	<b>Invitation to Tender/ Request for Proposal (RFP)</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	16	
		<b>Effective Date</b>	15 February 2023			
		<b>Review Date</b>	February 2028			

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER/REQUEST FOR PROPOSAL (RFP)**

**FOR**


**THE SUPPLY AND DELIVERY OF COAL TO GROOTVLEI POWER STATION**

<b>RFP number</b>	<b>MWP2269GX</b>
<b>Issue date</b>	<b>09 November 2023</b>
<b>Closing date and time</b>	<b>08 December 2023 at 10h00</b>
<b>Tender validity period</b>	<b>Sixty (60) weeks from the closing date and time</b>
<b>Clarification meeting</b>	<p><b>Ms Teams</b>  <b>16 November 2023</b>  <b>10:00 – 12:00 (South African Standard Time)</b></p> <p>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee by <b>14 November 2023</b> to receive an invite to the meeting.</p>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<p><b>The Tender Office</b>  <b>Retail Centre</b>  <b>Megawatt Park</b>  <b>1 Maxwell Drive</b>  <b>Sunninghill</b>  <b>Sandton</b></p>

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## Invitation to Tender/Request for Proposal (RFP)

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a proposal for the supply and delivery of an estimated four million eight hundred thousand (4 800 000) tons of coal to Grootvlei Power Station for an estimated period of five (5) years.

The enquiry documents are supplied to you 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 proposal by you in response to this RFP will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via [www.eskom.co.za](http://www.eskom.co.za)).

Queries relating to these RFP documents may be addressed to the Eskom Representative:

Name: Phumzile Malape

Tel: (011) 800 5395

E-mail: [Malapepe@eskom.co.za](mailto:Malapepe@eskom.co.za)

Yours faithfully



Vuyisile Ncube


**Senior Manager: Fuel Sourcing**

Date: 09 November 2023

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## SCOPE OF WORK

Eskom seeks to appoint coal suppliers for the supply and delivery of an estimated four million eight hundred thousand (4 800 000) tons of coal to Eskom's Grootvlei Power Station for an estimated period of five (5) years.

### Coal Quality Specifications

The supplier shall ensure that each quality parameter of the coal delivered to Eskom shall comply with the Quality Specifications set out in column 3 of Table 1 hereunder.

**Table 1: Coal Quality Specifications**

Parameters	Unit	Quality Specification	Measurement Basis
Total Moisture content	%	≤9.0	As Received
Inherent Moisture content	%	N/A	N/A
Ash content	%	≤23.5	Air Dried
Calorific Value	MJ/kg	≥21.7	Air Dried
Volatile Matter content	%	≥22.5	Air Dried
Sulphur content	%	≤1.42	Air Dried
Abrasiveness Index (AI)	mgFe/4kg	≤450	Air Dried
Ash Fusion Temperature (AFT) (initial deformation)	°C	≥1140	As Received
Particle Size Distribution:			
+60mm	%	0.0	As Received
+50mm	%	≤5.0	
-3.0mm (cumulative)	%	≤25.0	
-1mm	%	≤10.0	

### Indicative parameters


Hard-grove Grindability Index (HGI)	-	≥55	As Received
Nitrogen content	%	≤1.41	Air Dried

- Parameters are measured to 1 (one) decimal place, except AI, HGI and AFT which shall be measured to the nearest integer. Sulphur content and Nitrogen content shall be measured to 2 (two) decimal places.
- The supplier shall ensure that no supplementary ultra-fines are blended into the product and is substantially free from impurities and extraneous materials related to the proper mining and processing of coal.

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

Number	Description	Annexure	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 <a href="http://www.eskom.co.za">www.eskom.co.za</a> 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	Y
1.1.5	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure E	Y
1.1.6	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure F	Y
1.1.7	SBD 4 – Bidders Disclosure	Annexure G	Y
1.1.8.	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Annexure H	Y Attachment is separate
1.1.9	Status of Tenderer – Mining Right Holder or Value Adder	Annexure I	Y
1.1.10	Proposed Coal Quantity and Quality Specification	Annexure J	Y
1.1.11	Technical Report/Competent Person's Report	Annexure K	Y
1.1.12	Coal Reserves/Resource Template	Annexure L	Y
1.1.13	Example of Coal Process Flow Diagram	Annexure M	Y
1.1.14	Geological Model Information/Validation of Geological Model	Annexure N	Y
1.1.15	Geology and Mining Information	Annexure O	Y
1.1.16	Environmental Requirements Criteria	Annexure P	Y
1.1.17	Supplier Development, Localisation & Industrialisation (SDL&I) Undertaking	Annexure Q	Y
1.1.18	Acknowledgement Form for Eskom OHS legal and other requirements	Annexure R	Y
1.1.19	Tender and Contract Quality Requirements Form A	Annexure S	Y
1.1.20	Price Schedule	Annexure T	Y
1.1.21	Eskom standard conditions of Tender	Annexure U	Y Attachment is separate

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1.1.22	Eskom Life Saving rules	Annexure V	Y Attachment is separate
1.1.23	Fixed Price Coal Supply Agreement Template (with Annexes) Standard Terms and Conditions of the Coal Supply	Annexure W1 Annexure W2	Y Attachment is separate


