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|  Invitation to Tender | Document Identifier | 240-114238630 | Rev | 16 |
| | Effective Date | February 2023 | | |
| | Review Date | February 2028 | | |

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

Reactive & Proactive Support and Maintenance of Hewlett Packard Hardware (on an as and when required basis) in the Free State Operating Unit for a Period of Three Years

| | |
|--|--|
| Tender number | FS062 |
| Issue date | 12 January 2024 |
| Closing date and time | 07 March 2024 at 10h00 South African Standard Time (SAST). |
| Tender validity period | Twenty (20) weeks from the closing date and time. |
| Clarification meeting | <p>A non-compulsory clarification meeting with representatives of the Employer will take place on Microsoft Teams as follows:</p> <p>Date: 13 February 2024 Time: 10:30 am to 12:30 pm Venue: MS Teams Links: (See below. Please also refer to the word document on the Eskom Tender Bulletin with the MS Teams links to join the meeting).</p> <p>Join on your computer, mobile app or room device. Click here to join the meeting Meeting ID: 355 136 452 370 Passcode: 4XaTGA Download Teams Join on the web Or call in (audio only) +27 21 834 0825,104707865# South Africa, Cape Town Phone Conference ID: 104 707 865#</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative-Ramdhath@eskom.co.za, stating the name, position and contact details (including e-mail address) of each attendee.</p> |
| Tenders are to be delivered to the following address on the stipulated closing date and time: | <p>The place for delivery of the tender is the Eskom Tender Box located at:</p> <p>ESKOM CENTRE 120 HENRY STREET BLOEMFONTEIN ENTRANCE AT THE SECURITY GATE Look for tender office signage on the left side of the building. PLEASE: - Ask Security at the main gate for assistance.</p> |

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a tender for the:

Reactive & Proactive Support and Maintenance of Hewlett Packard Hardware (on an as and when required basis) in the Free State Operating Unit for a Period of Three Years.

The enquiry documents are supplied to you on the following basis:

1. 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 (to be accessed via www.eskom.co.za).

Queries relating to this Invitation (FS062) documents may be addressed to the *Eskom Representative*.

Tenderers must refrain from communicating issues related to this tender with any person within the Eskom environment other than the Eskom Representative named in this Invitation to tender, during the tender process. Tenderers must not contact any Eskom employee who is involved in the tender process, either telephonically, by e-mail, through private appointments or any other means, before and after submitting tenders.

Eskom employees not involved in this tender are not allowed to contact employees involved in this tender nor provide Information regarding this tender to potential tenderers.

Where a potential tenderer or tenderer has any query relating to the contents of this tender or any other issue related to the tender the first point of contact is the *Eskom Representative* whose name and contact details are stated in this document.

Yours faithfully

K.Lekutla

Kenosi Lekutla

Procurement Manager, CentralEast Cluster, FSOU

Date: 11 January 2023

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1.1 The following documents listed hereunder are attached to this enquiry.

| Number | Description | Annexure to be downloaded and attached. | Attached (Y/N/ N/A) |
|---------------|--|--|---|
| 1.1.1 | *Acknowledgement form | Annexure A | Y |
| 1.1.2 | *Tenderer's particulars | Annexure B | Y |
| 1.1.3 | *Integrity Declaration Form (Refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read). | Annexure C | Y |
| 1.1.4 | *CPA Requirements for Local Goods/Services. | Annexure D | N/A |
| 1.1.5 | *CPA(IG) for Foreign Goods/Services (if applicable). | Annexure E | N/A |
| 1.1.6 | SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included). | Annexure F1 | N/A |
| 1.1.7 | *SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline. | Annexure G | Y |
| 1.1.8 | *SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations. | Annexure H | Y |
| 1.1.9 | *SBD 4 – Bidders Disclosure | Annexure I | Y |
| 1.1.10 | Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE. | Annexure J | Y <i>(Refer to Folder 1 - Commercial Requirements on the Eskom Tender Bulletin).</i> |
| 1.1.11 | Eskom Standard Conditions of Tender. | | Y <i>(Refer to Folder 1 - Commercial Requirements on the Eskom Tender Bulletin)</i> |

