

ANNEXURE "MSM 12"

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

Section 1: NOTICE TO RESPONDENTS

1 PROPOSAL REQUEST

Proposals are requested from interested persons, companies, close corporations or enterprises (hereinafter referred to as the **Respondent/s**) to supply the above-mentioned requirement(s) to Transnet SOC Ltd.

On or after the 6 December 2011 the RFP documents may be inspected at, and are obtainable from the office of the Secretariat, Room Inyanda No 1, Ground Floor, 21 Wellington Road Parktown, Johannesburg on payment of an amount of R 20,000.00 (inclusive of VAT) per set. Payment is to be made as follows:

Account Name: Transnet Freight Rail

Bank: Standard Bank

Account No: 203158598

Branch code: 004805

NOTES –

- a) This amount is not refundable.
- b) A receipt for such payment made must be presented when collecting the RFP documents and submitted with your Proposal.
- c) RFP documents will only be available until the 30 January 2012.

2 FORMAL BRIEFING

A compulsory pre-proposal briefing session will be conducted at Transnet Freight Rail on the 31 January 2012, at Inyanda House 2 for a period of \pm 3 hours. (Respondent to provide own transportation and accommodation).

- 2.1 A Certificate of Attendance in the form set out in Section 9 hereto must be completed and submitted with your Proposal.
- 2.2 Respondents failing to attend the compulsory briefing session will be disqualified.
- 2.3 Respondents without a valid RFP document in their possession will not be allowed to attend the briefing session.
- 2.4 The briefing session will start punctually at 10:00

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3 PROPOSAL SUBMISSION

Proposals in duplicate plus a CD copy must reach the Secretary, Transnet Acquisition Council before the closing hour on the date shown below, and must be in a form of a file which must be inscribed on the outside:

RFP No: HOAC-HO-7801
Description: The 95 NEW ELECTRIC LOCOMOTIVES FOR
THE GENERAL FREIGHT BUSINESS (GFB) BY
MARCH 2014
Closing date and time: Tuesday, 28 February 2012 at 10:00
Closing address: Refer options in clause 4 below

4 DELIVERY INSTRUCTIONS FOR THIS RFP

4.1 Delivery by hand

4.2 If delivered by hand, the envelope is to be deposited in the Transnet Freight Rail tender box which is located at Inyanda No 1, Ground Floor, 21 Wellington Road Parktown, and should be addressed as follows:

**THE CHAIRPERSON
TRANSNET FREIGHT RAIL
ACQUISITION COUNCIL
GROUND FLOOR
TENDER BOX
Inyanda House 1
21 Wellington Road
Parktown**

- a) The measurements of the "tender slot" are 500mm wide x 100mm high, and Respondents must please ensure that response documents or files are not larger than the above dimensions. Responses which are too bulky (i.e. more than 100mm thick) must be split into two or more files, and placed in separate envelopes, each such envelope to be inscribed as required in clause 3 above.
- b) It should also be noted that the above tender box is located at the street level outside the main entrance in 21 Wellington Road and is accessible to the public 24 hours per day, 7 days a week.

4.3 Despatch by courier

If despatched by courier, the envelope must be addressed as follows and delivered to the Office of The Chairperson, Transnet Freight Rail Acquisition Council and a signature obtained from that Office.

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**THE CHAIRPERSON
TRANSNET FREIGHT RAIL
ACQUISITION COUNCIL
GROUND FLOOR
21 WELLINGTON ROAD
PARKTOWN**

- 4.4 Please note that this RFP closes punctually at 10:00 on Tuesday, 28 February 2012.
- 4.5 If responses are not delivered as stipulated herein, such responses will not be considered and will be treated as "UNRESPONSIVE."
- 4.6 No email or facsimile responses will be considered, unless otherwise stated herein.
- 4.7 The responses to this RFP will be opened as soon as practicable after the expiry of the time advertised for receiving them.
- 4.8 Transnet SOC Ltd shall not, at the opening of responses, disclose to any other company any confidential details pertaining to the Proposals / information received, i.e. pricing, delivery, etc. The names and location of the Respondents will, however, be divulged to other Respondents upon request.
- 4.9 Envelopes must not contain documents relating to any RFP other than that shown on the envelope. All envelopes must reflect the return address of the Respondent on the reverse side.
- 4.10 No slips are to be attached to the response documents. Any additional conditions must be embodied in an accompanying letter. Subject only to clause 18 (*Alterations made by the Respondent to Tendered Prices*) of the General Bid Conditions, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.

