RAILWAY SAFETY REGULATOR

RAIL SAFETY ON THE RIGHT TRACK

28 NOVEMBER 2026

REQUEST FOR QUOTATIONS FOR THE REVIEW OF THE DRAFT REGULATIONS CONTEMPLATED IN SECTION 62 OF THE RAILWAY SAFETY ACT,2024 (Act No.30 of 2024)

1. Purpose

1.1. The purpose of this RFQ is to appoint a suitably qualified and experienced Service Provider to provide specialist legislative, regulatory, technical and economic advisory services for review of the Draft Regulations Regarding Design, Construction, Alteration And New Operations (The New Works Regulations) as contemplated in section 62 of the Act.

1.2. The appointed Service Provider shall develop a complete, legally sound and regulatory framework that:

a) Supports the objects of the Act;
b) Enables consistent regulatory decision-making;
c) Promotes railway safety;
d) Facilitates efficient approval of new railway works and operations;
e) Provides clear technical and administrative requirements for regulated entities; and
f) Establishes an equitable and sustainable fee framework for prescribed regulatory services.

2. Considerations/background

2.1. The Railway Safety Act, 2024 (Act No. 30 of 2024) (the Act), establishes a modern regulatory framework for railway safety in the Republic of South Africa. The Act strengthens the role of the Railway Safety Regulator (RSR) by providing an integrated legislative framework for regulating railway safety, railway operations, railway infrastructure, and associated technologies.

2.2. The Act introduces significant reforms intended to facilitate safe, efficient, and interoperable railway operations while supporting the implementation of the National Rail Policy and the transition towards an open access railway system.

2.3. To give practical effect to the provisions of the Act, the Minister is empowered to make Regulations dealing with numerous operational and technical matters affecting railway safety, including the design, construction, alteration, commissioning, and operation of railway infrastructure, rolling stock, railway technologies, and new railway operations. These matters are provided for under section 62 of the Act.

2.4. Section 62 further provides for Regulations governing approval processes relating to new works, testing and commissioning, passenger operations, dangerous goods, technologies, and other technical matters necessary to promote safe railway operations.

2.5. The successful implementation of the Act requires a comprehensive suite of Regulations that are technically robust, legally sound, practical to administer and aligned with international railway regulatory best practice.

2.6. The RSR therefore intends to appoint a suitably qualified multidisciplinary Service Provider to develop Regulations contemplated in section 62 of the Act together with supporting regulatory instruments and associated implementation documentation.

3. Scope of work / Specification

3.1 Project Objectives

The objectives of this assignment are to:

3.1.1 Review and analyse the legislative requirements contained in the Act.
3.1.2 Identify all matters requiring Regulations under section 62.
3.1.3 Review the Draft Regulations provided by the RSR, to ensure that it is legally enforceable, technically sound and operationally practical.
3.1.4 Incorporate an approval criterion for new railway operations, infrastructure, rolling stock, technologies, testing and commissioning activities.
3.1.5 Facilitate stakeholder consultation throughout the drafting process.
3.1.6 Incorporate approved stakeholder comments into the final Regulations.

3.1.7 Prepare Gazette-ready Regulations and the accompanying Notice for submission to the Minister.

3.2 Scope of work

3.2.1 The appointed Service Provider shall provide multidisciplinary legislative, technical, regulatory and services for the review of the provided draft Regulations contemplated in section 62 of the Act.

3.2.2 The Service Provider shall review the draft Regulations contemplated in section 62 of the Act to ensure are legally sound, technically robust, administratively practical and aligned with the objects of the Act.