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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. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender**; then the tenderers are required to download this from www.eskom.co.za. 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: Tyra Ramdharee Tel: +27 51 404 2086 E-mail: RamdhaT@eskom.co.za</p> | | | | | | | | | | | | | | | | | | | | | |
| 1.3 Enquiry documents | <p>The Invitation to tender number is FS062.</p> <p>All relevant documentation for this Tender will be published on:</p> <ol style="list-style-type: none"> 1. Eskom's Tender Bulletin. 2. National Treasury e-Tender Portal. <p>The tender is uploaded as per the table below. It is the responsibility of the Tendering Company to ensure that all requested documentation is downloaded, completed in full, signed and submitted as follows:</p> <table border="1" data-bbox="639 1212 1498 1643"> <thead> <tr> <th data-bbox="639 1212 1155 1284">Section</th> <th data-bbox="1155 1212 1383 1284">Original</th> <th data-bbox="1383 1212 1498 1284">Copy</th> </tr> </thead> <tbody> <tr> <td data-bbox="639 1284 1155 1334">Folder 1 - Commercial Requirements</td> <td data-bbox="1155 1284 1383 1334">✓</td> <td data-bbox="1383 1284 1498 1334">✓</td> </tr> <tr> <td data-bbox="639 1334 1155 1385">Folder 2 - Technical Requirements</td> <td data-bbox="1155 1334 1383 1385">✓</td> <td data-bbox="1383 1334 1498 1385">✓</td> </tr> <tr> <td data-bbox="639 1385 1155 1436">Folder 3 - SDL & I Requirements</td> <td data-bbox="1155 1385 1383 1436">✓</td> <td data-bbox="1383 1385 1498 1436">✓</td> </tr> <tr> <td data-bbox="639 1436 1155 1486">Folder 4 - Safety & Health Requirements</td> <td data-bbox="1155 1436 1383 1486">✓</td> <td data-bbox="1383 1436 1498 1486">✓</td> </tr> <tr> <td data-bbox="639 1486 1155 1537">Folder 5 – Quality Requirements</td> <td data-bbox="1155 1486 1383 1537">✓</td> <td data-bbox="1383 1486 1498 1537">✓</td> </tr> <tr> <td data-bbox="639 1537 1155 1588">Folder 6 - Financial Requirements</td> <td data-bbox="1155 1537 1383 1588">✓</td> <td data-bbox="1383 1537 1498 1588">✓</td> </tr> </tbody> </table> <p>Where a Tenderer does not submit one (1) original tender and one (1) exact hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p> | Section | Original | Copy | Folder 1 - Commercial Requirements | ✓ | ✓ | Folder 2 - Technical Requirements | ✓ | ✓ | Folder 3 - SDL & I Requirements | ✓ | ✓ | Folder 4 - Safety & Health Requirements | ✓ | ✓ | Folder 5 – Quality Requirements | ✓ | ✓ | Folder 6 - Financial Requirements | ✓ | ✓ |
| Section | Original | Copy | | | | | | | | | | | | | | | | | | | | |
| Folder 1 - Commercial Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | | | | |
| Folder 2 - Technical Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | | | | |
| Folder 3 - SDL & I Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | | | | |
| Folder 4 - Safety & Health Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | | | | |
| Folder 5 – Quality Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | | | | |
| Folder 6 - Financial Requirements | ✓ | ✓ | | | | | | | | | | | | | | | | | | | | |

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| 1.4 Type of Invitation to Tender | <p>This invitation to tender is:</p> <p>1. An open Invitation to tender.</p> |
| 1.6 Eskom's rights to accept or reject any tender. | <p>The tender shall be for the whole of the contract.</p> <p>Note: <i>Eskom may accept or reject any variation, deviation or alternative tender and reserves the right to accept the whole or any part of the tender. Eskom may cancel the tender process at any time prior to the formation of a contract and will give written reasons for the cancellation upon written request to do so. After the cancellation of the tender process or the rejection of all tenders due to non-compliance with the thresholds, Eskom may abandon the proposed work and services, have it performed in any other manner, or re-issue a similar invitation to tender at any time. Eskom, its subsidiaries, shareholders, advisors, directors, employees, representatives including the Eskom Representative shall not be liable for any losses, claims or damages of whatsoever nature or howsoever arising which may be sustained by a tenderer or any other person as a result of its participation or any amendment, termination or suspension of the process set out in this Invitation to Tender or its exclusion from participating in the tender process at any point.</i></p> |
| 2.1 Eligible tenders | <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> <ol style="list-style-type: none"> 1. 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. 2. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium. 3. [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. |

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| | <p>4. 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:</p> <ol style="list-style-type: none"> 1. (a)they have a controlling partner/majority shareholder in common; or 2. (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; 5. Tenders signed by non- authorized persons. 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) 7. Any tenderer that is restricted by National Treasury 8. Any tenderer on the Tender Defaulters list. 9. 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: 07 March 2024 Time: 10h00, South African Standard Time (SAST).</p> <p>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 120 HENRY STREET BLOEMFONTEIN ENTRANCE AT THE SECURITY GATE PLEASE: - Ask Security at the main gate for assistance.</p> |

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| 2.9 Copy of original tender | <p>The tenderer must submit the tender as a complete original tender, plus one (1) exact 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 one (1) complete original tender and one (1) exact hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p> |
| 2.13 Tender Validity Period | The tender validity period is twenty (20) weeks . |
| 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: 13 February 2024 Time: 10:30 am to 12:30 pm (SAST) Venue: MS Teams Link: (See below. Please also refer to the word document on the Eskom Tender Bulletin with the MS Teams links to join the meeting).</p> <p>Join on your computer, mobile app or room device. Click here to join the meeting Meeting ID: 355 136 452 370 Passcode: 4XaTGA Download Teams Join on the web Or call in (audio only) +27 21 834 0825,104707865# South Africa, Cape Town Phone Conference ID: 104 707 865#</p> <p>Tenderers must confirm their intention to attend with the Eskom Representative – Ramdhat@eskom.co.za stating the name, position and contact details (including e-mail address) of each attendee. Although this will not be a compulsory clarification meeting, potential tenderers are encouraged to attend the meeting to ensure that they have clear understanding of the requirements and to be able to submit a responsive tender.</p> |
| 2.17 Clarification on enquiry documents | The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is five (5) working days before the deadline for tender submission. |
| 2.23 Alternative tenders | Alternative tenders are not allowed . |
| 2.31 Provision of security for performance | If security for performance (e.g., Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender. |