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/Request for Proposal**; then the tenderers are required to download this from [www.eskom.co.za](http://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	The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b> The Eskom <i>Representative</i> is: Name: <b>Phumzile Malape</b> Tel: <b>011 800 5395</b> E-mail: <a href="mailto:Malapepe@eskom.co.za">Malapepe@eskom.co.za</a>
1.2 Enquiry documents	The RFP number is: <b>MWP2269GX</b> See the content list above for the enquiry documents.
1.3 Type of Invitation to RFP	This RFP is an open Invitation to tender
1.4 Eligible tenders	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.  Tenderers are deemed <b>ineligible</b> to submit a proposal if:  I. 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.  II. Proposals 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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Clause Number from Standard Conditions of Tender	Tender Data
	III. Tenders signed by non-authorized persons. IV. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) V. Any tenderer that is restricted by National Treasury VI. Any tenderer on the Tender Defaulters list. VII. A tenderer that sub-contracts 100% Scope of Work.  <b>Ineligible tenderers will be disqualified.</b>  <b>Eskom reserves the right to disqualify any tender who has engaged in collusion in terms of this tender</b>
1.5 Tender Closing	The deadline for RFP submission is: Date <b>08 December 2023</b> Time <b>10:00</b>  <b>Late Tenders will not be accepted.</b>  Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:  <b>The Tender Office</b> <b>Retail Centre</b> <b>Megawatt Park</b> <b>1 Maxwell Drive</b> <b>Sunninghill</b> <b>Sandton</b>
1.7 Copy of original tender	The tenderer must submit the proposal as a <b>complete original tender</b> , plus one (1) <b>hard copy</b> 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.  Where a Tenderer does not submit two (2) hard copies, i.e. original tender and a copy at tender submission deadline, the tenderer will be disqualified.  The proposal shall be submitted as two (2) separate files i.e. one (1) original and one (1) copy of the original. Failure to submit two (2) separate files of the tender (one original and one copy) will result in the tenderer being declared nonresponsive and will be disqualified, i.e. will not be evaluated further.  An additional soft copy stored in a USB may be included in the submission.  Note: <input type="checkbox"/> the hard copies take precedence over the soft copy <input type="checkbox"/> tenderers will not be disqualified if they do not submit a soft copy.
2.13 Tender Validity Period	The tender validity period is <b>60 weeks</b> .

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<b>Clause Number from Standard Conditions of Tender</b>	<b>Tender Data</b>
2.16 Site/clarification meetings	<p>A <b>non-compulsory clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 16 November 2023 Time: 10:00 Venue: MS Teams</p> <p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee by <b>14 November 2023</b> to receive an invite to the meeting.</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 <b>five (5)</b> working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are <b>not allowed</b> .
2.31 Provision of security for performance	Not applicable
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline.</p> <p>Tenders will be opened on:</p> <p>Place: <b>Eskom Megawatt Park, Tender Office</b> Date: <b>08 December 2023</b> Time: <b>10:00</b></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 the RFP are:</p> <ol style="list-style-type: none"> <li>I. Meet the eligibility criteria for a tenderer.</li> <li>II. Submission of two (2) separate files i.e. one (1) original and one (1) copy of the original. Failure to submit two (2) separate files of the tender (one original and one copy) will result in the tenderer being declared non-responsive and will be disqualified, i.e. will not be evaluated further.</li> <li>III. Submission of the mandatory commercial tender returnable as at stipulated deadlines.</li> <li>IV. Central Supplier Database (CSD) number (MAA.....)</li> </ol>
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information 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.
3.13 Functionality requirements	Functionality requirements are applicable.

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	<p>Note the requirements for technical functional scoring hereunder. Technical criteria will be applicable for this transaction under functionality criteria:</p> <p><b>Tenderers who do not meet the 60% (sixty percent) threshold for functionality scoring will be disqualified and not be evaluated further.</b></p> <p><b>Eskom reserves the right to contract coal for other power stations based on suitability, Total Cost of Ownership and operational needs.</b></p>

<p><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>• Presentations will not be considered as Competent Persons Report (CPR) / Technical Report.</li> <li>• The information in the CPR / Technical Report returnable will be scored as per Annexure K for completeness. If the respondent scores less than the threshold of 75% the respondent will score 2.5%.</li> <li>• For the reserve / resource tons to score 18%, the Gross Ton In-situ (GTIS) or the Total Tons In-situ (TTIS) or Mineable Tons In-situ (MTIS) must be provided.</li> <li>• If coal quality ranges are given in the coal quality specification offered, then worse value will be used for scoring (i.e. lower range values for calorific values, volatiles, ash fusion temperature and hard-grove index will be used and for sulphur, ash, total moisture, abrasive index, nitrogen and size fraction the higher range values will be used).</li> </ul>
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**FUNCTIONAL CRITERIA (Threshold = 60%)**

