

	Invitation to Tender KZN060	Document Identifier	240-114238630	Rev	12	
		Effective Date	28 October 2022			
		Review Date	October 2027			

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

THE MANUFACTURE, SUPPLY AND DELIVERY OF PERSONAL PROTECTIVE EQUIPMENT (WORKWEAR) ON AN 'AS AND WHEN' REQUIRED BASIS TO VARIOUS AREAS LOCATED IN DISTRIBUTION IN THE CENTRAL EAST CLUSTER (FREE STATE AND KWAZULU NATAL OPERATING UNITS) FOR A PERIOD OF THREE (3) YEARS.

Tender number	KZN060
Issue date	22 November 2022
Closing date and time	14 December 2022 at 10h00
Tender validity period	120 days from the closing date and time
Clarification meeting	<p>A non-compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 01 December 2022 Time: 11h30 Venue: MS Teams</p> <p>Join on your computer, mobile app or room device Click here to join the meeting Meeting ID: 352 865 206 165 Passcode: Eb9YzU Download Teams Join on the web</p> <p>Or call in (audio only) +27 21 834 0825,,304725263# South Africa, Cape Town Phone Conference ID: 304 725 263# Find a local number Reset PIN</p>
Tenders are to be delivered to the following address on the stipulated closing date and time:	Commercial Building The Tender Office 25 Valley View Road New Germany 3620

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the Manufacture, Supply and Delivery of estimated quantities of Personal Protective Equipment (Workwear) to various sites located in Distribution in the Central East Cluster (Free State and KwaZulu Natal Operating Units) on an ‘as and when’ required basis for a period of three (3) years. The enquiry documents are supplied to you on the following basis:

- Free of charge

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender by you in response to this [*Invitation*] will be deemed as your acceptance of the Eskom Standard Conditions of Tender (attached).

Queries relating to these Invitation documents must be addressed to the Eskom *Representative*.

Yours faithfully



Acting Procurement Manager (KZNOU 4829)

Thandi Xaba

Date: 21 November 2022

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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure	Attached (Y/N/ N/A)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	*Integrity Declaration Form	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services	Annexure D	Y
6.5	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included). Annexure C-Local Content Declaration-Summary Schedule Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1 Annexure F2 Annexure F3 Annexure F4	Y
6.6	SBD 1 -Invitation to Bid	Annexure G	Y
6.7	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.8	SBD 4 – Bidders Disclosure	Annexure I	Y
6.9	Supplier Declaration of Interest	Annexure J	Y
6.10	Supplier Development & Localisation (SDL&I) Undertaking	Included in the NEC3 Supply Contract /SDL& I folder	

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. The “**Tender Data**” as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data																		
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Thabile Sibiya Tel: +2731 710 5396 E-mail: Sibiyath@eskom.co.za</p>																		
1.3 Enquiry documents	<p>The Invitation to tender number is : KZN060</p> <p>All relevant documentation for this Tender will be published on: 1. Eskom’s Tender Bulletin 2. National Treasury e-Tender Portal</p> <p>It is the responsibility of the tendering party to ensure all the required documentation is downloaded and completed.</p> <p>The tender is recommended to be submitted in the following format:</p> <table border="1"> <thead> <tr> <th>SECTION</th> <th>ORIGINAL</th> <th>COPY</th> </tr> </thead> <tbody> <tr> <td>SECTION 1 – Commercial and Financial Requirements</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>SECTION 2 – Technical Requirements</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>SECTION 3 – SHE Requirements</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>SECTION 4 – Quality Requirements</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>SECTION 5 – SDL & I</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> </tbody> </table> <p>See the content list above for the enquiry documents.</p>	SECTION	ORIGINAL	COPY	SECTION 1 – Commercial and Financial Requirements	✓	✓	SECTION 2 – Technical Requirements	✓	✓	SECTION 3 – SHE Requirements	✓	✓	SECTION 4 – Quality Requirements	✓	✓	SECTION 5 – SDL & I	✓	✓
SECTION	ORIGINAL	COPY																	
SECTION 1 – Commercial and Financial Requirements	✓	✓																	
SECTION 2 – Technical Requirements	✓	✓																	
SECTION 3 – SHE Requirements	✓	✓																	
SECTION 4 – Quality Requirements	✓	✓																	
SECTION 5 – SDL & I	✓	✓																	
1.4 Type of Invitation to Tender	This invitation to tender is: An open Invitation to tender																		
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole/parts of the contract.</p> <ul style="list-style-type: none"> ▪ The BOQ is made up of fourteen (14) categories. It is envisaged that two (2) suppliers will be appointed for each category. <ul style="list-style-type: none"> - Bush Hats - Socks - Overalls - One Piece - Trousers Men’s Long Pants 																		

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	<ul style="list-style-type: none"> - Trousers Ladies Long Pants - Operating Jackets - Operating Jackets Acids & Alkali - Thermal jackets - Aprons - Shirts - Dusk Coats - Rain Protection Suits - Freezer Suits - Reflective Vests <ul style="list-style-type: none"> ▪ The evaluation will be based on the bottom line price value of each category, and thereafter the ranking will be in terms of PPPFA. ▪ The selection of the suppliers will be based on the highest and the second highest ranked suppliers in terms of the PPPFA score achieved. <p>Tenderers may tender for all 14 categories or less, however each category must be tendered in full.</p>
<p>2.1 Eligible tenders</p>	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. <ul style="list-style-type: none"> • Tenderers submit more than one [tender] either individually or as a partner in a joint venture (JV) or consortium • [Tenders] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering] process, if :