3.2.3. **The project scope includes the following:**

a. **Project Inception:** The Service Provider shall conduct an inception meeting with the RSR/DOT and submit an Inception Report outlining the project methodology, work plan, programme, stakeholder engagement approach, governance arrangements and quality assurance measures.
b. **Legislative and Regulatory Review**: The Service Provider shall consider the applicable legislation, existing regulations, policies and standards to identify regulatory requirements necessary to implement section 62 of the Act.
c. **Regulatory Gap Analysis**: The Service Provider shall identify legislative, regulatory and technical gaps in the draft regulations supplied by the RSR and recommend measures to support the effective implementation of the Act.
d. **Review of Draft Regulations:** The Service Provider shall review the draft Regulations for matters contemplated in section 62 of the Act, including design, construction, alteration and new operations of railway or railway operations that have an impact on safe railways or railway operations.
e. **Technical Approval Framework**: The Service Provider shall develop a technical approval framework prescribing the requirements, evaluation criteria and approval processes for applications regulated under section 62 of the Act. This framework may be incorporated into the said draft regulations.
f. **Stakeholder Consultation:** The Service Provider shall facilitate stakeholder consultation, document comments receive and submit a report with recommendations

for consideration by the RSR.

g. **Revision of Draft Regulations:** The Service Provider shall revise the draft Regulations to incorporate approved stakeholder comments and submit the revised drafts to the RSR.
h. **Governance Support:** The Service Provider shall provide technical support and present the project deliverables to the RSR governance structures as required. This support shall include any required involvement in dealing with proposed revisions of the draft until the final publication.
i. **Final Draft Regulations**: The Service Provider shall submit the final Regulations, and explanatory memorandum for approval by the Minister
j. **Project Close-out:** The Service Provider shall submit a final project report including the final draft Regulations and transfer all approved deliverables and supporting documentation to the RSR.

3.3 Project Deliverables

The Service Provider shall submit the following deliverables in accordance with the approved Project Execution Plan. All deliverables shall be submitted in both editable electronic format and searchable PDF and shall be subject to review and written acceptance by the RSR.

3.3.1 **Inception Report:** The Service Provider shall submit an Inception Report outlining the Project methodology, implementation programme, stakeholder engagement strategy, governance arrangements and quality assurance measures.

3.3.2 **Regulatory Gap Analysis Report**: The Service Provider shall submit a Regulatory Gap Analysis Report identifying legislative, regulatory and technical gaps, together with recommendations to strengthen the regulatory framework.

3.3.3 **First Revised Draft Regulations:** The Service Provider shall submit revised draft Regulations addressing the matters contemplated in section 62 of the Act (also as described in paragraph 3.1.5), for review by the RSR and relevant stakeholders (including the National Department of Transport).

3.3.4 **Stakeholder Consultation Report**: The Service Provider shall submit a Stakeholder Consultation Report summarising the consultation process, stakeholder comments and responses, and recommended amendments to the draft Regulations and Notice.

3.3.5 **Revised Draft Regulations for public consultation**: The Service Provider shall analyse and incorporate inputs from stakeholders from public consultation and submit revised draft Regulations incorporating approved stakeholder comments and recommendations.

3.3.6 **Final Regulations**: The Service Provider shall submit the final Regulations for approval by the RSR/DoT.

3.3.7 **Presentations:** The Service Provider shall prepare and deliver presentations on the project deliverables to the RSR governance structures, as required.

3.3.8 **Final Project Report**: The Service Provider shall submit a Final Project Report summarising the work undertaken, key outcomes, recommendations and all approved project deliverables.

4. Administrative / Compliance Requirements

4.1. Registration on National Treasury CSD report
4.2. Comprehensive quotation (prices must be VAT Inclusive)
4.3. Tax Pin & Tax clearance certificate
4.4. Fully Completed and signed Standard Bidding Documents (SBD) forms documents
4.5. A valid BBBEE certificate or sworn affidavit (on sworn affidavit indicate the day, month and year of the financial year period ie, 31 March 2022)
4.6. Valid company registration documentation that are issued by Companies & Intellectual Property Commission (CIPC)
4.7. A Copy of the identity document of the company owner(s)
4.8. Valid Medical Certificate
4.9. Valid South African Social Security Agency (SASSA) registration
4.10. Valid National Council for Persons with Physical Disability in South Africa registration (NCPPDSA)

*Failure to submit valid documents listed above (**No - 4.5, 4.6, 4.7, 4.8, 4.9, 4.10**) for proof of claim specific goals as stipulated in Section 6 below will lead to the service provider not being awarded points for specific goal.*

5. Functionality Evaluation Criteria

5.1. The Service Provider shall demonstrate the technical and professional capability to undertake the assignment through a multidisciplinary team with relevant qualifications and experience in legislative drafting, railway regulation, railway engineering and railway operations.