No	Evaluation Parameter	Weight (%)	0	1	2	3	4	5	6
	<b>KPA 1: RETURNABLES</b>		<b>0%</b>	<b>2.5%</b>	<b>5.0%</b>				
1	1.1 Completeness of Competent Person's Report or Technical Report as per the guidelines provided in Annexure P	5%	Not submitted	Incomplete	Submitted Complete				
	<b>KPA 2 : INFORMATION CONTAINED IN THE COMPETENT PERSON'S REPORT / TECHNICAL REPORT</b>		<b>0%</b>	<b>3%</b>					
	2.1 Information on seams present / stratigraphy is contained in the report	3%	Not contained in report	Contained in report					
	2.2 Information on seam cut off / discount factors applied for tons is contained in the report	3%	Not contained in report	Contained in report					
	2.3 Information on seam cut off applied / discount factors for Coal Qualities is contained in the report	3%	Not contained in report	Contained in report					
2			<b>0%</b>	<b>18%</b>					
	2.4 Information on Reserve / Resource Tonnage Categories GTIS/TTIS, MTIS is contained in the report	18%	Not contained in report	GTIS or TTIS or MTIS					
			<b>0%</b>	<b>4.5%</b>	<b>9.0%</b>	<b>13.5%</b>	<b>18.0%</b>		
	2.5 Information on Coal Quality Parameters; Calorific Value, Ash content, Volatile matter content and Sulphur content is contained in the report	18%	None	1 parameter	2 parameters	3 parameters	4 parameters		
	<b>KPA 3 : COAL QUALITY SPECIFICATION OFFERED (ANNEXURE J)</b>		<b>0%</b>	<b>10%</b>	<b>20%</b>	<b>30%</b>	<b>40%</b>		
	3.1 Number of main coal quality parameters offered that meet Eskom coal quality specifications (Calorific Value, Ash content, Volatile matter content and Sulphur content)	40%	No parameter meets Eskom Quality Specification	1 parameter meets Eskom Quality Specification	2 parameters meet Eskom Quality Specification	3 parameters meet Eskom Quality Specification	4 parameters meet Eskom Quality Specification		
			<b>0.0%</b>	<b>1.7%</b>	<b>3.3%</b>	<b>5.0%</b>	<b>6.7%</b>	<b>8.4%</b>	<b>10.0%</b>
3									
	3.2 Number of other coal quality parameters that meet Eskom coal quality specifications (Total Moisture, Ash Fusion Temperature, Abrasiveness Index, Hardgrove Index, Nitrogen and Particle Size Distribution ( meet all size fractions))	10%	No parameter meets Eskom Quality Specification	1 parameter meets Eskom Quality Specification	2 parameters meet Eskom Quality Specification	3 parameters meet Eskom Quality Specification	4 parameters meet Eskom Quality Specification	5 parameters meet Eskom Quality Specification	6 parameters meet Eskom Quality Specification
<b>TOTAL</b>		<b>100%</b>							

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Clause Number from Standard Conditions of Tender	Tender Data
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> <li>I. Inclusive of VAT.</li> <li>II. Making the specified correction for arithmetical errors.</li> <li>III. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>IV. Unconditional discounts must be taken into account for evaluation purposes.</li> </ol> <p>Prices will be scored out of 90 points.</p>
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 10 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified. The tenderer:</p> <ul style="list-style-type: none"> <li>• May only score points out of 90 for price; and</li> <li>• Scores 0 points out of 10 for B-BBEE status.</li> </ul>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on 90/10 (for estimated values above R50M inclusive of VAT)</p> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p> <p>Eskom reserves the right to utilize E-auction instead of price negotiations.</p>
Contractual Requirements	<p>The following contractual requirements will apply in this enquiry:</p> <ul style="list-style-type: none"> <li>▪ Health and Safety requirements</li> <li>▪ Environment requirements</li> <li>▪ Financial requirements</li> <li>▪ Quality Requirements</li> </ul> <p>See requirements under Tender returnables</p> <ul style="list-style-type: none"> <li>▪ Sub-Contracting <ul style="list-style-type: none"> <li>- Minimum 30% (thirty percent) of the contract value must be subcontracted to designated Black owned entities as per PPPFA. The subcontracting shall be negotiated and finalized with the successful tenderers. The negotiation of subcontracting will be done at the contract award stage due to the nature of the commodity being procured.</li> <li>- Skills Development 1% (one percent) of contract value to be set aside for skills development</li> </ul> </li> </ul>

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	<p><b>Please Note:</b></p> <p>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.</p> <p>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>

**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](http://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 returnables 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 will be disqualified.**

**\*\* Returnables required at Tender closing. (non-disqualifiable) – These returnables 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 returnables 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 will be disqualified.**


**#These returnables 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 scored zero.**

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	2 (two) separate files i.e. 1 (one) original and 1 (one) copy of the original	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	
<b>Annexure B</b>	Tenderers Particulars		✓	
<b>Annexure C</b>	Integrity Pact Declaration form		✓	
<b>Annexure D</b>	CPA for local goods/services			✓

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<b>Annexure E</b>	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	✓		
<b>Annexure F</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		✓	
<b>Annexure G</b>	SBD 4 – Bidders Disclosure		✓	
<b>Annexure H</b>	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			✓
<b>Annexure I</b>	Status of Tenderer - Mining Right Holder or Value Adder		✓	
<b>Additional Documents required in event of JV:-</b>	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.			✓
<b>Tax Clearance Certificates</b>	<p>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).</p> <p>Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.</p>			✓
<b>#“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>	<p>Failure on the part of the supplier to submit <b>“proof of B-BBEE status level of contributor”</b> 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 and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.</p> <p>If an EME or QSE tenderer has supplied only a sworn affidavit, an original or certified copy of a valid B-BBEE certificate is required for contract award.</p>		✓	

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<b>B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</b>				
<b>Shareholding</b>	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)		✓	
<b>Multiple Bidding</b>	Declaration by tenderers who submit more than one proposal either individually or as a partner in a joint venture (JV) or consortium  Tenderer(s) who submit multiple proposals/bids/tenders shall declare the multiple proposals submitted and give reasons for submitting such proposals, recognising that: <ul style="list-style-type: none"> <li>it is a requirement that this RFP process is fair, equitable, transparent, competitive and cost-effective, and</li> <li>unfair tendering practices such as price fixing and bid rigging/collusion are prohibited by law.</li> </ul> The declaration must be on the tenderer's company letterhead and must be signed by the authorised signatory.		✓	
<b>Compliance with Employment Equity Act</b>	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)			✓
<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>				
<b>Annexure J</b>	Proposed Coal Quantity and Quality Specification	✓		
<b>Annexure K</b>	Complete Competent Persons Report or Technical Report as per Annexure K	✓		
<b>Annexure L</b>	Reserve and Resource Statement Template			✓
<b>Annexure M</b>	Coal Process Flow Diagram showing the tonnage and qualities for each stage of the process to arrive at the Eskom product (Example shown in Annexure M)			✓