5 SUPPLIER DEVELOPMENT INITIATIVES

5.1 Aim and Objectives

Historically in South Africa there has been a lack of investment in infrastructure, skills and capability development and an inequality in the income distribution and wealth of a significant portion of the population. There have been a number of Government initiatives developed to address these challenges. In particular, the New Growth Path (NGP) developed in 2010 aligns and builds on previous policies to ensure the achievement of Government's development objectives for South Africa.

The key focuses of the NGP include:

- increasing employment intensity of the economy
- addressing competitiveness
- balancing spatial development of rural areas and poorer provinces
- reducing the carbon intensity of the economy
- creating opportunities in improving regional and global cooperation

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- enabling transformation that benefits a wider range of social actors in society e.g. workers, rural communities, youth and women

Transnet, as a State Owned Company (SOC), plays an important role to ensure these objectives are achieved. Therefore, the purchasing of goods and services needs to be aligned to Government's objectives for developing and transforming the local supply base. Transnet SOC Ltd's mission is to transform its supplier base by engaging in targeted supplier development (SD) initiatives to support localisation and industrialisation whilst providing meaningful opportunities for Black¹ South Africans with a particular emphasis on:

- Black Youth (16 to 35 year olds)
- Black women
- People with disabilities
- Small businesses
- Rural development and integration

5.2 Supplier Development

To facilitate the implementation of Supplier Development (SD) initiatives, Transnet SOC Ltd has adapted an existing framework from the Department of Public Enterprise (DPE). This framework allows for a basic set of principles to be applied to appropriately targeted SD initiatives. Supplier Development initiatives aim to build local suppliers who are competitive through building capability and capacity. Hence the framework has been termed the Increased Competitiveness, Capability and Capacity Supplier Development Classification Matrix (IC³ Matrix). Currently there are four quadrants of SD initiatives for consideration according to the IC³ Matrix. This RFP has been identified as **strategic** (please refer to Appendix A for further information in terms of IC³ Matrix).

Accordingly, Transnet SOC Ltd requires all Respondents to submit a **Supplier Development Bid Document** demonstrating their commitment and support for the New Growth Path Policy and how an appointment in terms of this RFP would assist in achieving the NGP objectives.

- For a detailed understanding of the IC³ Matrix, the respective SD initiatives and their objectives, please refer to the "Guidelines for the Completion of a Supplier Development Bid Document" appended hereto as Annexure A.
- The following Supplier Development (SD) focus areas have been identified and are included in the prescribed evaluation criteria, namely:

Category	Description
Industrialisation *	Refers specifically to industrial capability building that will result in globally leading capabilities developed with South Africa
Localisation	Refers specifically to industrial capability building that focuses on value-add activities of

¹ "Black" means South African Blacks, Coloureds and Indians, as defined in the BBBEE Act

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	the local industry through manufacturing or serviced-relate functions
Technology and Intellectual Property Rights (IPR) Transfers/Sustainability	How will you transfer technology, IPR and methodology to small businesses
New Skills development	Skills transfer & skills education which will occur as a result of the award of contract
Job Creation/Preservation	Number of jobs created or preserved resulting from the award of contract
Small Business Promotion	Encouragement for growth and the expansion of emerging local firms, through procurement and support mechanisms
Rural Development and Regional Integration	How will you incorporate the use of rural labour and regional businesses to contribute to NGP objectives

* Whereas Industrialisation is not part of a strategic commodity we request that the Respondent includes industrialisation as part of its Supplier Development Bid Document submission.