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	<ul style="list-style-type: none"> ○ (a) they have a controlling partner/majority shareholder in common; or ○ (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or influence the decisions of the Employer regarding this bidding process; <ul style="list-style-type: none"> ● Tenders signed by non- authorized persons ● Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) ● A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations) ● Any tenderer that is restricted by National Treasury ● A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is:</p> <p>Date 14 December 2022 Time 10h00 Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE Eskom New Germany, 25 Valley View Road, New Germany, 3620</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</p> <p>Where a Tenderer does not submit a complete original tender plus one (1) hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	<p>The tender validity period is 120 days from the closing date and time.</p>
2.16 Clarification meetings	<p>A non-compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 01 December 2022 Time: 11h30</p>

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	<p>Venue: MS Teams</p> <p>Join on your computer, mobile app or room device Click here to join the meeting Meeting ID: 352 865 206 165 Passcode: Eb9YzU Download Teams Join on the web</p> <p>Or call in (audio only) +27 21 834 0825,,304725263# South Africa, Cape Town Phone Conference ID: 304 725 263#</p> <p>It is to be noted that this is a non-compulsory clarification meeting and suppliers who do not attend the meeting will not be disqualified and may submit a tender, however the tenderers are encouraged to attend the meeting in order to understand and clarify the tender requirements.</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 3 working days before the deadline for tender submission.</p> <p>All clarification and additional information sought during the tendering process must be submitted in writing to the Eskom Representative (Buyer) (sibiyath@eskom.co.za).</p> <p>Responses for the queries and clarification raised will be uploaded on the Eskom Tender Bulletin as well as the National Treasury Tender portals.</p> <p>Tenderers are therefore encouraged to continuously check the bulletins for the latest updates or addendums during the tender process.</p>
2.23 Alternative tenders	Alternative tenders are <i>not allowed</i> .
2.25 Conditions of contract	The conditions of contract will be the <i>NEC3 Supply Contract</i>
3.5 Prices to be read out	Prices will <i>not be read out</i> .
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit a complete original tender, plus one (1) hard copy of the original tender at tender deadline.

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	<ul style="list-style-type: none"> • Submission of the Central Supplier Database (CSD) number (MAA.....) to ensure registration on CSD. • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines: <ul style="list-style-type: none"> ▪ Tenderer’s Particulars (Annexure B) ▪ Integrity Declaration Form (Annexure C) ▪ SBD 1 – Invitation to Bid (Annexure G) ▪ SBD 4 – Bidders Disclosure (Annexure H) ▪ Supplier Declaration of Interest (Annexure I) ▪ Signed NEC3 Supply Contract with Pricing, each category to be priced in full in order to be considered for further evaluation. ▪ (F1) - SBD 6.2 - Declaration Certificate for Local Production and Local Content ▪ (F2) - Annexure C - Local Content Declaration-Summary Schedule <p>Failure to submit the above mentioned documents at tender deadline will deem the tenders non-responsive or unacceptable and therefore the tenders will be disqualified.</p>
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.
3.11 Pre-qualification criteria	<p>Pre-qualification criteria are applicable.</p> <p>The following mandatory pre-qualification criteria are applicable herein:-</p> <ol style="list-style-type: none"> 1. stipulated minimum B-BBEE status level 1-4; and 2. an EME or QSE; or LME <p>Where B-BBEE levels, EME/ QSE / status or sub-contracting to designated groups is used as pre-qualification criteria; then tenderers are required to provide “proof of B-BBEE status level of contributor” at tender submission deadline.</p> <p>Tender Returnable if the above elements are requirements;</p> <ul style="list-style-type: none"> • Valid copy of sworn affidavit in the case of EME’s must be submitted (affidavit must be completed fully), or • Valid copy B-BBEE Certificate issued by CIPC for EME’s. OR • Valid original or certified copy of the B-BBEE certificate / sworn affidavit in the case of QSE’s must be submitted, or • Valid original or certified copy of the B-BBEE certificate issued by SANAS Accredited Verification Agency for Generic Entities must be submitted, or

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	<ul style="list-style-type: none"> For JV's only valid certified copy B-BBEE Certificate issued by a SANAS Accredited Verification Agency will be accepted and the certificate should be in the name of the JV. <p>Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</p> <ul style="list-style-type: none"> Name/s of deponent as they appear in the identity document and the identity number. Designation of the deponent as the director, owner or member must be indicated in order to know that person is duly authorised to depose of an affidavit. <u>(Mark the applicable option)</u>. Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address. Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. <u>(No blank spaces to be left)</u>. Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. <u>(Mark the applicable option)</u>. Financial year end as per the enterprise's registration documents, which was used to determine the total revenue. <u>(Financial year end to be stipulated by day/month/year)</u>. B-BBEE Status level. An enterprise can only have one status level. <u>(Tick applicable level)</u> Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status. Date deponent signed and date of Commissioner of Oath must be the same. <u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)</u> Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest. <p>If the relevant documentation/information as stipulated in the enquiry is not submitted; said tenders will be disqualified.</p>
3.12 Designated materials and thresholds	Designated material thresholds is applicable .

