.7 Bidders are to note that the rules pertaining to B-BBEE verification and other B-BBEE requirements may be changed from time to time by Transnet or regulatory bodies such as National Treasury or the DTIC. It is the Bidder's responsibility to ensure that his/her bid complies fully with all B-BBEE requirements at the time of the submission of the bid.

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 6.1

6.1 B-BBEE Status Level of Contribution: . = (maximum of 20/10 points)

(Points claimed in respect of paragraph 6.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

WITNESSES
1.
2.

..... SIGNATURE(S) OF BIDDERS(S)
DATE:
ADDRESS.....

SECTION 10: JOB CREATION AND SKILLS DEVELOPMENT

Applicants are required to complete the below Tables which summarises the Bidder’s proposed job creation and skills development commitment over the proposed **LEASE TERM** aligned to government’s National Development Plan (NDP).

The Bidder hereby certifies that the information completed in this Section 10 commitment is true, aligned to the size of the Bidder’s business operations, realistic and implementable over the lease term.

NEW SKILLS DEVELOPMENT				
Description	Indicator	Number	Estimated Rand Value	
New skills development initiatives indicating the Bidder’s commitment to skills education and how this would match with targeted groups. Consideration needs to be directed towards the adequate quality and value of proposed skills development. Bidders are to indicate the nature of the training to be provided.	Number and Rand value of artisans and or technicians to be trained over the term of the Lease			
	Number and Rand value of apprentices to be trained over the term of the Lease			
	Number and Rand value of Black People and or Youth to be trained over the term of the Lease. Is the level of training offered above in compliance with the National Qualification Framework (NQF) Guidelines (indicate YES or NO below)			
	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO	
YES	NO			
	Number and Rand value of higher education bursaries and or scholarships to be offered by the Applicant, if applicable (specify)			

Respondent’s Signature

Date & Company Stamp

JOB CREATION AND PRESERVATION			
Description	Indicator	Number	Estimated Rand Value
<p>The potential for job creation and/or preservation as result of the award of the lease to the Bidder, allowing for the assessment of the Bidder's intention to increase labour absorption focusing on skilled and unskilled workers and the Youth.</p> <p>*Skilled jobs refer to jobs for people in a specialised field of work requiring a defines training path and or a requisite level of experience in order for them to perform their role. These people could be in possession of a certificate, diploma or degree from an institute of higher education.</p> <p>**Unskilled jobs refer to jobs for people where the field of work does not require extensive formal training or from whom no minimum level of education is required</p> <p>***Youth refer to individuals between the ages of 18 and 35.</p>	Number of new *skilled jobs to be created due to award of the lease to the Applicant		
	Number of new **unskilled jobs to be created due to award of the lease to the Applicant		
	Number of jobs that would be preserved due to the award of the contract (includes both skilled and unskilled)		
	Number of jobs to be created for Black ***Youth, Black Women and Black People Living with Disabilities due to the award of the lease to the Applicant		

Respondent's Signature

Date & Company Stamp

SMALL BUSINESS PROMOTION			
Description	Indicator	Percentage	Estimated Rand Value
These supplier development measurements give an indication of the Bidder's commitment to developing small businesses in line with BBBEE requirements	Percentage of the Bidder's projected procurement spend from small businesses i.e., Emerging Micro Enterprises (EME), Qualifying Small Enterprises (QSE) and Start Ups		
	Percentage of estimated contract value that would be subcontracted to EME's, QSE's and Start Ups		
RURAL DEVELOPMENT AND RURAL INTERGRATION			
Description	Indicator	Number	Estimated Rand Value
These tenant development value measures give an indication of the Bidder's commitment towards rural development and regional integration.	Number of local jobs to be created due to the award of the lease		
	Number of local jobs which would be preserved due to the award of the lease		

WITNESSES

.....

.....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS.....

SECTION 11: PROTECTION OF PERSONAL INFORMATION

1. The following terms shall bear the same meaning as contemplated in **Section 1** of the Protection of Personal Information Act (ActNo.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 Bidder 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 "Bidder". Transnet will process personal information only with the knowledge and authorisation of the Bidder 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 Bidder 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 Bidder. Transnet agrees that it shall only process the information disclosed by Bidder 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 Bidder is consenting to the further processing of their personal information for the purpose of, but not limited to, risk assessment, assurances, agreement award, agreement 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 Bidder or disclose or permit the disclosure of any personal data to any third party without the prior written consent from the Bidder. Similarly, Transnet requires the Bidder 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 Bidder 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 Bidder 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 Bidder may, in writing, request Transnet to confirm and/or make available any personal information in its possession in relation to the Bidder and if such personal information has been accessed by third parties and the identity thereof in terms of the POPIA. The Bidder 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 Bidder 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 Bidder 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

Bidders are required to provide consent below:

YES		NO	
------------	--	-----------	--

12. Further, the Bidder 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 Bidder submitted.
13. The Bidder 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 Bidder's authorised representative: _____

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