- c) The Supplier Development Bid Document is to be submitted as a separate document, developed in line with the criteria set out in Annexure B1 appended hereto. The Supplier Development Bid Document is a detailed narrative document, which has no prescribed format, explaining the Respondent's Bid value set out in Annexure B1. However Respondents are at liberty to submit additional proposal/ information in support of their SD Bid in addition to Annexure B1. This SD Bid Document will represent a binding commitment on the part of the successful Respondent. The SD Bid Document should outline the type of activities you intend to embark upon should you be awarded the contract. This Bid Document should also provide an overview of what you intend to achieve, when this would be accomplished, and the mechanisms whereby you will achieve those objectives.
- d) Annexure B1 must be completed, indicating by cross-reference the detailed areas which have been addressed in your SD Bid Document for each of the evaluation criteria listed in point (b) above, together with the Value Indicators therefore. The Respondents are further required to complete the Generic Bill of Materials (BOM) template in Annexure G as part of the Supplier Development Bid document submission. Respondents should clearly indicate opportunity areas where there is potential for local component purchase or local supplier development as part of their Supplier Development Bid document in the areas of local purchase, fabrication, assembly repair and maintenance. Respondents must indicate Yes ("Y") or No ("N") in the appropriate box indicating whether a potential opportunity exists or not. The Respondent must indicate the corresponding National Value Add (ZAR) and a detailed description of the localisation potential in the comment box. Respondents are further requested to complete the Locomotive Tier 2 component manufacturing breakdown sections in Annexure G, and indicate the corresponding Imported and Local content as a percentage of the locomotive cost.

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- e) ***Transnet's expectation is that a minimum SD target of 60% (sixty per cent) of the Respondent's Bid value is offered as part of the Supplier Development (SD) Bid Document to be submitted.***
- f) Respondents are requested to provide an electronic copy ("CD") of the Completed Appendix G as part of the tender submission.

Notes for completion of SD Bid Document:

- (i) *Respondents are urged to pay careful attention to the compilation of the SD Bid Document (including Annexure B and G) since this will form an essential component of the evaluation of the Proposal.*
- (ii) *Respondents are required to address each of the aspects under the detailed SD Description as a minimum for submission. This is not an exhaustive list however, and Respondents must not be limited to these choices when compiling each section.*
- (iii) *Please provide detailed calculations to illustrate how the Estimated Rand Values provided in Annexure B and G have been derived.*
- (iv) *Respondents are required to provide an electronic copy ("CD") of the completed Annexures B and G as part of the SD Bid document submission.*

5.3 Additional contractual requirements

Should a contract be awarded through this RFP process, the successful Respondent(s) (hereinafter referred to as "the Supplier") will be contractually committed, *inter alia*, to the following conditions:

- a) The Supplier will be required to submit a Supplier Development Plan within 30 (thirty) days from the signature date of a Letter of Award after which both parties must reach an agreement (signed by both parties) within 15 (fifteen) days. Transnet SOC Ltd reserves the right to reduce or increase the number of days in which the Supplier must submit its SD Plan if it is deemed reasonable, based on the degree of complexity of the SD initiative. This SD Plan represents additional detail in relation to the SD Bid Document providing an explicit breakdown of the nature, extent, timelines and monetary value of the SD commitments which the Supplier proposes to undertake and deliver during the term of the contract. Specific milestones, timelines and targets will be recorded to ensure that the SD Plan is in line with Transnet SOC Ltd's SD objectives and that implementation thereof is completed within the term of the contract.
- b) The contract will be conditional on agreement being reached by the parties on the SD Plan submitted by the Supplier. Therefore failure to submit or thereafter to agree to the SD Plan within the stipulated timelines will result in the cancellation of such a contract or termination thereof.
- c) The SD Plan may require certain additions or updates to the initial SD Bid Document in order to ensure that Transnet SOC Ltd is satisfied that development objectives will be met.