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<b>Annexure N</b>	Geological Model (should include Borehole Information, Qualities) as per Annexure N Guidelines for Geological Information and validation or verification of the supplier geological model.			✓
<b>Annexure O</b>	Geology and Mining Information			✓
<b>Mine Plan and Schedule</b>	Supplier to demonstrate the capacity (equipment) relating to the production rate			✓
<b>Bulk sample</b>	<ul style="list-style-type: none"> <li>▪ Bulk sample for combustion test either before or after commencement of mining</li> <li>▪ Sample for the drop tube furnace test where bulk sample is not available prior to commencement of mining</li> </ul>			✓
<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS</b>				
<b>HEALTH AND SAFETY REQUIREMENTS</b>				
<b>1.</b>	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)			✓
<b>2.</b>	Company's SHE policy, signed by CEO or the most senior person in the company			✓
<b>3.</b>	Health and Safety Plan based on the scope or proposal			✓
<b>4.</b>	Baseline Risk Assessment of activities based on the scope or Proposal			✓
<b>5.</b>	Medical Fitness Certificate or Surveillance plan			✓
<b>6.</b>	Signed Health and Safety costing			✓
<b>7.</b>	<p>Legally required appointments and supporting competency certificates. SHE Competency (Consider scope of work, risks, SHE plan and applicability) CV's and qualifications or certificates e.g.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Safety officer plus proof of training or certificate</li> <li><input type="checkbox"/> Health and Safety Representative plus proof of training or certificate</li> <li><input type="checkbox"/> 2 x First aiders plus certificates</li> <li><input type="checkbox"/> 2 x Health and Safety Committee Members</li> </ul>			✓
<b>8.</b>	Annexure R: Acknowledgment Form SHE Rules and other Requirements			✓

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<b>HEALTH AND SAFETY DOCUMENTS FOR NON-OPERATIONAL (GREEN FIELD) MINE OR SUPPLIER</b>					
1.	Tender letter for Compensation for occupational injuries and diseases from Department of labour or Proof of application of COIDA with department of labour stamp or 2. Insurance letter for accidental/death/disability which is above 500k.				✓
2.	Company's SHE policy, signed by CEO or the most senior person in the company				✓
3.	Health and Safety Plan based on the scope/proposal of work				✓
4.	Baseline Risk Assessment based on the proposed scope of work				✓
5.	Medical Surveillance plan				✓
6.	Signed Health and Safety budget or costing				✓
7.	Annexure R: Acknowledgement Form for Eskom SHE Rules and other Requirements				✓
<b>For non-operational mine or supplier, the appointments and supporting competency certificates will be required as soon as they start with the operations.</b>					
<b>ENVIRONMENTAL REQUIREMENTS</b>					
<b>REQUIREMENT FOR AREAS WITHIN APPROVED MINING RIGHT OR PERMIT (TENDERER IS THE MINING RIGHT/PERMIT HOLDER)</b>					
1.	Valid Mining Authorisation e.g. Mining Right, Mining Permit or any other applicable mining authorisation approved by the applicable Minister.				✓
2.	Approved Environmental Management Plan or Environmental Management Program Report: linked to the valid mining authorisation (same company name, property description unless there is a Section 11 transfer), in terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002 (MPRDA) or an environmental authorisation in terms of National Environmental Management Act, Act 107 of 1998 (NEMA).				✓
3.	Valid Water Use Authorisation: either in the form of Water Use License, General Authorisation or any other applicable authorisation approved by the applicable Minister.				✓
<b>Annexure P</b>	Environmental Requirements Criteria				✓

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<b>REQUIREMENT FOR AREAS OUTSIDE APPROVED MINING RIGHT OR PERMIT: COAL STORAGE AND HANDLING, COAL BENEFICIATION</b>					
1.	Air Emission Licence (if applicable), or a letter from a Quantity Surveyor or Bulk Material Handler indicating a carrying capacity of less than 100 000 tons.				✓
2.	Valid Water Use Authorisation: either in the form of Water Use License, General Authorisation or any other applicable authorisation approved by the applicable Minister, if applicable.				✓
3.	Environmental Authorisation (if applicable).				✓
<b>Annexure P</b>	Environmental Requirements Criteria				✓
<b>QUALITY</b>					
1.	QMS Certificate, or a Quality Manual or document that defines and describes the QMS and its scope				✓
2.	Documented information for defined roles, responsibilities, and authorities (Organogram accepted)				✓
3.	Documented information for defined roles, responsibilities, and authorities (Organogram accepted)				✓
4.	Documented information for Control of Externally Provided Processes, Products and Services.				✓
5.	Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports)				✓
6.	Records of Management Review meetings (minutes, attendance registers etc.)				✓
7.	Contract/project Quality Plan specific to the scope of work as described in the tender documents (Contract Quality Plan: (a document of the supplier's process for delivering the level of quality required by the contract. It is a framework for the contractor's process for delivering quality. Purpose of a CQP is to outline how the results defined in the specifications will be achieved) or QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Work /may be a process flow showing all quality check/intervention points.				✓
<b>Annexure S</b>	Tender and Contract Quality Requirements Form A is completed and signed during contracting				✓
<b>FINANCIAL EVALUATION AND DUE DILIGENCE</b>					
<b>Annexure T</b>	Price Schedule			✓	

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<b>Audited Financial Statements</b>	Audited Financial Statements of the <i>tenderer</i> 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.			✓
<b>SUPPLIER DEVELOPMENT, LOCALISATION AND INDUSTRIALISATION (SDL&amp;I)</b>				
<b>Annexure Q</b>	SDL&I Undertaking to be completed by Tenderers			✓
<b>SUBCONTRACTING</b>				
<b>Subcontracting</b>	<ul style="list-style-type: none"> <li>▪ List of designated black owned companies with their BBBEE Certificate or Affidavit</li> <li>▪ CIPC or CIPRO Registration Documents including copies of ID's: shareholder and directors</li> <li>▪ Central Supplier Database (CSD) number</li> </ul>			 ✓ ✓ ✓

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**ANNEXURE A**

**ACKNOWLEDGEMENT FORM**

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

I.	
II.	
III.	

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

Correct as stated in the Invitation to Tender / RFP 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]:**

- I. We agree to provide the cataloguing information as described in the *tender submission*.
- II. 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***]  \_\_\_\_\_
- III. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder:

---



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IV. 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.