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In accordance with National Treasury Instruction only locally produced goods or locally manufactured Textile, Clothing, Leather and Footwear from local raw material or input will be considered.

The stipulated minimum threshold percentages for local raw material production and content for the Textile, Clothing, Leather and Footwear sector is 100%.

Commodity	Components	Local Content Threshold
Overall, art 1pc Blue (D59)	Textile, Clothing, Leather and Footwear	100%
Overall, art 1pc Acids & Alkali D59		
Trousers, Men's Long Pants		
Trousers, Ladies Long Pants		
Jacket, Operating. Blue		
Jacket, Acids & Alkali		
Jacket, Thermal		
Shirt, Men's L/S Shirts T006		
Shirt, Ladies S/S T006		

Tenderers need to complete and submit mandatory evidence of compliance with this requirement:

- (F1) - SBD 6.2 - Declaration Certificate for Local Production and Local Content
- (F2) - Annexure C - Local Content Declaration- Summary Schedule
- If the raw material or input to be used for a specific item is not available locally, bidders should obtain written exemption from the DTIC should there be a need to import such raw material or input; and A copy of the exemption letter must be submitted together with the bid document at the closing date and time of the bid.

The DTI has appointed SABS as the official verification agency for local content in terms of designated products.

A tender that fails to meet the minimum stipulated threshold for local production and content will be disqualified.

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3.13 Functionality requirements	<p>Functionality requirements are applicable.</p> <p>The technical criteria is laid out in the document titled: Technical Evaluation criteria for the Supply & Delivery of Personal Protective Equipment (Work wear) and is as follows:</p> <p>The evaluation will be conducted in 2 phases. The first phase is a desktop evaluation with the submission of (Annexure A) and (Annexure B).</p> <p>Note:</p> <ul style="list-style-type: none"> ▪ This is mandatory to supply all information / documentation as requested and all documents must be marked clearly according to numbering provided. ▪ Annexure (A) and (Annexure B) are mandatory ‘must meet’ criteria. These criteria shall not be weighted, or point scored but shall be assessed on evidence provided and Yes/No basis as to whether or not the criteria are met. ▪ An assessment of ‘No’ against any criterion shall technically disqualify the tenderer and shall not be further evaluated. <p>Phase 1</p> <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="3">Mandatory Criteria and Returnable</th> </tr> <tr> <th>No</th> <th>Criteria</th> <th>Returnable</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Completed PPE category document</td> <td>Material compliance SANS 1387-4 & 1423-1 type D59 (Submit document)</td> </tr> <tr> <td>2.</td> <td>Letter of support and sourcing</td> <td> <p>For Manufacturers only:</p> <ul style="list-style-type: none"> • A letter of commitment from the manufacturer confirming that they will be able to supply all the PPE products, for the full duration of the period that they will be contracted to (Must be on the manufacturers letter head and signed by the company representative.) <p>Or</p> <p>For Redistributors only:</p> <ul style="list-style-type: none"> • A letter of agreement signed by the Manufacturer representative or a person in the similar level confirming that the Redistributor will be sourcing their products from that Manufacturer for duration of the contract <p>Note: Delivery times need to be considered and adhered to.</p> </td> </tr> </tbody> </table>	Mandatory Criteria and Returnable			No	Criteria	Returnable	1.	Completed PPE category document	Material compliance SANS 1387-4 & 1423-1 type D59 (Submit document)	2.	Letter of support and sourcing	<p>For Manufacturers only:</p> <ul style="list-style-type: none"> • A letter of commitment from the manufacturer confirming that they will be able to supply all the PPE products, for the full duration of the period that they will be contracted to (Must be on the manufacturers letter head and signed by the company representative.) <p>Or</p> <p>For Redistributors only:</p> <ul style="list-style-type: none"> • A letter of agreement signed by the Manufacturer representative or a person in the similar level confirming that the Redistributor will be sourcing their products from that Manufacturer for duration of the contract <p>Note: Delivery times need to be considered and adhered to.</p>
Mandatory Criteria and Returnable													
No	Criteria	Returnable											
1.	Completed PPE category document	Material compliance SANS 1387-4 & 1423-1 type D59 (Submit document)											
2.	Letter of support and sourcing	<p>For Manufacturers only:</p> <ul style="list-style-type: none"> • A letter of commitment from the manufacturer confirming that they will be able to supply all the PPE products, for the full duration of the period that they will be contracted to (Must be on the manufacturers letter head and signed by the company representative.) <p>Or</p> <p>For Redistributors only:</p> <ul style="list-style-type: none"> • A letter of agreement signed by the Manufacturer representative or a person in the similar level confirming that the Redistributor will be sourcing their products from that Manufacturer for duration of the contract <p>Note: Delivery times need to be considered and adhered to.</p>											