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- d) The Supplier will need to ensure that the relevant mechanisms and procedures are in place to allow for access to information in order to measure and verify the Supplier's compliance with its stated SD commitments.
- e) The Supplier will be required to provide:
 - (i) monthly status updates to Transnet SOC Ltd for each SD initiative (Detailed requirements will be provided by Transnet SOC Ltd);
 - (ii) quarterly status reports for Transnet SOC Ltd and the DPE. (Detailed reporting requirements will be provided by Transnet SOC Ltd); and
 - (iii) a final Supplier Development report, to be submitted to Transnet SOC Ltd prior to the expiry date of the contract, detailing delivery, implementation and completion of all SD components plus auditable confirmation of the Rand value contribution associated with each such SD commitment.
- f) All Information provided by the Supplier in order to measure its progress against its stated targets will be auditable.
- h) Failure to adhere to the milestones and targets defined in an SD Plan may result in the invocation of financial penalties based on an increasing percentage the SD value for each week that such failure continues (the details of which are specified in the draft contract appended hereto as Annexure E), or the termination of the contract. The Supplier will be required to provide an on-demand performance bond, in form and substance satisfactory to Transnet SOC Ltd, in respect of the Suppliers potential liability under this paragraph.

5.4 Supplier Development Documents

Your **SD Bid submission** (including Annexure B1 and G) is to be submitted as part of this RFP bid which will represent a binding commitment on the part of the successful Respondent.

Attached herewith the following documentation:

- SD Guideline Document – Annexure A
This document must be used as a guideline to complete the SD Bid submission document.
- SD Proposal Template – Annexure B1
This template must be completed as part of the bid which will represent a binding commitment on the part of the successful Respondent.
- Generic BOM – Annexure G
The Generic Bill of Materials (BOM) should be completed and must accompany your SD Proposal.

Failure to submit or submitting incomplete SD bid submissions which include all the required documentation as indicated in this Section will potentially result in disqualification.

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5.5 Socio-economic obligations for foreign Respondents

Foreign Respondents' socio-economic obligations under this procurement programme will fall under the associated Government initiative, namely, the Competitive Supplier Development Programme ("CSDP") as developed by the Department of Public Enterprises. CSDP requirements are included in the SD Bid document to be submitted as detailed above. Such CSDP requirements apply to procurement events to be concluded with Foreign Respondents where the estimated value of a subsequent contract shall be equal to or greater than USD 10 million.

Transnet's CSDP Focus Areas are the following:

- Transnet's CSDP objective is to influence multinational organisations toward initiatives that lead to the development of local downstream suppliers through large-scale SOE procurement in order to develop a competitive local supplier base focusing on Rolling Stock and Rail Infrastructure;
- Leveraging expanded maintenance and manufacturing initiatives;
- Skills development of scarce resources increasing the quality of jobs;
- Transfer of technology and innovation to local suppliers from foreign OEM's/companies; and
- Consideration of a CSDP strategy which should include localisation, sustainability and skills development as initiatives as a submission by the respondents.
- Foreign Respondents need to ensure that the Transnet focus areas are included into the SD Bid Document to be submitted as detailed above.

6 BROAD-BASED BLACK ECONOMIC EMPOWERMENT (B-BBEE)

Transnet SOC Ltd fully endorses and supports the Government's Broad-Based Black Economic Empowerment Programme and it is strongly of the opinion that all South African business enterprises have an equal obligation to redress the imbalances of the past.

Transnet SOC Ltd would therefore prefer to do business with local business enterprises who share these same values and who are prepared to contribute to meaningful B-BBEE initiatives (including, but not limited to subcontracting and Joint Ventures) as part of their tender responses. Transnet SOC Ltd will accordingly allow a "preference" in accordance with the 10%/20% (ten percent/20% percent) preference system, to companies who provide a B-BBEE Accreditation Certificate. All procurement and disposal transactions will be evaluated accordingly.

