

Financial model inputs & outputs	Base Proposal Reference
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(c) Financial model calculations:

The financial model calculations must include the following, on a locomotive and aggregate basis -	
1. Nominal payments monthly until delivery into Transnet SOC Ltd service of the final locomotive and annually (please use the spreadsheet provided)	
2. Funding schedules for each form of finance setting out drawdown, repayment amounts, interest payments, distributions and timing (separately where a funding proposal is provided);	

(d) Financial model outputs:

The financial models must produce outputs including the following -	
1. The lifecycle cost evaluation spreadsheet model;	
2. Any other ratios which are considered relevant to the proposed financial structure;	
3. Any other specific outputs considered appropriate by the Respondent.	

Financial model databook

Respondents are required to provide databook assumptions and instructions supporting the financial models.

Information to be provided	Base Proposal Reference
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(a) Financial model databook assumptions:

The databook assumptions should include the following details as a minimum:	
1. A table of all inputs to the financial models with the cell reference and source;	
2. An explanation of the methodology used to generate the financial projections;	
3. Copies of source documents (e.g. construction cashflow) or a clear indication where these may be found elsewhere in the Respondent's Proposal;	
4. Copies of relevant market related financial screens, that detail the interest rates and exchange rates used in the calculation of the Proposal are to be provided. This should include the date and time of day (as specified) and information relating to whether the rates are monthly, bi-monthly, quarterly, semi-annual, annual or longer, and all necessary supporting information to document clearly the basis for determinations of the interest and exchange rates (deviations from the requested South African CPI + 2 %, and the reasons therefore must be fully explained);	

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
95 NEW ELECTRIC LOCOMOTIVES FOR THE GENERAL FREIGHT BUSINESS (GFB) BY MARCH 2014**

Section 4: PROPOSAL FORM

I/We _____
(name of company, close corporation or partnership)
of (full address) _____

_____ carrying on business under style or title of (trading as) _____
represented by _____
in my capacity as _____

being duly authorised thereto by a Resolution of the Board of Directors or Members or Certificate of Partners, as the case may be, dated _____ a certified copy of which is annexed hereto, hereby offer to supply the above-mentioned Goods at the prices quoted in the schedule of prices in accordance with the terms set forth in the accompanying letter(s) reference _____ and dated _____ (if any) and the documents listed in the accompanying schedule of RFP documents (this "Proposal").

I/We accept that unless Transnet SOC Ltd should otherwise decide and so inform me/us in the letter of acceptance (the "Letter of Award"), I/we will be bound by this Proposal (and, if any, its covering letter and any subsequent exchange of correspondence).

I/We acknowledge that the RFP contains a limited selection of key, indicative commercial, technical and legal terms on which Transnet SOC Ltd proposes to purchase the locomotives contemplated in the RFP. The decision by Transnet SOC Ltd to award the tender to a bidder through its internal processes and governance structures and any commitment from Transnet SOC Ltd is, in each case, subject to and will only be completed upon the signing of a set of mutually satisfactory procurement agreements between the parties (substantially in the form of the draft supply contract and supporting documents included in Section 8 of the RFP) (the "**Supply Agreements**"). In the absence of such signed Supply Agreements, Transnet SOC Ltd will not be bound by an interim step in the process (including but not limited to a decision by its Acquisition Council to appoint a bidder as the preferred bidder or to award the tender to a specific bidder, as the case may be).

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 the Supply Agreements if called upon to do so, or fail to commence the supply of Goods within 4 (four) weeks thereafter, Transnet SOC Ltd may, without prejudice to any other legal remedy which it may have, and at its sole discretion decide either to enter into negotiations with the next best ranked (or any other) respondent or alternatively, to call for fresh proposals. I /we further agree that

Respondent's Signature

Date & Company Stamp

Transnet SOC Ltd may 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.

I/We accept that any contract resulting from this offer will be until March 2013 only; and agree to a penalty clause to be negotiated with Transnet SOC Ltd, which will allow Transnet SOC Ltd to invoke a penalty (details to be negotiated) against us should the delivery of the Goods be delayed due to non-performance by ourselves.

Unless otherwise agreed by Transnet SOC Ltd, the law of the Republic of South Africa shall govern the Supply Agreements. 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 accredited agent in the Republic of South Africa who is empowered to sign each Supply Agreement and any other document 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 agreements and documents.