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| | <p>The following bonds are required for this enquiry: -</p> <p>1. Option X4: Parent company guarantee.</p> <p>N.B.: (Please refer to Item C1.3 Forms of Securities on the NEC document).</p> |
| 3.4 Opening of tenders | <p>Tenders will be opened at the same date and time as the tender deadline.</p> <p>Place: Eskom Centre, 120 Henry Street, Bloemfontein, 9301 Date: 07 March 2024 Time: Approximately 10:15.</p> |
| 3.5 Prices to be read out | Prices will not be read out. |
| 3.9 Basic Compliance | <p>Basic compliance for this invitation to tender are:</p> <ol style="list-style-type: none"> 1. Meet the eligibility criteria for a tenderer. 2. Submit a complete original tender (hard copy) and one (1) exact hard copy of the original tender to Eskom at the stipulated tender closing date and time. 3. Companies are required to provide a valid Central Supplier Database (CSD) (MAAA.....) number. 4. Acceptance of the terms and conditions of the enquiry (i.e., return of the fully completed, priced and duly signed NEC 3 TSC offer and acceptance as well as deviations). <p><i>Note: These are mandatory returnables (disqualifiable) and are required to be submitted with the tender at tender closing date and time. If not submitted by tender closing the tender will be disqualified.</i></p> |
| 3.10 Mandatory tender returnables | <p><u>Commercial Returnable (Non - Disqualifiable)</u></p> <p>These returnable are also required to be fully completed, signed and submitted with the Tender at Tender closing date and time. However, if not submitted by Tender closing date and time, the Procurement Practitioner will request in writing the outstanding returnable (s) to be submitted within 5 working days.</p> <p>If the requested returnable (s) are not fully completed, signed and/or received by the Procurement Practitioner within five (5) working days of the request thereof the tender will be disqualified.</p> |

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| | <p><i>Commercial Mandatory Returnable - Non-Disqualifiable requirements are as follows:</i></p> <ul style="list-style-type: none"> ➤ Fully completed and duly signed Integrity Declaration Form (Annexure C). ➤ Fully completed and duly signed SBD 4. Bidder's Disclosure (Annexure I). ➤ Fully completed and duly signed SBD 1 – Invitation to Bid (Annexure G). ➤ Fully completed and duly signed SBD 6.1 – Preference points claim form (Annexure H). ➤ Fully completed and duly signed Supplier Evaluation Pack (P.A.Y. E questionnaire for Service Contracts). <p><i>Note: (Refer to Folder 1 – <u>Commercial Requirements on the Eskom Tender Bulletin</u>).</i></p> <p><u>Mandatory Technical (Functionality) Requirements - (Disqualifiable)</u></p> <p>Functionality comprises of technical requirements with a minimum qualifying score of 80%. (Refer to table 3.13 below as well as Folder 2 -Technical on the Eskom Tender Bulletin).</p> <p>To provide the above service, the service provider must be accredited with Hewlett Packard and/or have a back-to-back agreement with Hewlett Packard and must use the following reference SAID: 1087 3116 6554.</p> <p>Tenderers that do not meet the minimum threshold of 80% for functionality scoring will be disqualified and not be evaluated further.</p> |
| 3.13 Functionality requirements | <p>Functionality requirements are applicable.</p> <p>The following criteria will be applicable for this transaction under functionality criteria, (Refer to table 3.13 below as well as Folder 2 -Technical on the Eskom Tender Bulletin).</p> <p>Note: To provide the above service, the service provider must be accredited with Hewlett Packard and/or have a back-to-back agreement with Hewlett Packard and must use the following reference SAID: 1087 3116 6554.</p> <p>Tenderers who do not meet the 80% threshold for functionality scoring will be disqualified and not be evaluated further.</p> |

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Table 3.13 (Functionality Technical Requirements)

| Item | Description | Compulsory Documents | Sub - category | Weights (W) |
|------|---|--|----------------|-------------|
| 1 | Support of assets as per Asset List in NEC. | Letter confirming Proof / Confirmation of support. (Will be measured pro rata according to the amount of assets that can be supported). | | 18% |
| 2 | Accreditation with HPE. | Proof of certificate of accreditation and/or Agreement with HPE to provide the relevant services. | | 40% |
| 3 | Dashboards/Reports. | Documents indicating what Dashboards/Reports that will be provided with regard to the support provided to be able to determine the effectiveness of the support. | | 15% |
| | | • Frequency (at least Bi-Monthly). | 5% | |
| | | • Incident Detail: - No of Incidents. - Time to resolve Incidents. - Time Spent on Each incident. | 5% | |
| | | • Firmware Updates (Completed and Recommended). | 5% | |
| 4 | Periodic Maintenance. | Detailed documentation of the periodic maintenance that will be performed. | | 12% |
| | | List of Equipment (% Total Equipment). | 6% | |
| | | Frequency (at least Bi-annually). | 6% | |
| 5 | Incident & Relationship Management. | Provide documentation that will be used for the description of the Incident and Relationship Management that will be provided. | | 15% |
| | | • <u>Periodic Discussions/Meetings</u> - Support Effectiveness (for the current period). - Incident Tracking. | 5% | |
| | | • <u>Major Incident Analysis</u> - Immediately after Incident. - Cause of incident. - Recommendations for prevention of similar incidents. | 5% | |
| | | • Recommendations - Improvement - Proactive Recommendations to improve overall performance. - Resolution times achieved. | 5% | |