5.2. The Service Provider shall provide a multidisciplinary team comprising, at a minimum, a Project Director, Legislative Drafting Specialist, Railway Engineering Specialist, Railway Operations and Safety Specialist.

a. **Legislative Drafting Specialist:** The Legislative Drafting Specialist shall possess an LLB degree or equivalent qualification and experience in drafting legislation, regulations or statutory instruments.

b. **Technical Expert:** The Railway Engineering Specialist shall possess an appropriate engineering qualification, and have experience in technical disciplines relevant to railway engineering

Note: One team member of the Service Provider multidisciplinary team may play more than one role.

NO	CRITERIA	POINTS
1	**COMPANY'S EXPERIENCE ON SIMILAR PROJECTS SUCCESSFULLY COMPLETED** Contactable reference letters, dated and signed on similar projects (that is, regulation's drafting including public consultation) successfully completed within the past 10 years. 5 References = **20 points** 4 Reference = **16 points** 3 Reference = **12 points** 2 Reference = **8 points** 1 Reference = **4 points** 0 Reference = **0 points**	**20**
2	**BIDDER'S TEAM QUALIFICATION & EXPERIENCE (40 MAX)** 1. Copies of CVs. (clearly indicating number of years' experience with a specific employer working on relevant or similar project) 2. Certified Copies of original certificates of academic qualifications (Certified copies to be not older than 6 months) The CV and certificates of individuals will be used for evaluation of each of the key personnel for this section The scoring of the key personnel will be as below: 2.1 **Legislative Drafting Specialist** **(**With Experience in drafting legislation, regulations or statutory instruments) The CV and certificates of individuals will be used for evaluation of each of the key personnel for this section. 1. **Qualifications** – Law Degree (such as BA Law, LLB, LLM or LLD) or its equivalent qualification [or its International Qualification equivalent as verified by South African Qualification Authority (SAQA). It is the responsibility of the bidder to secure the verification]	**15**

	a) Diploma in Law — NQF Level 6 = 5 Points b) Bachelor of Arts in Law (BA Law) — NQF Level 7 = 8 Points c) Bachelor of Laws (LLB) — NQF Level 8 = 12 Points d) Master of Laws (LLM) — NQF Level 9 = 13 Points e) Doctor of Laws (LLD) — NQF Level 10 = 15 Points f) No qualifications/below NQF 6 = 0 points	
	2. Legislative Drafting Specialist **(With Experience in drafting legislation, regulations or statutory instruments)** The CV will be used for evaluation of each of the key personnel for this section • 10 years or more = **10 points** • Greater or equal to 5 years but less than 10 years = **8 points** • Greater or equal to 2 years but less than 5 years = **6 points** • Greater or equal to 1 year but less than 2 years = **4 points** • Less than 1 year = **0 points**	**10**
	3 **Technical Expert –** **Qualifications** - Engineering qualification and professional. Qualification to be as verified by South African Qualification Authority (SAQA). It is the responsibility of the bidder to secure the verification] a. NQF level 9 or higher = 15 points b. NQF 8 = 12 points c. NQF 7 = 9 points d. NQF 6 = 6 points e. No qualifications/below NQF 6 = 0 points	**15**
	4 **Technical Expert** Submit a CV with Years of work experience in development/implementation of regulatory tools within the Railway Industry • 10 years or more = **10 points** • Greater or equal to 5 years but less than 10 years = **8 points** • Greater or equal to 2 years but less than 5 years = **6 points**	**10**