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

Name of entity _____

Facsimile _____

Address: _____

NOTIFICATION OF AWARD OF RFP

As soon as possible after approval to award the contract/s, the successful Respondent (the Supplier) will be informed of the acceptance of its Proposal. Unsuccessful Respondents will be advised in writing of the name of the successful Supplier and the reason as to 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 SOC Ltd desires a validity period of 6 (six) months (from closing date) against this RFP.

This RFP is valid until _____.

TAX (VAT) REGISTRATION NUMBER

The Respondent must state hereunder the registration number which is applicable to Value-Added Tax:

TAX CLEARANCE CERTIFICATE

Respondents are required to forward a valid copy of their company's Tax Clearance Certificate with their Proposal.

Indicate tax clearance certificate expiry date: _____

Respondent's Signature

Date & Company Stamp

BANKING DETAILS

BANK: _____
BRANCH NAME / CODE: _____
ACCOUNT HOLDER: _____
ACCOUNT NUMBER: _____

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)	Address/Addresses	ID Number/s

REGISTRATION CERTIFICATE

Respondents must submit a certified copy of their company's Registration Certificate with their Proposal.

CONFIDENTIALITY

All information related to any Supply Agreement, both during and after completion, is to be treated with strict confidence. Should the need however arise to divulge any information gleaned from provision of the Goods, which is either directly or indirectly related to Transnet SOC Ltd's business, written approval to divulge such information must be obtained from Transnet SOC Ltd.

DISCLOSURE OF PRICES TENDERED

Respondents must indicate here whether Transnet SOC Ltd may disclose their tendered prices and conditions to other Respondents:

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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PRICE REVIEW

The successful Respondent(s) will be obliged to submit to an annual price review. Transnet SOC Ltd will be benchmarking this price offering(s) against the lowest price received as per a benchmarking exercise. If the Respondent's price(s) is/are found to be higher than the benchmarked price(s), then the Respondent shall match or better such price(s) within 30 (thirty) days,- failing which the contract may be terminated at Transnet SOC Ltd's discretion or the particular item(s) or service(s) purchased outside the contract.

Respondent's Signature
Date & Company Stamp

RETURNABLE DOCUMENTS

Respondents are required to submit the following returnable documents with their responses (see √). All returnable documents must be submitted in duplicate plus a CD copy. All Sections, as indicated in the footer of each page, must be signed, stamped and dated by the Respondent:

Notice to Respondents – Section 1	√
Background overview – Section 2	√
Financial Offer & Other Pertinant Information – Section 3	√
Proposal Form – Section 4	√
Resolution of Board of Directors (Respondent's Representative) – Section 5	√
Certificate of Acquaintance with RFP Documents – Section 6	√
General Bid Conditions, Form CSS5 – Section 7	√
Draft Conditions of Contract – Section 8	√
Audited Financials for previous 3 years	√
Valid Tax Clearance Certificate	√
VAT and Company Registration Certificates	√
B-BBEE Accreditation Certificate	√
Vendor Application Form (VAF) – Annexure H	√
Certificate of attendance of Briefing Session – Section 9	√
Specifications and Drawings – Section 10	√
Non-Disclosure Agreement – Section 11 – Annexure F	√
RFP Declaration Form – Section 12	√
Breach of Law – Section 13	√
Annexure B 1 – Response to Supplier Development Questions	√
Annexure B2 – Further recognition development document	√
Annexure G – Bill of Material (BOM)	√
Annexure I - Financial TCO model	√
Reduction in carbon intensity plan	√

CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

- The successful Respondents will be required to ensure that all returnable documents, including but not limited to its Tax Clearance Certificate and B-BBEE Accreditation Certificate, for the duration of any contract emanating from this RFP are valid.
- A failure by the Respondent to present Transnet SOC Ltd with renewals of such documents/certificates as and when they become due, may, in addition to any other rights and remedies of Transnet SOC Ltd, result in the termination of the Supply Agreements.
- Failure to furnish ALL returnable documents may lead to the disqualification.