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| 3.15 Evaluation of price | <p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> 1. Inclusive of VAT 2. Making the specified correction for arithmetical errors 3. Excluding contingencies in any bill of quantities or activity schedule. 4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. 5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. 1. Unconditional discounts must be taken into account for evaluation purposes; 2. Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected. <p>Prices will be scored out of 80 points</p> | | | | | | | | | | | | | | | | | | | | |
|------------------------------------|--|------------------------------------|---------------------------------|---|----|---|----|---|----|---|----|---|---|---|---|---|---|---|---|---------------------------|---|
| 3.17 Evaluation of Specific Goals | <p>Specific goals will be scored out of 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to meet Specific goals and submit proof thereof, the tenderer will not be disqualified. However, be awarded 80 points for price and will score 0 points for Specific goals (out of 20).</p> <p>Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.</p> <table border="1" data-bbox="660 1256 1460 1742"> <thead> <tr> <th data-bbox="660 1256 1117 1320">B-BBEE Status Level of Contributor</th><th data-bbox="1117 1256 1460 1320">Number of points (80/20 system)</th></tr> </thead> <tbody> <tr> <td data-bbox="660 1320 1117 1362">1</td><td data-bbox="1117 1320 1460 1362">20</td></tr> <tr> <td data-bbox="660 1362 1117 1404">2</td><td data-bbox="1117 1362 1460 1404">18</td></tr> <tr> <td data-bbox="660 1404 1117 1446">3</td><td data-bbox="1117 1404 1460 1446">14</td></tr> <tr> <td data-bbox="660 1446 1117 1488">4</td><td data-bbox="1117 1446 1460 1488">12</td></tr> <tr> <td data-bbox="660 1488 1117 1531">5</td><td data-bbox="1117 1488 1460 1531">8</td></tr> <tr> <td data-bbox="660 1531 1117 1573">6</td><td data-bbox="1117 1531 1460 1573">6</td></tr> <tr> <td data-bbox="660 1573 1117 1615">7</td><td data-bbox="1117 1573 1460 1615">4</td></tr> <tr> <td data-bbox="660 1615 1117 1657">8</td><td data-bbox="1117 1615 1460 1657">2</td></tr> <tr> <td data-bbox="660 1657 1117 1742">Non-compliant contributor</td><td data-bbox="1117 1657 1460 1742">0</td></tr> </tbody> </table> | B-BBEE Status Level of Contributor | Number of points (80/20 system) | 1 | 20 | 2 | 18 | 3 | 14 | 4 | 12 | 5 | 8 | 6 | 6 | 7 | 4 | 8 | 2 | Non-compliant contributor | 0 |
| B-BBEE Status Level of Contributor | Number of points (80/20 system) | | | | | | | | | | | | | | | | | | | | |
| 1 | 20 | | | | | | | | | | | | | | | | | | | | |
| 2 | 18 | | | | | | | | | | | | | | | | | | | | |
| 3 | 14 | | | | | | | | | | | | | | | | | | | | |
| 4 | 12 | | | | | | | | | | | | | | | | | | | | |
| 5 | 8 | | | | | | | | | | | | | | | | | | | | |
| 6 | 6 | | | | | | | | | | | | | | | | | | | | |
| 7 | 4 | | | | | | | | | | | | | | | | | | | | |
| 8 | 2 | | | | | | | | | | | | | | | | | | | | |
| Non-compliant contributor | 0 | | | | | | | | | | | | | | | | | | | | |

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| | <p>NB: The following documents are required to claim preference points,</p> <ul style="list-style-type: none"> • Valid BBBEE certificate issued by a SANAS accredited verification agency or valid sworn affidavit or valid BBBEE Certificate issued by CIPC for EME companies. <p>NB: Supporting documents may be requested during evaluation (This list is not exhaustive):</p> <ul style="list-style-type: none"> • Proof of ownership / shareholding (CIPC registration documentation) inclusive of shareholding breakdown. • ID copies of shareholder(s) / owner(s) of the business. • Proof of Disability of owner(s) of the business (where applicable). <p>Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but</p> <ul style="list-style-type: none"> • May only score point out of 80 for price. • Scores 0 points out of 20 for specific goals. <p>Note:</p> <p>Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</p> |
| 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 tenders with rand value equal to or below R50 million. • Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest. <p>Criteria for breaking deadlock in scoring (1) If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals. (2) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.</p> |