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	Capacity for the transport and delivery of PPE accessories through KZN & Free State	1. Can be rented for delivery-Proof of rental of transport 2. or owned (registration papers of owned transport) 3. or use of courier companies (Obtain a letter from any Courier company that they are in good terms of making use of this company to deliver PPE to the various sites (Delivery address))									
	Lead Time	Letter of compliance from company that they will delivering quantities from Distributor/Supplier to any requestor on his Eskom site address within 4 weeks or conformation in writing of Delaying time within 2 weeks from order been given. (This must be confirmed and accepted by both parties) Lead time from PO award to delivery									
Phase 2 <ul style="list-style-type: none"> ▪ Is a warehouse / site sample evaluation where selective items will be identified and evaluated. ▪ Annexure C (attached) shall be used to conduct the on site evaluation ▪ The threshold will be as per the score cared below <table border="1" style="width: 100%;"> <tr> <td>The company is disqualified</td> <td>0 - 80%</td> <td>FAILED</td> </tr> <tr> <td>This means that the company have opportunity two fix minor changes as per recommendations, Re- submit if they make the changes according to the spec. The supplier has 10 working days to correct the finding and to re submit to verify. (These corrections need to be verified again before final tender)</td> <td>81 - 90%</td> <td>POSSIBLE</td> </tr> <tr> <td>The company completely complies with spec and are qualified.</td> <td>90 -100%</td> <td>PASS</td> </tr> </table> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p>			The company is disqualified	0 - 80%	FAILED	This means that the company have opportunity two fix minor changes as per recommendations, Re- submit if they make the changes according to the spec. The supplier has 10 working days to correct the finding and to re submit to verify. (These corrections need to be verified again before final tender)	81 - 90%	POSSIBLE	The company completely complies with spec and are qualified.	90 -100%	PASS
The company is disqualified	0 - 80%	FAILED									
This means that the company have opportunity two fix minor changes as per recommendations, Re- submit if they make the changes according to the spec. The supplier has 10 working days to correct the finding and to re submit to verify. (These corrections need to be verified again before final tender)	81 - 90%	POSSIBLE									
The company completely complies with spec and are qualified.	90 -100%	PASS									
3.15 Evaluation of price	Prices will be evaluated as follows: <ul style="list-style-type: none"> • Inclusive of VAT • Making the specified correction for arithmetical errors Prices will be scored out of 80 points										
3.17 Evaluation of B-BBEE	B-BBEE status will be scored out of 20 points in accordance with PPPFA.										

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	If a tenderer fails to submit proof of B-BBEE status level, the tenderer will be disqualified due to the pre-qualification criterion.
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-</p> <ul style="list-style-type: none"> 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT). <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>
3.20 Reverse e-auction (if applicable)	Reverse e-auction is NOT applicable
Contractual Requirements (if applicable)	<p>Contractual Requirements include the following :</p> <ul style="list-style-type: none"> SHEQ requirements; and/or Financial statements; and/or Supplier Development Localisation & Industrialization <p>Please Note: Contractual requirements are not evaluation criteria. Contractual requirements are mandatory for contract award. Failure to meet “Contractual Requirements “by the stipulated deadlines, will result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p>The recommended supplier/suppliers still in the running for this contract will be evaluated in terms of their contractual requirements. Should they not pass the initial evaluation, they will be advised of their shortcomings and have 7 working days in which to correct their shortcomings. Failure to correct the shortcomings within the stipulated time period will result in the supplier being deemed unacceptable in terms of their contractual requirements and will not be considered for the contract.</p>

Please note:

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotation; should the tendered prices not be deemed market-related.

Main contractors/ suppliers are discouraged from subcontracting with their subsidiary companies as this may be interpreted as subcontracting with themselves and / or using their subsidiaries for fronting. Where a main contractor subcontracts with a subsidiary this must be declared in tender documents.

A report containing a list of potential sub-contractors may be drawn by accessing the following link: www.csd.gov.za

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“proof of B-BBEE status level of contributor” means-

- (a) the B-BBEE status level certificate issued by an authorised body or person; or
- (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
- (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;

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1.3 TENDER RETURNABLES

The tenderer must submit the returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
Basic Compliance	Submit one (1) hard copy of the original tender to Eskom plus one (1) copy of the original tender at tender submission deadline	✓	
Pre-qualification criteria: B-BBEE levels/EME/QSE/LME	“Proof of B-BBEE status level of contributor”	✓	
<p><u>Please Note that :</u> “proof of B-BBEE status level of contributor” means- (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</p> <p>If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; , the respective</p>	CSD number	✓	

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tenderer must be disqualified			
Annexure A	Acknowledgement Form		✓
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services		✓
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E	✓	
Annexure G	SBD 1- Invitation to tender	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations		✓
Annexure I	Bidders Disclosure	✓	
Annexure J	Supplier Declaration of Interest	✓	
Supplier Development & Localisation (SD&L) Undertaking			✓
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓

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Shareholding	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)		✓
NEC/ Documentation	Completed NEC Supply Contract with pricing schedule and contract data, excel pricing schedule	✓	

DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS

Safety		KPI	Weight		✓
	1)	Annexure B - Is the acknowledgement form for Eskom's rules and requirements (in Annexure B) signed and submitted by the tenderer?	1		
	2)	Health and Safety Plan § Incident Management § SHE Communication § Emergency Management	1		
	3)	Including Driving	1		
	4)	Valid Letter of Good Standing -To be in line with the scope	1		
	5)	SHE Policy	1		
Quality	As per the attached Category 3 Quality Requirement – Appendix B <ul style="list-style-type: none"> ▪ Form A - to be completed and signed by the supplier ▪ Supplier Quality Management Specification (QM58) – to be read and understood. 				✓
Environmental	1)	Pre-requisite Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and a copy thereof attached to this tender submissions by the tenderer?	1		✓
	2)	All: Environmental (or SHE/SHEQ) policy signed by Company Owner/CEO/MD: Commitment to: (1) compliance to environmental compliance obligations; and (2) environmental duty of care.	1		

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	<p>Or</p> <p>Part B</p> <table border="1"> <thead> <tr> <th></th> <th>KPI</th> <th>Weight</th> </tr> </thead> <tbody> <tr> <td>1)</td> <td> Pre-requisite Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and a copy thereof attached to this tender submissions by the tenderer? </td> <td>1</td> </tr> <tr> <td>2)</td> <td>ISO 14001 Environmental Management Standard certificate</td> <td>1</td> </tr> </tbody> </table>		KPI	Weight	1)	Pre-requisite Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and a copy thereof attached to this tender submissions by the tenderer?	1	2)	ISO 14001 Environmental Management Standard certificate	1		
	KPI	Weight										
1)	Pre-requisite Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and a copy thereof attached to this tender submissions by the tenderer?	1										
2)	ISO 14001 Environmental Management Standard certificate	1										
Financial	<ul style="list-style-type: none"> ▪ Public Interest Score (PIS) and the calculations to arrive at the score. ▪ Latest approved financial statements. AFS must be valid and not outdated, received within 18 months after year-end. ▪ A signed director's/member's report. <ul style="list-style-type: none"> ▪ Signed Auditors/ independent reviewers / accounting officer's / compiler's report whichever is applicable. ▪ Approved Annual Financial statements must comprise of Statement of financial position (Balance Sheet) <ul style="list-style-type: none"> ✓ Statement of comprehensive income (income statement) ✓ Statement of changes in Equity ✓ Statement of cash flows ✓ Notes to the financial statements ▪ Name of Holding company if company is a subsidiary company. <p>Note: Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted.</p>		✓									
Supplier Development & Localisation & Industrialization	<p>Tenderers who complete and submit the undertaking as required, but who do not meet Eskom's targets, will not be disqualified. SD&L undertakings do not form part of scoring but commitments will form part of contractual obligations.</p> <p>Skills Development</p> <p>Tenderers are required to propose against the following training initiatives:</p> <table border="1"> <thead> <tr> <th>Category</th> <th>Eskom Target</th> </tr> </thead> <tbody> <tr> <td>Quality Inspectors</td> <td>10</td> </tr> </tbody> </table> <p>NOTE 1: For each of the above training the following is required:</p>	Category	Eskom Target	Quality Inspectors	10							
Category	Eskom Target											
Quality Inspectors	10											

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	<p>(One) 1 candidate (for either of the training courses above) for every R3 Million worth of accumulated purchase orders that has been allocated to the contractor.</p> <p>Job Opportunities Tenderer to indicate number of Jobs to be created and/or retained from this contract.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Number of Jobs to be created</th> <th style="width: 50%;">Number of Jobs to be retained</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> </tr> </tbody> </table> <p>Reporting and Monitoring</p> <ul style="list-style-type: none"> ▪ The suppliers shall on a bi-annual basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above. ▪ Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met. ▪ Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked. ▪ Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award. <p>The SDL & I information is further included in the SDL & I pack folder</p>	Number of Jobs to be created	Number of Jobs to be retained				
Number of Jobs to be created	Number of Jobs to be retained						

DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA

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<p>Technical (required for functionality scoring)</p>	<p>The technical criteria is laid out in the document titled: Technical Evaluation criteria for the Supply & Delivery of Personal Protective Equipment (Work wear) and is as follows:</p> <p>The evaluation will be conducted in 2 phases. The first phase is a desktop evaluation with the submission of (Annexure A) and (Annexure B).</p> <p>Note:</p> <ul style="list-style-type: none"> ▪ This is mandatory to supply all information / documentation as requested and all documents must be marked clearly according to numbering provided. ▪ Annexure (A) and (Annexure B) are mandatory 'must meet' criteria. These criteria shall not be weighted, or point scored but shall be assessed on evidence provided and Yes/No basis as to whether or not the criteria are met. ▪ An assessment of 'No' against any criterion shall technically disqualify the tenderer and shall not be further evaluated. <p>The Technical information is further included in the Technical pack folder.</p>	<p>✓</p>	
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ANNEXURE A

ACKNOWLEDGEMENT FORM

We are in receipt of the Invitation to Tender from Eskom Holdings SOC Ltd and the following addenda issued by Eskom:

1. _____
 2. _____
 3. _____
-

We confirm that the documentation received by us is: **(Indicate by ticking the box)**

Correct as stated in the Invitation to Tender Content List, and that each document is complete.