Respondent's Signature

Date & Company Stamp

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

SIGNED at _____ on this ____ day of _____ 2011

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE:

NAME: _____

DESIGNATION: _____

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
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Section 5: SIGNING POWER – RESOLUTION OF BOARD OF DIRECTORS

NAME OF COMPANY: _____

It was resolved at a meeting of the Board of Directors held on _____ that

FULL NAME(S)	CAPACITY	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

in his/her capacity as indicated above is/are hereby authorised to enter into, sign, execute and complete any documents relating to Tenders, Proposals and/or Agreements for the supply of Goods.

FULL NAME _____

SIGNATURE CHAIRMAN

FULL NAME _____

SIGNATURE SECRETARY

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
95 NEW ELECTRIC LOCOMOTIVES FOR THE GENERAL FREIGHT BUSINESS (GFB) BY MARCH 2014**

Section 6: CERTIFICATE OF ACQUAINTANCE WITH RFP DOCUMENTS

NAME OF COMPANY:

I/We _____
do hereby certify that I/we acquainted myself/ourselves with all the documentation comprising this RFP and all conditions contained therein, as laid down by Transnet SOC Ltd for the carrying out of the proposed supply/service/works for which I/we submitted my/our response.

I/We furthermore agree that Transnet SOC Ltd shall recognise no claim from me/us for relief based on an allegation that I/we overlooked any RFP/contract condition or failed to take it into account for the purpose of calculating my/our offered prices or otherwise.

SIGNED at _____ on this _____ day of _____ 2011

SIGNATURE OF WITNESS

SIGNATURE OF RESPONDENT

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
95 NEW ELECTRIC LOCOMOTIVES FOR THE GENERAL FREIGHT BUSINESS (GFB) BY MARCH 2014**

Section 7: GENERAL TENDER CONDITIONS - GOODS

Refer General Tender Conditions attached hereto as Annexure D

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
95 NEW ELECTRIC LOCOMOTIVES FOR THE GENERAL FREIGHT BUSINESS (GFB) BY MARCH 2014**

**Section 8 DRAFT SUPPLY CONTRACT AND SUPPORTING DOCUMENTS
FOR THE SUPPLY OF GOODS TO TRANSNET SOC LTD**

Refer Draft Supply Contract attached hereto as Annexure E

**Respondents should note the obligations as set out in
clause 24 (*Terms and Conditions of Tender*)
of the General Tender Conditions (RFP Section 7) which reads as follows:**

"The Supplier shall adhere to the Draft Supply Contract, a copy of which is attached hereto. Should the Respondent find any conditions unacceptable, it should indicate which conditions are unacceptable and offer alternatives. Please note that any alternative offered shall be compared with acceptance of the draft supply contract conditions or alternatives offered by other Respondents, except penalties for late deliveries, the exclusion of which may disqualify the RFP, save where indicated otherwise by Transnet SOC Ltd."

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
95 NEW ELECTRIC LOCOMOTIVES FOR THE GENERAL FREIGHT BUSINESS (GFB) BY MARCH 2014**

Section 9: CERTIFICATE OF ATTENDANCE OF BRIEFING SESSION

It is hereby certified that –

1. _____

2. _____

Representative(s) of _____ (name of company)
attended the briefing session in respect of the proposed Goods to be rendered in terms of this RFP on
_____ 2012

TRANSNET SOC LTD'S REPRESENTATIVE

RESPONDENT'S REPRESENTATIVE

DATE _____

DATE _____

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
95 NEW ELECTRIC LOCOMOTIVES FOR THE GENERAL FREIGHT BUSINESS (GFB) BY MARCH 2014**

Section 10: TECHNICAL SPECIFICATIONS & DRAWINGS

[See Annexure C]

Note that Drawings are only provided in soft copy & these drawings are included in the CD issued with this RFP

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
95 NEW ELECTRIC LOCOMOTIVES FOR THE GENERAL FREIGHT BUSINESS (GFB) BY MARCH 2014**

Section 11: NON-DISCLOSURE AGREEMENT (NDA)

Complete and sign the Non-Disclosure Agreement attached hereto as Annexure F

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
95 NEW ELECTRIC LOCOMOTIVES FOR THE GENERAL FREIGHT BUSINESS (GFB) BY MARCH 2014**

Section 12: RFP DECLARATION FORM

NAME OF COMPANY: _____

We _____ do hereby certify that:

- 1 Transnet SOC Ltd has supplied and we have received appropriate responses to any/all questions (as applicable) which were submitted by ourselves for bid clarification purposes;
- 2 we have received all information we deemed necessary for the completion of this Request for Proposal (RFP);
- 3 at no stage have we received additional information relating to the subject matter of this RFP from Transnet SOC Ltd sources, other than information formally received from the designated Transnet SOC Ltd contact(s) as nominated in the RFP documents;
- 4 we are satisfied, insofar as our company is concerned, that the processes and procedures adopted by Transnet SOC Ltd in issuing this RFP and the requirements requested from respondents in responding to this RFP have been conducted in a fair and transparent manner; and
- 5 furthermore, we declare that a direct family, business or social relationship exists between a family member and/or an owner / member / director / partner / shareholder/ senior manager of our company and an employee or board member of the Transnet SOC Ltd Group as indicated below: *[Respondent to delete this section if not applicable]*

FULL NAME OF OWNER/MEMBER/DIRECTOR/
PARTNER/SHAREHOLDER:

ADDRESS:

Indicate nature of relationship with Transnet SOC Ltd:

[Failure to furnish complete and accurate information in this regard may lead to the disqualification of a response and may preclude a Respondent from doing future business with Transnet SOC Ltd]

Respondent's Signature

Date & Company Stamp

- 6 We declare, to the extent that we are aware or become aware of any relationship between ourselves and Transnet SOC Ltd (other than any existing and appropriate business relationship with Transnet SOC Ltd) which could unfairly advantage our company in the forthcoming adjudication process, we shall notify Transnet SOC Ltd immediately in writing of such circumstances.
- 7 We accept that any dispute pertaining to this bid will be resolved through the Ombudsman process and will be subject to the Terms of Reference of the Ombudsman. The Ombudsman process must first be exhausted before judicial review of a decision is sought. (Refer "Important Notice to Respondents" overleaf).
- 8 We further accept that Transnet SOC Ltd reserves the right to reverse a tender award or decision based on the recommendations of the Ombudsman without having to follow a formal court process to have such award or decision set aside.

SIGNED at _____ on this ____ day of _____ 2011

For and on behalf of _____ duly authorised hereto	AS WITNESS:
Name:	Name:
Position:	Position:
Signature:	Signature:
Date:	
Place:	

Respondent's Signature

Date & Company Stamp

IMPORTANT NOTICE TO RESPONDENTS

- **Transnet SOC Ltd has appointed a Procurement Ombudsman to investigate any material complaint in respect of RFPs exceeding R5, 000,000.00 (five million S.A. Rands) in value. Should a Respondent have any material concern regarding an RFP process which meets this value threshold, a complaint may be lodged with Transnet SOC Ltd's Procurement Ombudsman for further investigation.**
- **It is incumbent on the Respondent to familiarise himself/herself with the Terms of Reference for the Transnet SOC Ltd Procurement Ombudsman, details of which are available for review at Transnet SOC Ltd's website www.Transnet.net.**
- **An official complaint form may be downloaded from this website and submitted, together with any supporting documentation, within the prescribed period, to procurement.ombud@Transnet.net**
- **For transactions below the R5, 000,000.00 (five million S.A. Rand) threshold, a complaint may be lodged with the Chief Procurement Officer of the relevant Transnet SOC Ltd Operating Division.**
- **All Respondents should note that a complaint must be made in good faith. If a complaint is made in bad faith, Transnet SOC Ltd reserves the right to place such a bidder on its List of Excluded Respondents.**

Respondent's Signature

Date & Company Stamp

**RFP FOR THE SUPPLY OF
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Section 13: CONTRAVENTION OF LAW

NAME OF COMPANY: _____

I/We _____

do hereby certify that *I/we have/have not been* found guilty by a court of law, Tribunal or other administrative body of a serious breach of law during the preceding 5 (five) years. Such breaches include but are not limited to breaches of the Companies Act, 89 of 1998.

Where found guilty of such a material contravention, please disclose:

NATURE OF MATERIAL CONTRAVENTION:

DATE OF MATERIAL CONTRAVENTION: _____

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

SIGNED at _____ on this _____ day of _____ 2011

SIGNATURE OF WITNESS

SIGNATURE OF RESPONDENT