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| 3.19 Objective Criteria (if applicable) | <p>Objective criteria are <i>not applicable</i>.</p> <p>Please note: -</p> <ol style="list-style-type: none"> 1. Eskom reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA. 1. Functionality and elements of Contractual requirements must not be used as objective criteria. | | | | | | | | | | | | | | | | |
|---|---|------|-----------------------|---|---|---|--|---|---|------|-----------------------|---|--|---|--------------------------------------|---|--|
| Contractual Requirements | <p>Contractual Requirements include the following:</p> <ol style="list-style-type: none"> 1. Safety and Health requirements. 2. Quality requirements 3. Supplier Development and localization requirements. 4. Financial Requirements. <p>Please Note: Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award. Failure to meet “Contractual Requirements “by the stipulated deadlines may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p> <p style="text-align: center;"><u>SAFETY and HEALTH REQUIREMENTS</u></p> <p style="text-align: center;">Part A</p> <table border="1"> <thead> <tr> <th>Ref.</th> <th>OHS Tender Returnable</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Annexure B Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer?.</td> </tr> <tr> <td>2</td> <td>Valid Letter of Good Standing (COIDA or equivalent).</td> </tr> <tr> <td>3</td> <td>OHS policy signed by CEO -The submitted policy document must comply to OHS Act Section 7.</td> </tr> </tbody> </table> <p style="text-align: center;">Or Part B</p> <table border="1"> <thead> <tr> <th>Ref.</th> <th>OHS Tender Returnable</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Annexure B-Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer?</td> </tr> <tr> <td>2</td> <td>ISO 45001 certificate or equivalent.</td> </tr> <tr> <td>3</td> <td>Valid Letter of Good Standing (COIDA or equivalent).</td> </tr> </tbody> </table> <p style="text-align: center;">(Refer to Folder 4- Safety Requirements, on the Eskom Tender Bulletin, for all supporting documents).</p> | Ref. | OHS Tender Returnable | 1 | Annexure B Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer?. | 2 | Valid Letter of Good Standing (COIDA or equivalent). | 3 | OHS policy signed by CEO -The submitted policy document must comply to OHS Act Section 7. | Ref. | OHS Tender Returnable | 1 | Annexure B-Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer? | 2 | ISO 45001 certificate or equivalent. | 3 | Valid Letter of Good Standing (COIDA or equivalent). |
| Ref. | OHS Tender Returnable | | | | | | | | | | | | | | | | |
| 1 | Annexure B Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer?. | | | | | | | | | | | | | | | | |
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| QUALITY REQUIREMENTS | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|---|--|--|---|---------------------------------|--|--|---|--|--|---|--|--|--|---------------------------------|--|--|--|------------------------|---|---|---|------------------------|---|
| Category 3 Quality Criteria | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Category 3 - Quality Requirements <table border="1"> <tr> <td>SECTION A : Quality Management System Requirements ISO 9001</td> </tr> <tr> <td>(Option 1) Valid certification of Quality Management System by an ISO accredited body</td> </tr> <tr> <td>A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant</td> </tr> <tr> <td>A.2 Certificate by Approved and Authorized certification authority</td> </tr> <tr> <td>A.3 Certification Authority has Recognized International Accreditation</td> </tr> <tr> <td>A.4 Validity (expiry date) of certificate</td> </tr> <tr> <td>Section A Score Option 1</td> </tr> <tr> <td>SECTION A : Quality Management System Requirements ISO 9001</td> </tr> <tr> <td>Objective evidence of documented QMS that is not certified but complies with ISO 9001</td> </tr> <tr> <td>A.1 QMS Manual or a document that defines and describes the QMS and its scope</td> </tr> <tr> <td>A.2 Quality Policy Approved by top management.</td> </tr> <tr> <td>A.3 Quality Objectives Approved by top management.</td> </tr> <tr> <td>A.4 Control of documented information (i.e. document and record control) Clause 7.5 of ISO 9001:2015</td> </tr> <tr> <td>A.5 Documented information for Control of nonconforming outputs Clause 8.7 of ISO 9001:2015</td> </tr> <tr> <td>A.6 Documented information for Nonconformity and Corrective action Clause 10.2 of ISO 9001:2015</td> </tr> <tr> <td>A.7 Documented information for Internal audit Clause 9.2 of ISO 9001:2015</td> </tr> <tr> <td>Section A Score Option 2</td> </tr> <tr> <td>SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)</td> </tr> <tr> <td>B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)</td> </tr> <tr> <td>B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)</td> </tr> <tr> <td>Section B Score</td> </tr> <tr> <td>SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698).</td> </tr> <tr> <td>Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)</td> </tr> <tr> <td>NB! Draft Contract/Project Quality Plan has important QA deliverables as per template provided</td> </tr> <tr> <td>Section C Score</td> </tr> <tr> <td>NBI Draft Inspection and Test Plan (ITP) or Quality Control Plan (QCP) based on ALL NEC scope of work activities</td> </tr> </table> | | SECTION A : Quality Management System Requirements ISO 9001 | (Option 1) Valid certification of Quality Management System by an ISO accredited body | A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant | A.2 Certificate by Approved and Authorized certification authority | A.3 Certification Authority has Recognized International Accreditation | A.4 Validity (expiry date) of certificate | Section A Score Option 1 | SECTION A : Quality Management System Requirements ISO 9001 | Objective evidence of documented QMS that is not certified but complies with ISO 9001 | A.1 QMS Manual or a document that defines and describes the QMS and its scope | A.2 Quality Policy Approved by top management. | A.3 Quality Objectives Approved by top management. | A.4 Control of documented information (i.e. document and record control) Clause 7.5 of ISO 9001:2015 | A.5 Documented information for Control of nonconforming outputs Clause 8.7 of ISO 9001:2015 | A.6 Documented information for Nonconformity and Corrective action Clause 10.2 of ISO 9001:2015 | A.7 Documented information for Internal audit Clause 9.2 of ISO 9001:2015 | Section A Score Option 2 | SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000) | B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015) | B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015) | Section B Score | SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698). | Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005) | NB! Draft Contract/Project Quality Plan has important QA deliverables as per template provided | Section C Score | NBI Draft Inspection and Test Plan (ITP) or Quality Control Plan (QCP) based on ALL NEC scope of work activities |
| SECTION A : Quality Management System Requirements ISO 9001 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Option 1) Valid certification of Quality Management System by an ISO accredited body | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A.1 Product / Service Scoping on ISO 9001 certificate is defined and relevant | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A.2 Certificate by Approved and Authorized certification authority | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A.3 Certification Authority has Recognized International Accreditation | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A.4 Validity (expiry date) of certificate | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Section A Score Option 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SECTION A : Quality Management System Requirements ISO 9001 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| A.1 QMS Manual or a document that defines and describes the QMS and its scope | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A.2 Quality Policy Approved by top management. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A.3 Quality Objectives Approved by top management. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A.4 Control of documented information (i.e. document and record control) Clause 7.5 of ISO 9001:2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Section A Score Option 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Section B Score | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698). | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NB! Draft Contract/Project Quality Plan has important QA deliverables as per template provided | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Section C Score | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NBI Draft Inspection and Test Plan (ITP) or Quality Control Plan (QCP) based on ALL NEC scope of work activities | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| Section D Score |
| NB! Draft Inspection and Test Plan (ITP) or Quality Control Plan (QCP) based on ALL NEC scope of work activities |
| Section D Score |
| SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000) |
| Customer specific requirements & other standards and required can be listed and evaluated here |
| E.1 Form A is completed and signed. |
| Section E Score |