Or: Incorrect or incomplete for the following reasons:

Cataloguing Acknowledgement:

[Please select the relevant statement by ticking the appropriate box below]:

1. We agree to provide the cataloguing information as described in the *tender submission*.
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [***insert previous invitation to tender/RFQ number***] _____
3. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder:

4. I confirm that I am a Distributor/Importer/Agent and my Principal, being the Original Equipment Manufacturer (OEM) is or is not in the position to supply cataloguing information for items. See attached letter from OEM confirming his position.

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Invitation to Tender No: _____

Name of company/JV: _____

Country of registration _____

Name of contact person: _____

Contact details of contact person:

Tel (landline) _____

Cell phone _____

e-mail address _____

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ANNEXURE B

TENDERER'S PARTICULARS

The *tenderer* must furnish the following particulars where applicable:

Indicate the type of tendering structure by marking with an 'X' (where applicable provide registration number):	
Individual tenderer	
Unincorporated Joint venture (registration number for each member of the JV)	
Incorporated JV	
Other	

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs)	
Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)	Include as separate tender returnable if required.
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury _____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
5. Alternatively, you may contact Babalwa Mhlophe - MhlophB@eskom.co.za
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

8. If sub-contracting is prescribed in the specific enquiry, you need to complete 8.1- 8.7

- 8.1 Confirm if you intend sub-contracting

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 8.2 What percentage will you be sub-contracting? _____%
- 8.3 To whom do you intend sub-contracting? _____
- 8.4 Is the said sub-contractor registered on CSD?

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 8.5 If yes to 8.4, please provide CSD number. _____
- 8.6 Please confirm B-BBEE level of said sub-contractor _____
- 8.7 Which designated group does the sub-contractor belong to:-
 - a. Black people
 - b. Black people who are youth
 - c. Black people who are women
 - d. Black people with disabilities

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- e. Black people living in rural or underdeveloped areas or townships
- f. Cooperatives which are 51% owned by Black people
- g. Black people who are military veterans

If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

8.8 Please confirm that you have attached your signed intent to sub-contract document.

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

8.9 Have you attached proof of sub-contractor's belonging to designated group

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

A. Single tenderers

I, the undersigned, _____(Full names) hereby confirm that I am duly authorised to sign all documents in connection with this tender and any contract resulting from it, on behalf of _____ (insert the full legal name of the tenderer).

Signature: _____

Designation: _____

Date: _____

B. Joint Ventures

We, the undersigned, are submitting this tender in Joint Venture and hereby authorise Mr/Ms _____(full names), an authorised signatory of _____, (insert the full legal name of the business entity serving as the lead partner) acting in the capacity of lead partner, to sign all documents in connection with the tender and any contract resulting from it on our behalf.

We attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions

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and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners.

Legal Name of Joint Venture Member	Full Name and Capacity of Authorised Signatory	Signature

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ANNEXURE C

INTEGRITY DECLARATION FORM

1. DECLARATION OF INTEREST

I/We understand that any natural/legal person, including employees of the State and/or those related to an Eskom employee/director (as per the definition of “related” set out hereunder), may tender to Eskom. However, in view of possible allegations of favouritism (the practice of showing favour to, or giving preference to some person/group, to the detriment of, or at the expense of another that is entitled to equal treatment or an equal opportunity), should the resulting tender, or part thereof, be awarded to such natural/legal person, as described herein, it is required that the *tenderer/s* declare such interest/relationship where:-

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 - an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 - or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 - an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ; and
- **a juristic person is “related” to another juristic person if :-**
 - (1) either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control”(as per Companies Act section 2(1));
 - (2) either is a subsidiary of the other; or
 - (3) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

To give effect to the provisions above, please complete the table hereunder with all required information.

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Full Name & Capacity/ Position within tenderer (e.g. employee/Director/member/ owner/shareholder)	Identity Number	Confirm and provide details (including employee number) if you are a State/State owned entity employee/contractor/ director.	Full Names & Capacity/Position of Eskom employee/ director/ consultant and details of the relationship or interest(marital/ familial/personal/ financial etc.)	To your knowledge is this person involved in the evaluation/ adjudication/ negotiation of tenders

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment, and attach proof to this declaration.

2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration. _____

2. DECLARATION OF FAIR TENDERING PRACTICES

This serves as a declaration that when goods/services are being procured, all reasonable steps have been taken to address and/or prevent the exploitation of the procurement process and the use of any unfair tendering practices.

A **[tender/proposal]** will be disqualified if the *tenderer/s*, or any of its directors have:

- abused the institution's procurement process (e.g. bid rigging/collusion)
- committed fraud or any other improper conduct in relation to such system.

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Please complete the declaration with an 'X' under YES or NO

Item	Question	Yes/No	No
1.1	<p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.2	<p>Is the <i>tenderer/s (or any of its directors / members / shareholders)</i>? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	<p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
1.3.1	Provide details.		

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1.4	Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

I, the undersigned, _____ hereby confirm that I am duly authorised to sign all documents in connection with this tender and any contract resulting from it on behalf of _____ (insert the full legal name of the tenderer)

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is correct, that it is understood that the tenderer's tender/proposal may be rejected, and that Eskom will act against the tenderer should any aspect of this this declaration prove to be false.