Consequently, when Transnet SOC Ltd invites prospective suppliers to submit tenders for its various capital expenditure programmes, it urges Respondents (Large Enterprises and QSE's - see below) to have themselves accredited in compliance with the Government Gazette No 34612, Notice No. 754 dated 23 September 2011. As from 1 October 2011 valid B-BBEE Accreditation Certificates must be issued by

- a) Verification Agencies accredited by the South African National Accreditation System [SANAS]; or
- b) Registered auditors approved by the Independent Regulatory Board of Auditors [IRBA], in accordance with the approval granted by the Department of Trade and Industry.

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A Verification Certificate issued must reflect the weighted points attained by the measured entity for each element of the scorecard as well as the overall B-BBEE rating.

6.2 B-BBEE Rating

Enterprises will be rated by Verification Agencies or registered auditors based on the following:

- a) **Large Enterprises** (i.e. annual turnover greater than R35 million):
 - Rating level based on all seven elements of the B-BBEE scorecard
- b) **Qualifying Small Enterprises – QSE** (i.e. annual turnover between R5 million and R35 million):
 - Rating based on any four of the elements of the B-BBEE scorecard
- c) **Exempted Micro Enterprises – EME** (i.e. annual turnover less than R5 million):
 - EME's are exempted from B-BBEE accreditation
 - Automatic rating of Level 4 B-BBEE irrespective of race or ownership, i.e. 100% B-BBEE recognition
 - Black ownership greater than 50% or Black Women ownership greater than 50% automatically qualify as Level 3 B-BBEE, i.e. 110% B-BBEE recognition
 - EME's should only provide documentary proof of annual turnover (i.e. audited financials) plus proof of Black ownership if Black ownership is greater than 50% or Black Women ownership is greater than 50%

Respondents will be required to furnish proof of the above to Transnet SOC Ltd. (i.e. a detailed scorecard as stipulated above in respect of Large Enterprises and QSE's, or proof of turnover in respect of EME's). *N.B. Failure to do so will result in a score of zero being allocated for B-BBEE.*

- a) Turnover: Kindly indicate your company's annual turnover for the past year
R_____
- b) If annual turnover is less than R5m, please attach audited financials
- c) If annual turnover is greater than R5m please attach an accreditation certificate issued by an Accreditation Agency, together with all the relevant score sheets pertaining thereto

6.3 Joint Ventures and Subcontractors

In addition to the above, Respondents who wish to enter into a Joint Venture or subcontract portions of the contract to B-BBEE companies must state in their RFP's, the percentage of the total contract value that will be allocated to such B-BBEE companies, should they be successful in being awarded any business. A rating certificate in respect of such B-BBEE JV-partners and / or subcontractor(s), as well as a breakdown of the distribution of the aforementioned percentage must also be furnished with the RFP response to enable Transnet SOC Ltd to evaluate / adjudicate all RFP's received on a fair basis.

Incorporated Joint Ventures must provide a B-BBEE certificate for the legal entity. Unincorporated Joint Ventures must submit a consolidated B-BBEE certificate.

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6.4 B-BBEE Registration

In addition to the accreditation certificate, Transnet SOC Ltd recommends that Respondents register their B-BBEE compliance and supporting documentation on the Department of Trade and Industry's (DTI) National B-BBEE IT Portal and Opportunities Network and provide Transnet SOC Ltd with proof of registration in the form of an official B-BBEE Profile issued by the DTI.

Transnet SOC Ltd would wish to use the DTI B-BBEE IT Portal as a data source for tracking B-BBEE compliance. For instructions for registration and obtaining a DTI B-BBEE Profile go to <http://eeat.dti.gov.za>

6.5 Further Recognition Criteria (FRC)

Whereas Respondents will be allocated points in terms of the 10/20% preference system for its B-BBEE rating, in addition to such scoring further points will be allowed to respondents based on the following "Further Recognition Indicators" on an ascending scale calculated on the extent to which the respondent meet or exceeds the transformation targets as indicated below.