1. Category 3 Quality requirements.
2. Form A (template for Section 1 of evaluation criteria).
3. Supplier Quality Management Specification (for reference).
4. Recommended templates:
 - a. ITP/QCP
 - b) CQP
 - c) Method Statement template
 - d) Part 4 – Quality Requirements

(Refer to Folder 5 Quality Requirements, on the Eskom Tender Bulletin, for all supporting documents).

FINANCIAL REQUIREMENTS

Financial evaluations will be conducted on the recommended suppliers' financial statements to determine if the supplier is financially viable to execute the scope of work.

Requirements for Financial Evaluation of Companies

- Public Interest Score (PIS) and the calculations to arrive at the score (refer to annexure attached for calculation of PIS). The PIS letter must specify whether:
 1. Whether the AFS were internally or externally prepared.
 2. Whether the company was owner managed or not owner managed.
- Latest approved financial statements including comparative amounts.
- AFS must be valid and not outdated, received within 18 months after year-end.

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- A signed director's / member's report.
- Signed Compilers / Accounting Officers / Independent Reviewers / Audit report whichever is applicable, based on the PIS above. Where the PIS requires an Audit or Independent Reviewers report, the Compilers / Accounting Officers report must still be submitted.
- Approved Annual Financial statements must comprise: Statement of financial position (Balance Sheet).
- Statement of comprehensive income (income statement).
- Statement of changes in Equity.
- Statement of cash flows.
- Notes to the financial statements.
- ITA 34C Income Tax Assessment for companies that have NOT been AUDITED.
- The notes to the AFS specifically referring to
- Accounts Receivable and Accounts Payable must give a complete breakdown of the amounts. A clear distinction must be made between Trade Debtors and other receivables as well Trade Creditors and other payables. The note must clearly show the amounts subject to interest and the terms and condition of interest.
- The notes to the AFS must clearly specify the current and non-current liabilities that are subject to interest.
- Member / Directors loans must be accompanied by a note specifying the terms of the loan, whether secured or unsecured, terms of repayment and interest rates.
- Name of Holding company if the company is a subsidiary company.
- Where there is a Holding company the latest signed Group Annual Financial Statements of the Holding Company may be requested at a later stage.
- Information requested from companies via Procurement Office not received within five working days from date of Finance request will result in the financial evaluation being closed.
- Finance will issue a 1-page report stating that an opinion could not be expressed due to insufficient information.

Note:

Draft, bi-annual, management accounts and unsigned financial statements will NOT be accepted.

Soft copies of the AFS submitted with the tender documents may be requested at a later stage.