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

I, the undersigned, _____ hereby confirm that acting in the capacity of lead partner, I am duly authorised to sign all documents in connection with the tender and any contract resulting from it on behalf of _____ (insert the full legal name of the JV).

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is correct, that it is understood that the JV's tender/proposal may be rejected, and that Eskom will act against the JV should any aspect of this this declaration prove to be false.

Signature:	
Designation and capacity in which signing :	
Date:	

(A copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners is attached to the invitation to tender/Request for proposal).

ANNEXURE D

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CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

THE APPLICATION OF CONTRACT PRICE ADJUSTMENT (CPA) TO TENDER SUBMISSIONS

1. APPLICATION OF CPA

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

- A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

Failure to do so may result in the supplier's offer(s) being disqualified.

b. Additional/Alternative offer:

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:

- A fixed priced offer in addition to the fully CPA compliant main offer; or
- Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However it is compulsory that all such deviations are sufficiently substantiated.

Additional/Alternative Offers must be clearly indicated as such

3. ESKOM'S PREFERRED INDEX LIST

Eskom's preferred index list is set out hereunder in Tables 1 and 2. The index list comprises indices that could be used in the Tenderers main offer.

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4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred index list does not specify a foreign index which is required for the specific agreement, the following must apply:

- The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
- The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

5. NUMBER OF FORMULAE & INDICES

- The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.

6. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

7. BASE DATE

- In instances of indices or other references published monthly, the Base Date is to be: *The month before the month in which the Enquiry closes*
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month: *The average for the month before the month in which the Enquiry closes*
- In this case, the following shall apply:
 - Where the average is published:

The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
 - Where a high, low and mean are published:

The mean
 - Where other prices than the Cash Settlement or Cash Sellers Price are published:

The Cash Settlement or Cash Sellers Price
- Where applicable, these principles, must also apply for the CPA “cut-off” date.

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8. CPA FOR PROFESSIONAL SERVICES

The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.

The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve month period (cycle) ending before the contract anniversary date.

No fixed portion is mandatory.

Signed		Date	
Name	Position
Tenderer		

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Table 1: Preferred Local Index List -this list of indices needs to be relevant to the commodity.
Buyers need to check and include the relevant indices.

Labour	Commodities	Processed material	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142.1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, electrical engineering material		
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	Aluminium SEIFSA, R, aluminium	Building and construction material SEIFSA, G, building and construction material		StasSA, PO142.1), PPI <ul style="list-style-type: none"> • Final Manufactur ed Goods Or • Intermediat e Manufactur ed Goods OR • SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	Zinc SEIFSA, F, zinc			
	Lead SEIFSA ,F, lead			

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Table 2: Preferred Foreign Index List

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline) National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium			
	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			

Closing date of tender _____ / _____ / _____ TENDERER'S SIGNATURE _____
--

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ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

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The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

Commodity	Components	Local Content Threshold
Overall, art 1pc Blue (D59)	Textile, Clothing, Leather and Footwear	100%
Overall, art 1pc Acids & Alkali D59		
Trousers, Men's Long Pants		
Trousers, Ladies Long Pants		
Jacket, Operating. Blue		
Jacket, Acids & Alkali		
Jacket, Thermal		
Shirt, Men's L/S Shirts T006		
Shirt, Ladies S/S T006		

3. Does any portion of the goods or services offered have any imported content?
(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

- 3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on www.reservebank.co.za

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

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4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

LOCAL CONTENT DECLARATION
(REFER TO ANNEX B OF SATS 1286:2011)

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)

IN RESPECT OF BID NO.

ISSUED BY: (Procurement Authority / Name of Institution):
.....

NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thdti.gov.za/industrial_development/ip.jsp. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, (full names),
do hereby declare, in my capacity as
of(name of bidder
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
 - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in

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paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

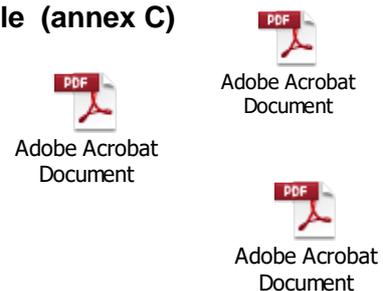
- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____ **DATE:** _____
WITNESS No. 1 _____ **DATE:** _____
WITNESS No. 2 _____ **DATE:** _____

Annexure F2- Local content Declaration-Summary Schedule (annex C)

Annexure F3 - Imports Declaration-Supporting schedule to Annex C(annex D)

Annexure F4 - Local Content Declaration-Supporting Schedule to Annex C (annex E)



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ANNEXURE G

SBD 1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No			<input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER	DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
1.3.	BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
2. TAX COMPLIANCE REQUIREMENTS	
2.1	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
2.6	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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Annexure H

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

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

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE

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status level of contribution are not claimed.

- 1.6 The purchaser 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 the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

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6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 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.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?
 (*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted.....%
- ii) The name of the sub-contractor.....
- iii) The B-BBEE status level of the sub-contractor.....

iv) Whether the sub-contractor is an EME or QSE
 (*Tick applicable box*)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		

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OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
company/firm:.....