Request for Proposal 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	
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	

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Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

- I. If you are currently registered as a vendor with Eskom, please provide your vendor registration number with Eskom: \_\_\_\_\_
- II. If you are currently registered as a vendor on the Treasury Central Supplier Database (CSD) please provide your supplier registration number with Treasury: \_\_\_\_\_
- III. 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.
- IV. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
- V. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status \_\_\_\_\_
- VI. 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? \_\_\_\_\_

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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: \_\_\_\_\_

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

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

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

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**I. 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: \_\_\_\_\_

**II. 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:-

- I. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- II. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- III. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- IV. 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:-
  - a) an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
  - b) or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
  - c) 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) a juristic person is “related” to another juristic person if:-**

  - i) 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) );
  - ii) either is a subsidiary of the other; or
  - iii) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- V. 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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<b>Full Name &amp; Capacity/ Position within tenderer (e.g. employee/Director/member/ owner/shareholder)</b>	<b>Identity Number</b>	<b>Confirm and provide details (including employee number) if you are a State/State owned entity employee/contractor/ director.</b>	<b>Full Names &amp; Capacity/Position of Eskom employee/ director/ consultant and details of the relationship or interest (marital/ familial/personal/ financial etc.)</b>	<b>To your knowledge is this person involved in the evaluation/ adjudication/ negotiation of tenders</b>

- I. 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.  
\_\_\_\_\_
- II. 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 proposal will be disqualified if the *tenderer/s*, or any of its directors have:

- I. abused the institution's procurement process (e.g. bid rigging/collusion)
- II. 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><b>[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].</b></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</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 (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</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	<p>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</p>		
1.5	<p>Is there any history/record of the <i>tenderer/s (or any of its directors/members/shareholders)</i> failing to meet their contractual obligation with any SOC?</p>		

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### III. 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/proposal may be rejected, and that Eskom will act against the tenderer should any aspect of this 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

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.

<b>Signature:</b>	
<b>Designation and capacity in which signing</b>	
<b>Date:</b>	

**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

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 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

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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.


<b>Signature:</b>	
<b>Designation and capacity in which signing</b>	
<b>Date:</b>	

(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).

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## **ANNEXURE D: CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)**

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

*This Section will not be applicable to professional services contract*

#### **I. 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.

#### **II. TENDER SUBMISSIONS**

Tenderers shall comply with the following requirements:

##### **a. Main offer:**

- I. A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
- II. 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: Not applicable**

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

- I. A fixed priced offer in addition to the fully CPA compliant main offer; or
- II. 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


#### **III. ESKOM'S PREFERRED INDEX LIST**

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

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#### IV. 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:

- I. 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.
- II. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

#### III. 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.

#### IV. CPA FIXED PORTION

A minimum of 10% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

#### V. BASE DATE

- I. 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*
- II. 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:

- a) 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*

- b) Where a high, low and mean are published:

*The mean*

- c) 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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### III. 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 \_\_\_\_\_

**Table 1: Preferred Local Index List**

Cost Element	Weighting			Index and Source Table
	Combined Opencast and Underground Mine	Opencast Mine	Underground Mine	
Fixed	10%	10%	10%	Not applicable
Labour	26%	24%	28%	SEIFSA Labour Index (Table – C4)
Diesel	8%	10%	6%	DME 0.05% Sulphur Reef
Electricity	4%	5%	3%	Electricity PPI (P0142.1, Table 3)
Mining Supplies	6%	6%	6%	General and special purpose machinery (P0142.1, Table 1)
	4.5%	4.5%	4.5%	Rubber and plastic products (P0142.1, Table 1)
	4.5%	4.5%	4.5%	Structural and fabricated metal products (P0142.1 Table 1)
Overheads	7.5%	6.5%	8.5%	CPI headline items (P0141 Table A all items)
	7.5%	6.5%	8.5%	PPI final manufactured goods (P0142.1, Table 1)
Profit & Capital	11%	11.5%	10.5%	CPI headline items (P0141 Table A all items)
	11%	11.5%	10.5%	PPI Coal and Gas (P0142.1, Table 4)

Eskom hereby reserves the right to negotiate the CPA basket with the shortlisted suppliers.

Closing date of tender _____ / _____ / _____
<b>TENDERER'S SIGNATURE</b> _____

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**ANNEXURE E**

**SBD 1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
<b>SUPPLIER INFORMATION</b>					
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:			
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

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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 ]
<b>SIGNATURE OF BIDDER</b> .....		<b>DATE</b>	
<b>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b>			
<b>TOTAL NUMBER OF ITEMS OFFERED</b>		<b>TOTAL BID PRICE (ALL INCLUSIVE)</b>	
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>		<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>	
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

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

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

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**ANNEXURE F**

**SBD 6.1**

**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**

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

**2) To be completed by the organ of state**

- 1.1. The applicable preference point system for this tender is the 90/10 preference point system.
- 1.2. The 90/10 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.
- 1.3. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
  - I. Price; and
  - II. Specific Goals.