(Refer to Folder 6 Financial Requirements, on the Eskom Tender Bulletin, for all supporting documents).

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| | SUPPLIER DEVELOPMENT LOCALISATION & INDUSTRIALISATION (SDL&I) <i>(Refer to Folder 3- SDL&I Requirements, on the Eskom Tender Bulletin, for all supporting documents).</i> |
| 2.25 Contractual Condition | The conditions of contract will be the NEC3 Term Services Contract (TSC) and the applicable conditions thereof. In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract. |

Please note:

Tenderers are requested to bear in mind Eskom's standard payment terms as stipulated hereunder when submitting tenders and concluding contracts with Eskom:

For contracts valued below R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying Suppliers within 30 days of receipt of undisputed invoices.

For contracts valued above R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying suppliers within 60 days of receipt of undisputed invoices.

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations; 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

“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 returnable set out hereunder as part of its tender at the stipulated deadline.

NOTE:

*** Returnable required at Tender closing (disqualifiable)** - These returnable are required to be fully completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not fully completed, signed (if required on the returnable) and/or submitted by tender closing the tender must be disqualified.

**** Returnable required at Tender closing. (Non-disqualifiable)** – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Procurement Practitioner within 5 working days of the request; the tender must be disqualified. The 5 working days requirement does not apply to CIDB proof of grading. (Refer to the returnable table under CIDB reference for prescribed period)

These returnable are mandatory for evaluation and therefore required at tender closing time and date. These will not be requested by the Procurement Practitioner; however, the tenderer will not be disqualified but score zero.

| Reference | Returnable From Suppliers | Returnable required at Tender closing (disqualifiable)* | Returnable required at Tender closing. (Non-disqualifiable) ** | Returnable required prior to Contract Award. |
|---|--|---|--|--|
| Basic Compliance | One (1) hard copy of the tender | ✓ | | |
| Annexure A | Acknowledgement Form | | ✓ | |
| Annexure B | Tenderers Particulars | | ✓ | |
| Annexure C | Integrity Pact Declaration form | | ✓ | |
| Annexure G (applicable for all suppliers including foreign suppliers) | SBD 1- to be completed and submitted by all tenderers. | | | ✓ |

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|---|---|--|---|---|
| # Annexure H | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations. | | | |
| Annexure I | SBD 4 – Bidders Disclosure. | | ✓ | |
| Additional Documents required in event of JV: - | Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios. | | ✓ | |
| | Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract, or this may be included as an obligation within the JV agreement. | | ✓ | |
| | # proof of compliance to the stipulated Specific goals. | | | |
| | Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement. | | | ✓ |
| # Specific Goals | Failure on the part of the supplier to submit “ proof of specific goals for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking. | | | |
| 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. | | | ✓ |
| Tax Evaluation Questionnaire | Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE] | | | ✓ |
| Annexure J <i>(Refer to Folder 1- Commercial on the Eskom Tender Bulletin).</i> | Refer to Annexure J (Folder 1-Commercial Requirements on the Eskom Tender Bulletin). | | | |
| 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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| NEC Documentation | Fully completed and duly signed NEC including pricing schedule and contract data. | ✓ | | |
|--------------------------|---|---|--|--|

| DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS | | | | |
|--|---|---|--|---|
| Safety | COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only). <i>(Refer to Folder 4 - Safety & Health Requirements, on the Eskom Tender Bulletin).</i> | | | ✓ |
| Quality | Documents that may be required per scope of work. <i>(Refer to Folder 5 Quality Requirements, on the Eskom Tender Bulletin).</i> | | | ✓ |
| Due Diligence | Audited Financial Statements of the tenderer for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available. <i>(Refer to Folder 6 - Financial Requirements, on the Eskom Tender Bulletin).</i> | | | ✓ |
| | DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA | | | |
| Technical (required for functionality scoring) | Please Refer to Folder 2 – Technical Requirements, on the Eskom Tender Bulletin. | ✓ | | |

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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:

| | |
|--|--|
| | |
| | |
| | |

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.

Invitation to Tender No: _____

Name of company/JV: _____

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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 or CIPC disclosure certificate (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) | |
| 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) | |

If subcontractors are to be used, indicate the following for the main sub-contractor(s). Add to the list of applicable.

| | |
|---|--|
| Name of contractor | |
| CIPC Registration number or CIPC disclosure certificate | |
| VAT registration number | |

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| | |
|--|--|
| CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data | |
| Proposed Scope of work to be done by sub-contractor | |
| Contact person | |
| Telephone number | |
| Fax number | |
| E-mail address | |
| Postal address | |
| Physical address | |

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. If you are registered on SARS Efilng system, please provide your pin number in order to verify your tax compliant status _____
6. 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 Efilng 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 | | NO | |
|-----|--|----|--|

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

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| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

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 | | NO | |
|-----|--|----|--|

8.5 If yes to 8.4, please provide CSD number. _____

8.4 Please confirm B-BBEE level of said sub-contractor _____

8.5 Which designated group does the sub-contractor belong to:-

- a) An EME or QSE;
- b) An EME or QSE which is at least 51% owned by black people;
- c) An EME or QSE which is at least 51% owned by black people who are youth;
- d) An EME or QSE which is at least 51% owned by black people who are women;
- e) An EME or QSE which is at least 51% owned by black people with disabilities;
- f) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- g) A cooperative which is at least 51% owned by black people;
- h) An EME or QSE which is at least 51% owned by black people who are military veterans; or
- i) More than one of the categories referred to in paragraphs (a) to (h).