	• Greater or equal to 1 year but less than 2 years = **4 points** • Less than 1 year = **0 points**	
3.	**APPROACH TO WORK** **Demonstrable capacity to deliver in response to the project scope (Max 30 points)** **3.1 (Comprehensive Methodology that highlights techniques that will be employed for the project, this must include the approach and alignment to best practice)** **a)** Well defined approach methodology aligned with project plan and project deliverables **= 15 points** **b)** Moderately defined approach methodology aligned with project plan and project deliverables **= 10 points** **c)** Poorly defined approach methodology **= 05 points** **d)** No approach methodology **=0 points**	**15**
	3.2 Project Implementation Plan (Max 15 points) Completed Legislative drafting work must be in line with the development/implementation of regulatory tools within the Railway Industry together with the applicable Project Plan covering management of the scope with milestones/phases and timelines. •Well defined Project Plan with milestones and timelines aligned with project timelines **= 15 points** • Moderately defined Project Plan with milestones and timelines **= 10 points** • Poorly defined Project Plan **= 5 points** • No project plan **= 0 points.**	**15**

Service Providers must attain a minimum threshold of 70 points or more to be considered for evaluation on price and specific goals.

Failure to attain the set minimum threshold will result in a disqualification.

6. Evaluation 80/20 Preference Point System

6.1. The price quotations will be evaluated in accordance with the pre-scripts of the Preferential Procurement Policy Framework Act (PPPFA) and its regulations, in particular Preference Procurement Regulation 2022 which stipulate **80/20 preference point system for acquisition of goods or services with Rand value equal to or below R50 million (inclusive of all applicable tax).**

6.2. **A maximum of 80 points for price and 20 points for the specific goal specified on the request for quotation may be awarded to a Service Provider.**

6.3. **Points for the specific goal will be awarded as specified on the table below:**

NO	SPECIFIC GOALS	PREFERENCE POINT (OUT OF 20)	PROOF OF CLAIM
1	An Exempt Micro Enterprises (EME) or Qualifying Small Enterprise (QSE) which is ***at least 51% owned by black people***	10	• Copy of the identity document of the owner(s) • A valid SANAS accredited BBBEE certificate or a valid BBEEE sworn affidavit (whichever is applicable) • Central Supplier Database (CSD) report

			• Valid company registration documentation that are issued by Companies & Intellectual Property Commission (CIPC)
2	An Exempt Micro Enterprises (EME) or Qualifying Small Enterprise (QSE) which is ***at least 51% owned by black women***	5	• Copy of the identity document of the owner(s) • A valid SANAS accredited BBBEE certificate or a valid BBEEE sworn affidavit (whichever is applicable) • Central Supplier Database (CSD) report • Valid company registration documentation that are issued by Companies & Intellectual Property Commission (CIPC)
3	An Exempt Micro Enterprises (EME) or Qualifying Small Enterprise (QSE) which is ***at least 51% owned by youth***	3	• Copy of the identity document of the owner(s) • A valid SANAS accredited BBBEE certificate or a valid BBEEE sworn affidavit (whichever is applicable) • Central Supplier Database (CSD) report • Valid company registration documentation that are issued by

			Companies & Intellectual Property Commission (CIPC)
4	An Exempt Micro Enterprises (EME) or Qualifying Small Enterprise (QSE) which is ***at least 51% owned by person(s) with disabilities***	2	• Copy of the identity document of the owner(s) • A valid SANAS accredited BBBEE certificate or a valid BBEEE sworn affidavit (whichever is applicable) • Central Supplier Database (CSD) report • Valid company registration documentation that are issued by Companies & Intellectual Property Commission (CIPC) • Valid Medical Certificate • Valid South African Social Security Agency (SASSA) registration • Valid National Council for Persons with Physical Disability in South Africa registration (NCPPDSA)

6.4. **For Points to be awarded for the specific goals the proof for the claim for such goal must be submitted.**

7. Technical Enquiries

7.1. SCM

Doris Letsholo

Doris.letsholo@rsr.org.za

010 495 5391

7.2. Project Manager

Reginald Ntshingila

reginald.ntshingila@rsr.org.za

010 495 5391

8. Closing Date and Time for responses to this request for quotation

8.1. The request will be **closed on the 06 November 2026 at 15h00 pm.** Responses may be emailed to doris.letsholo@rsr.org.za