**1.4. To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:


	POINTS
<b>PRICE</b>	90
<b>SPECIFIC GOALS</b>	10
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 1.5. 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.

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1.6. 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.

## 2. DEFINITIONS

- a) **“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;
- b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- d) **“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
- e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1. THE 90/10 PREFERENCE POINT SYSTEMS

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

#### a) FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT


##### POINTS AWARDED FOR PRICE

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

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80/20

or

90/10

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

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{max}$  = Price of highest acceptable tender

#### b) POINTS AWARDED FOR SPECIFIC GOALS

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:

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—

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

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.

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

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

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B-BBEE Status Level of Contributor	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	10	20		
2	9	18		
3	6	14		
4	5	12		
5	4	8		
6	3	6		
7	2	4		
8	1	2		
Non-compliant contributor	0	0		

**DECLARATION WITH REGARD TO COMPANY/FIRM**

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

[TICK APPLICABLE BOX]
- d) 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, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- IV. 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 –
  - a) disqualify the person from the tendering 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 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
  - e) forward the matter for criminal prosecution, if deemed necessary.

.....

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

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**ANNEXURE G**

**SBD 4**

**BIDDER'S DISCLOSURE**

**I. 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.

**II. Bidder's declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest 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**

2.2.1 If so, furnish particulars:

.....  
 .....

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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**

i) If so, furnish particulars:

.....  
.....

**III. 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 consortium<sup>1</sup> 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 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.

a) 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

<sup>1</sup> 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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## ANNEXURE H: TAX EVALUATION QUESTIONNAIRE

See separately attached Tax Evaluation Questionnaire labelled as Annexure H.

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**ANNEXURE I: STATUS OF TENDERER**

**COMPLETE AND RETURN WITH YOUR TENDER**

1. Indicate the status of the tenderer by ticking the appropriate box hereunder.

A MINING RIGHT HOLDER	B VALUE ADDING SUPPLIER
<input type="checkbox"/>	<input type="checkbox"/>

**A. MINING RIGHT HOLDER**

I, the undersigned [*insert full name of signatory*] \_\_\_\_\_,  
duly authorised to complete this tender in my capacity as [*insert capacity, i.e., member, director, partner, etc.*] \_\_\_\_\_  
on behalf of the tenderer [*insert full name of the business entity*]  
\_\_\_\_\_

hereby confirm that the tender is a Mining Right Holder and a copy of the Mining Right will be submitted as per the RFP requirements.

Signed \_\_\_\_\_

Date \_\_\_\_\_

**B. VALUE ADDING SUPPLIER**

I, the undersigned [*insert full name of signatory*] \_\_\_\_\_,  
duly authorised to complete this tender in my capacity as [*insert capacity, i.e., member, director, partner, etc.*] \_\_\_\_\_  
on behalf of the tenderer [*insert full name of the business entity*]  
\_\_\_\_\_

hereby confirm that the tender is a Value Adding Supplier and a Copy(ies) of the Offtake Agreement(s) is/are attached.

Signed \_\_\_\_\_

Date \_\_\_\_\_

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2. If you are a Value Adding Supplier please indicate your value add proposal:

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## ANNEXURE J: PROPOSED COAL QUANTITY AND QUALITY SPECIFICATION

Please provide the coal supply details on the table below.

<b>RESPONDENT NAME:</b>			
Source:			
Product Description (e.g. ROM, Middlings, Dump Re-wash, etc.):			
Monthly Quantity Offered:			
Duration of Supply:			
Total Quantity Offered:			
Please indicate if there is slurry in the Coal, if yes state percentage (%):			
Beneficiation Method:			
Parameters	Unit	Proposed Quality	Measurement basis
Total Moisture	%		As received
Inherent Moisture	%		Air Dried
Ash	%		Air Dried
Calorific Value	MJ/kg		Air Dried
Volatiles	%		Air Dried
Sulphur	%		Air Dried
Abrasive Index	mgFe/4kg		Air Dried
AFT (Initial def.)	°C		As received
Particle Size distribution			As received
+60mm	%		
+50mm	%		
-3mm(cum)	%		
-1mm	%		
<b>Indicative parameters</b>			
Hard-grove Index	-		As received
Nitrogen content	-		Air Dried

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## ANNEXURE K: TECHNICAL REPORT/COMPETENT PERSON'S REPORT

No.	Information contained in Competent Person's Report and or Technical Report	Score %	
		Provided	Not Provided
1	Background	1	0
2	Locality of source	6	0
3	Mining Rights /Permits/ Application for Mining rights (Legal)	6	0
4	Information on Exploration / Drilling	6	0
5	Information on Geological Structure	6	0
6	Lithology/ Stratigraphy/ Seam present	6	0
7	Information on Coal Qualities -Raw and/or washed qualities	18	0
8	Coal Quality contours	4	0
9	Coal Thickness Contours	4	0
10	Coal Quality Cut off parameters (e.g. Volatiles <16%)	6	0
11	Coal Tonnage Cut off parameters (seam thickness <0.5m)	6	0
12	Reserve / Resource statement	18	0
13	Coal Beneficiation / Processing crushed and screened/ washed/ blended	5	0
14	Geotechnical	3	0
15	Risks	3	0
16	Conclusion /Summary/ Recommendations	2	0
<b>Total</b>		<b>100</b>	<b>0</b>

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## ANNEXURE L: COAL RESERVE/RESOURCE TEMPLATE

### ANNEXURE 1: RESERVE AND RESOURCE STATEMENT TEMPLATE (mandatory)

Please use the following template for each category (SAMREC) of reserve and resources (ie measured, indicated, inferred and resources)