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in
business:.....

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the
company/firm, certify that the points claimed, based on the B-BBE status level of
contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies
the company/ firm for the preference(s) shown and I / we acknowledge that:

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- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p style="text-align: center;">.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p>
--	---

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Annexure I

BIDDER'S DISCLOSURE

SBD4

1. PURPOSE OF THE FORM

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.

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

2. Bidder's declaration

2.1 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

2.1.1 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

2.2

Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

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

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2.2.1 If so, furnish particulars:

.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

2.3.1 If so, furnish particulars:

.....

3 DECLARATION

I, _____ 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:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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.
- 3.4 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

² Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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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.

- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 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.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 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.

.....
Signature	Date
.....
Position	Name of bidder

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Annexure J

Supplier Declaration of Interest

I, the undersigned **[insert full name of signatory]**....., in my capacity as **[insert capacity, i.e., member, director, partner, etc.]**..... of the supplier **[insert registered full legal name of the supplying entity AND their company registration number]**, certify under oath that, to the best of my knowledge, the information furnished herein is true and correct. I accept that Eskom reserves its right to act against the supplier named above or me personally in terms hereof, should this declaration prove to be false.

Eskom employees and directors that engage in **private work** for or on behalf of the Supplier are not permitted to financially benefit from the procurement associated with this **enquiry / tender**

In order to manage situations where conflicts of interests may exist, involving Eskom employees and/or directors engaging in **private work** with the Supplier (named above) associated with this **enquiry / tender**, you are hereby required to declare their positions to Eskom and take an oath declaring their interests.

For the purposes of this Declaration:

- 1. Private Work** includes private interests, and means any employment or commercial activity, or any other interests embarked on by an employee outside the scope of his/her Eskom employment.
- 2. A commercial activity** means any activity an employee engages in outside Eskom for the purpose of generating income, whether or not the activity actually produces income and/or is profitable.
- 3. Close Family** means persons related to the employee or director by birth, marriage, domestic partnership, adoption, guardianship or the like, who may influence, or be seen to influence the objectivity of the employee or director **OR** related persons who may be influenced by the employee or director in their dealings with Eskom;
- 4. Associate** means any person (i.e. a friend, rival, business partner, neighbour or the like) who has a relationship with an employee or director who may influence, or be seen to influence the objectivity of the employee or director **OR** who may be influenced by the employee or director in their dealings with Eskom;

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5. Participation in the Procurement Process means conceptualisation, proposal, specification, feasibility studies, sourcing, evaluation, benchmarking, negotiation, approval and awarding or withdrawal of offers / tenders in relation to orders / contracts for performing any work, providing any services, or supplying any material, article or equipment or performing any other act; and

6. Business Courtesy means a gift or favour received from a person or a firm for which fair market value is not paid, and includes non-monetary gifts, meals, drinks, entertainment, hospitality, recreation, transportation, attendance prizes, discounts, tickets, passes, promotional items, materials, equipment and the like.

In order to give effect to the above, the following questionnaire must be completed and submitted as a returnable with your enquiry / tender/ attendance at a negotiation.

*** Delete whichever is not applicable.**

Are you or any other person who holds an interest in the Supplier named above (i.e. a shareholder, a director, or a member or partner, a line manager, or a fellow employee), employed by Eskom or serves as a director at Eskom?

***YES/NO**

If If so, state particulars

.....
.....
.....
.....

Are you, or any other person who holds an interest in the Supplier named above, a **close family** member to or an **associate** of an Eskom employee and/or director, who may be **participating in the procurement process** associated with this enquiry / tender / negotiation?

***YES/NO**

If If so, state particulars

.....
.....
.....
.....

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Are you aware of any relationship which amounts to that of **close family** (i.e. related by birth, marriage, domestic partnership, adoption, guardianship or the like) or that of an **associate** (i.e. a friend, rival, business partner, neighbour, etc.) between person/s acting for or on behalf of the Supplier and an Eskom employee and/or director, who may be **participating in the procurement process** associated with this enquiry / tender / negotiation?

***YES/NO**

I If so, state particulars

.....

Have you, or any other person who holds an interest in the Supplier named above, given a **business courtesy** to or received a business courtesy from an Eskom employee and/or director over the last 12 (twelve) months?

***YES/NO**

If If so, state particulars

.....

If providing services as a consultant to Eskom, please state the particulars of any other services that the Supplier named above is currently rendering to any other Eskom business units, Eskom Divisions, Eskom subsidiaries, Eskom suppliers of primary energy (coal, water, fuel and associated logistics), Eskom suppliers of strategic commodities (specifically primary plant, IT hardware, IT software, construction services, consulting services and professional services), and key industrial customers. For purposes of this declaration a consultant is deemed to be a supplier that is providing Eskom with advice / contracted deliverables linked to specific technical and /or strategic issues that are core to Eskom’s approved strategic direction, and /or where the services of a registered professional are required (e.g. attorneys, auditors, engineers, etc.).

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Declaration of other work			
Name of Client	Nature of Services	Date/s of contract	Contact person/s and contact details

Name	Designation	Signature	Date
[insert your full name/s]	[Insert your full designation]		
Telephone number		Fax and/or e-mail address	

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