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

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

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

| | | | |
|-----|--|----|--|
| YES | | NO | |
|-----|--|----|--|

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1. 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: _____

2. 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 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

Note: This returnable is required to be fully completed, signed and submitted by tenderers at the stipulated deadlines.

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:-

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
3. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
4. 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:
 1. an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 3. 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

1.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;
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"
5. the *tenderer/s* and one or more of the *tenderers* in this tendering 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 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.

Do the tenderer/s and other tenderer in this tendering 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** will be disqualified if the **tenderer/s**, or any of its directors have:

1. abused the institution's procurement process (e.g. bid rigging/collusion)
2. 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 |
|-------|--|-----|----|
| 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. | | |
| 1.4 | Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution | | |
| 1.5 | <i>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> | | |

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3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned _____ [Position] _____ hereby declare that I am the duly authorised representative of _____ [Name of Tenderer].

I further declare that the following individuals and/or entities listed hereunder are Shareholders in _____ [Name of Tenderer]:

Note that this information in the tables hereunder must be fully completed for each tenderer (including incorporated JVs). In event that the tenderer is an unincorporated JV, this must be completed for each JV member. Please add additional rows if required.

Individuals:

| Full Name | Identity Number | Shareholding Percentage |
|-----------|-----------------|-------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Other Entities*:

| Full Legal / Trading Name | Registration Number/Trust Number | Shareholding Percentage | Full name and surname of the directors/beneficiaries/shareholders of the shareholding entity | Identification Numbers of the shareholders/directors/beneficiaries of the shareholding entity |
|---------------------------|----------------------------------|-------------------------|--|---|
| | | | | |
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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 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 may be rejected, and that Eskom will act against the tenderer should any aspect of this declaration prove to be false, and

I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and

I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by Eskom. Such processing may include the sharing of the information with third parties.

| | |
|--|--|
| Signature: | |
| Designation and capacity in which signing | |
| Date: | |

Joint Ventures

I, the undersigned, _____ (full names) 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); and

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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 may be rejected, and that Eskom will act against the JV should any aspect of this declaration prove to be false; and

I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and

I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by Eskom. Such processing may include the sharing of the information with third parties.

| | |
|--|--|
| 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).

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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 <input type="checkbox"/> No | | B-BBEE STATUS LEVEL SWORN AFFIDAVIT | <input type="checkbox"/> Yes <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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**Invitation to Tender**

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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

| | | |
|---|---|--|
| BID SUBMISSION: | | |
| 1. | BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. | |
| 2. | ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE | |
| 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. | |
| 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. | |
| 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. | |
| TAX COMPLIANCE REQUIREMENTS | | |
| 1. | BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. | |
| 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. | |
| 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. | |
| 4. | BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID. | |
| 5. | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER. | |
| 6. | WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. | |
| QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | | |
| 1. | IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 2. | DOES THE BIDDER HAVE A BRANCH IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 3. | DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 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.

ANNEXURE H

SBD 6.1

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PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1. The following preference point systems are applicable to invitations to tender:
 1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1. To be completed by the organ of state

1. The applicable preference point system for this tender is the **80/20** preference point system.
2. The **80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
 1. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
 1. Price; and
 2. Specific Goals.

1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

| | POINTS |
|--|---------------|
| PRICE | 80 |
| SPECIFIC GOALS | 20 |
| Total points for Price and SPECIFIC GOALS | 100 |

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2. Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
3. The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

3. DEFINITIONS

1. **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
2. **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
3. **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
4. **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
5. **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

or

90/10

$$Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

7. POINTS AWARDED FOR SPECIFIC GOALS

1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 1. an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 2. any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

| The specific goals allocated points in terms of this tender | Number of points allocated (80/20 system) (To be completed by the organ of state) | Number of points claimed (80/20 system) (To be completed by the tenderer) |
|---|--|--|
| 1 | 20 | |
| 2 | 18 | |
| 34 | 14 | |
| 5 | 12 | |
| 6 | 8 | |
| 7 | 6 | |
| 8 | 4 | |
| Non-compliant contributor | 0 | |

DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm.....
2. Company registration number:
3. **TYPE OF COMPANY/ FIRM**
 - Partnership/Joint Venture / Consortium
 - One-person business/sole proprietor
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company

[TICK APPLICABLE BOX]
4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender,

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qualifies the company/ firm for the preference(s) shown and I acknowledge that:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 1. disqualify the person from the tendering process;
 2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 3. 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;
 4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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
 5. forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

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Annexure I

SBD 4

BIDDER'S DISCLOSURE

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 |
|-----------|-----------------|---------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

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

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**

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 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

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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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.

1. 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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