Reserve/Resource	Category	Seam/Block	No. of Boreholes	BH/100Ha	Area m2	Thick m	RD g/cm <sup>3</sup>	RD g/cm <sup>4</sup>	BH/100Ha	GTIS tons	Geol. Loss %	TTIS tons	Area m2	Thick m	RD g/cm <sup>3</sup>	MTIS tons	Mining Loss %	Mining Extract. %	ROM unct.	Contam. %	Total Moist. %	ROM ct. as del.	Screen Yield %	Wash Yield %	Total Yield %	SALES tons		
Reserves	Probable																											
	Proved																											
	Total																											
Resources	Measured																											
	Indicated																											
	Inferred																											
TOTAL																												

#### SAMREC REQUIREMENT

##### Reserves

- Proven 8
- Probable 8

##### Resources

- Measured 8
- Indicated 4
- Inferred 4

COAL QUALITY (air dried basis)																													
TTIS						MTIS						ROM (uncontaminated)						ROM (contaminated)						SALES					
Ash	CV	Vol	S	IM		Ash	CV	Vol	S	IM		Ash	CV	Vol	S	IM		Ash	CV	Vol	S	IM		Ash	CV	Vol	S	IM	
Ave.																													

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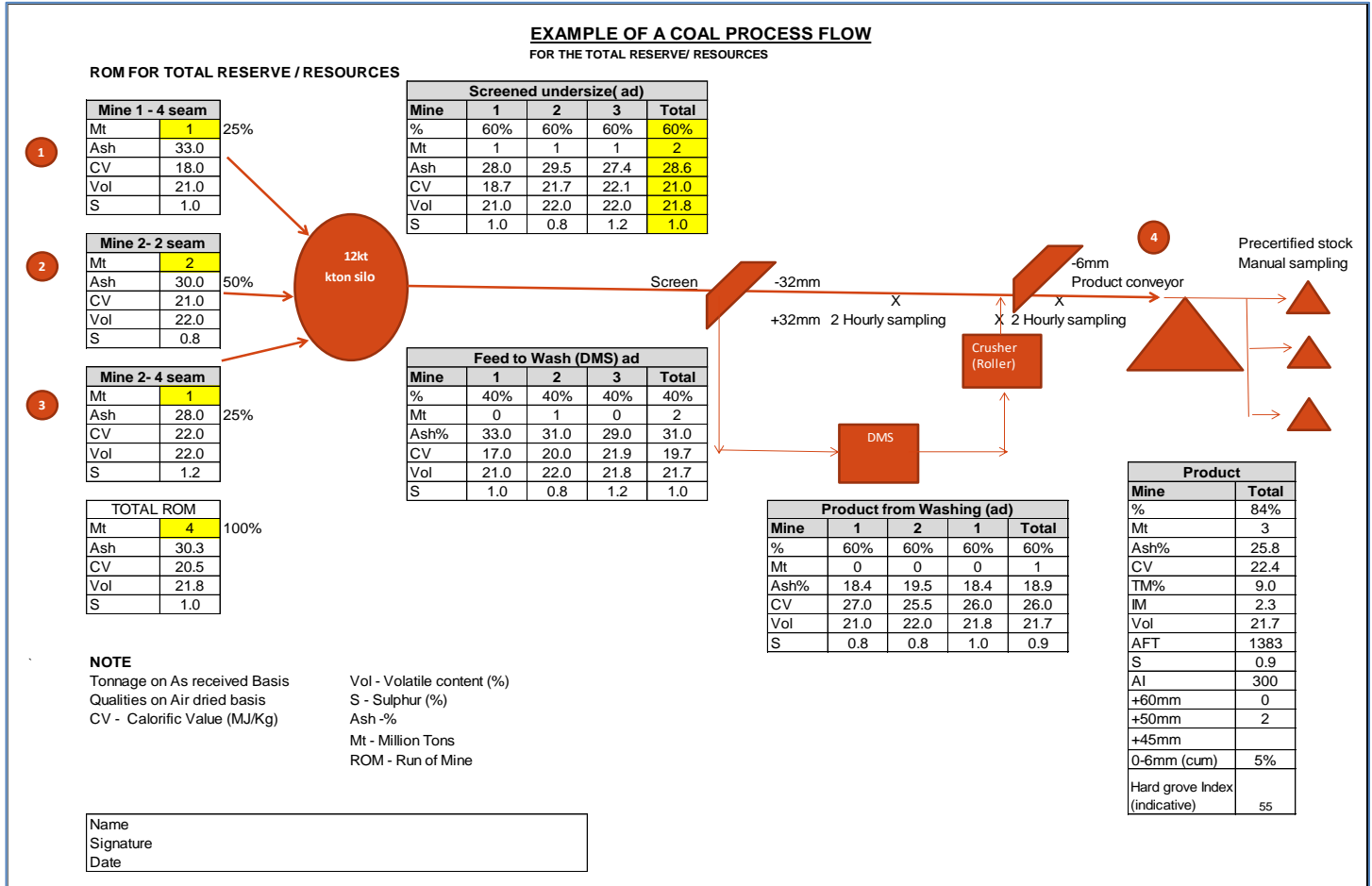
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**ANNEXURE M: EXAMPLE OF COAL PROCESS FLOW DIAGRAM**


The coal flow is only an example, and the supplier should submit a coal process flow of their operation. Respondent must show the tonnage and qualities for each stage of the process to arrive at the Eskom product.