Respondents are to insert their Further Recognition Criteria scores (percentages) to which they commit themselves on improving their score during the duration of the contract in the table below:

Further Recognition Criteria (FRC) Additional Information – (Forward Looking)			
Ownership Indicator	Required Responses	Compliance Target	Insert Company Scores (%)
A. Ownership :			
1. The percentage of the business owned by Black ² persons.	Provide a commitment based on the extent to which ownership in the hands of Black persons as a percentage of total ownership of the organisation will be increased over the contract period.	Score will be allocated for any score >50% to 100%, on a sliding scale	
2. The percentage of your business owned by Black women.	Provide a commitment based on the extent to which ownership in the hands of Black women as a percentage of total ownership of the organisation will be increased over the contract period.	Score will be allocated for any score >30% to 100%, on a sliding scale	
Management Control Indicator	Required Responses	Compliance Target	Insert Company Scores (%)
B. Board Participation :			
1. The percentage of Black Board members in relation to the total number of Board members.	Provide a commitment based on the extent to which the number of black Board members as a percentage of the total Board will increase over	Score will be allocated for any score	

² "Black" means South African Blacks , Coloureds and Indians, as defined in the BBBEE Act

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	the contract period.	>50% to 100%, on a sliding scale	
C. Management :			
2. The percentage of Black Senior Top Management involved in day to day management of the organisation, in relation to the total Top Management cadre.	Provide the percentage of Blacks that will be appointed by the Board and will be operationally involved in the day to day Top management of the business, with individual responsibility for overall and/or financial management of the business and actively involved in the development and implementation of overall strategy, over the contract period.	Score will be allocated for any score >40% to 100%, on a sliding scale	
3. The percentage of Black Middle Management involved in day to day management of the organisation, in relation to the total Middle Management cadre.	Provide the percentage of Blacks that will be appointed by the organisation in the middle management cadre and will be operationally involved in the day to day management of the business, with individual responsibility for a particular area within the business and actively involved in the day to day management of the organisation, over the contract period.	Score will be allocated for any score >63% to 100%, on a sliding scale	
4. The percentage of Black Junior Management involved in day to day management of the organisation, in relation to the total Junior Management cadre.	Provide the percentage of Blacks that will be appointed by the organisation in the junior management cadre and will be operationally involved in the day to day running of the business, with individual responsibility for a particular area within the business and actively involved in a supervisory role with regards to the day to day management of the organisation, over the contract period.	Score will be allocated for any score >68% to 100%, on a sliding scale	
Employment Equity Indicator	Required Responses	Compliance Target	Insert Company Scores (%)
D. Employment Equity :			
1. The percentage of Black disabled employees in relation to the total number of employees in the organisation.	Provide a commitment based on the extent to which the percentage of Black disabled employees in relation to the total of all employees in the organisation will increase over the contract period.	Score will be allocated for any score >2% to 10%, on a sliding scale	
2. The percentage of Black employees as a percentage of the total workforce i.e. of all employees in the organisation.	Provide a commitment based on the extent to which the number of Black employees will increase as a percentage of the organisation's total workforce, over the contract period.	Score will be allocated for any score >65% to 100%, on a sliding scale	
3. The percentage of Black women employees as a percentage of the total workforce.	Provide a commitment based on the increase in the number of Black women employees as a percentage of the organisation's total workforce, over the contract period.	Score will be allocated for any score >40% to 100%, on a sliding scale	
Preferential Procurement Indicator	Required Responses	Compliance Target	Insert Company Scores (%)
E. Preferential Procurement :			
1. B-BBEE procurement spend from all suppliers based on the B-BBEE procurement recognition level as a percentage of total measured	Provide a commitment based on the extent to which B-BBEE spend will increase over the contract period.	Score will be allocated for any score >50% to	

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