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## ANNEXURE N: GEOLOGICAL MODEL INFORMATION/VALIDATION OF GEOLOGICAL MODEL

### Information required for the Geological Model (MINEX/Geological Software)

- Collars (Borehole ID, X, Y and Z coordinates, the depth of the BH) and type if there is variation in the borehole data
- Pick File (Seams names, From and To for each seam, Borehole ID aligned to each seam)
- Sample File (with sample ID align to From and To of each sample taken) From and To Sample Name
- Raw qualities for each sample taken (if available) From To Same Name Qualities \*Wash qualities for each sample taken (if available)
- DTM if available (borehole collars could be used as DTM) (*dxf or dwg*)
- Farm Boundaries, Mineral Rights boundaries, Layout of mining, infrastructure (e.g. roads, buildings, rails, power lines, dams, pans, rivers etc.). All in the same coordinates system as boreholes (*dxf, dwg*).
- Any geological structures such as dykes, faults burnt cola if known or mapped (also in the same coordinates system as others) (*dxf or dwg*)
- Mined out masks or polygons (same coordinates system as others) (*dxf or dwg*)

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## ANNEXURE O: GEOLOGY AND MINING INFORMATION


OPENCAST OPERATION - GEOLOGY AND MINING					
	Unit	Supplier input			Comments
Coal Depth	meters				
Total Coal Seam Thickness	meters				
Total waste thickness	meters				
Strip Ratio (Waste tons/Coal tons)	bcm's				
ROM	tons				
Processing i.e. crush / screened /washed / blended					
If coal is washed, state percentage washed	%				
Yield	%				
Sales	tons				
Discards	tons				
		<b>IM</b>	<b>TM</b>	<b>CV</b>	
Qualities AD basis					
Qualities AR basis					

UNDERGROUND OPERATION-GEOLOGY AND MINING					
	Unit	Supplier input			Comments
Coal Depth	meters				
Coal Seam/s Mined					
Number of Production Sections	meters				
Average coal production per section	tons				
Total ROM	tons				
Processing i.e. crush / screened / washed / blended					
If coal is washed, state percentage washed	%				
Yield	%				
Sales	tons				
Discards	tons				
		<b>IM</b>	<b>TM</b>	<b>CV</b>	
Qualities AD basis					
Qualities AR basis					

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## ANNEXURE P: ENVIRONMENTAL REQUIREMENTS CRITERIA

### Environmental requirement for the Coal Suppliers

The tenderer is to complete (table A and/or table B) and return this form as part of contracting requirements, together with the specified documents. Site visits will be conducted for shortlisted suppliers only.

#### Table A. Requirement for areas within approved mining right or permit (tenderer is the mining right/permit holders)

REQUIREMENT FOR AREAS WITHIN APPROVED MINING RIGHT OR PERMIT (TENDERER IS THE MINING RIGHT/PERMIT HOLDER)	PLEASE TICK OR INDICATE IF NOT APPLICABLE
1. Valid Mining Authorisation e.g. Mining Right, Mining Permit or any other applicable mining authorisation approved by the applicable Minister.	
2. Approved Environmental Management Plan or Environmental Management Program Report: linked to the valid mining authorisation (same company name, property description unless there is a Section 11 transfer), in terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002 (MPRDA) or an environmental authorisation in terms of National Environmental Management Act, Act 107 of 1998 (NEMA).	
3. Valid Water Use Authorisation: either in the form of Water Use License, General Authorisation or any other applicable authorisation approved by the applicable Minister.	

#### Table B. Requirement for areas outside approved mining right or permit: coal storage and handling, coal beneficiation

REQUIREMENT FOR AREAS OUTSIDE APPROVED MINING RIGHT OR PERMIT: COAL STORAGE AND HANDLING, COAL BENEFICIATION	PLEASE TICK OR INDICATE IF NOT APPLICABLE
1. Air Emission Licence (if applicable), or a letter from a Quantity Surveyor or Bulk Material Handler indicating a carrying capacity of less than 100 000 tons.	
2. Valid Water Use Authorisation: either in the form of Water Use License, General Authorisation or any other applicable authorisation approved by the applicable Minister, if applicable.	
3. Environmental Authorisation (if applicable).	

Tendering company name : \_\_\_\_\_

Name and position : \_\_\_\_\_

Signature : \_\_\_\_\_

Date : \_\_\_\_\_

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## ANNEXURE Q: TENDERER'S SDL&I UNDERTAKING

***The tenderer is required to complete this undertaking and to submit the completed form as a tender returnable to Eskom prior to contract award. Tenderers who complete and submit the undertaking as required but who do not meet Eskom's targets will not be disqualified. Eskom reserves the right to negotiate with the tenderer on Eskom's requirements and the outcome of the negotiations will be a contractual obligation. If negotiations are not required, the tenderer's SDL&I undertaking will become a contractual condition.***

Category	Eskom's requirements	Tenderer's proposal	Tenderer's comment
Subcontracting: EME/QSE that are at least 51% owned by: <ul style="list-style-type: none"> <li>Black People</li> <li>Black Women</li> <li>Black Youth</li> <li>Black People Living with Disabilities</li> </ul>	30% subcontracting to EME/QSE entities that are at least 51% owned by: <ol style="list-style-type: none"> <li>Black people</li> <li>Black people who are youth</li> <li>Black people who are women</li> <li>Black people with disabilities</li> </ol>		
Skills development: the following level of skills need to be developed: <ul style="list-style-type: none"> <li>Expert skills</li> <li>Skilled</li> <li>Unskilled</li> <li>Other</li> </ul>	<ul style="list-style-type: none"> <li>Safety Officers – 5</li> <li>Environmental Management Officers - 5</li> <li>Logistics/Distribution - 5</li> <li>Contract/ Operations Management – 3</li> </ul>		
Job Creation: the following level of jobs need to be created: <ul style="list-style-type: none"> <li>Managerial positions</li> <li>Expert jobs</li> <li>Skilled jobs</li> <li>Unskilled jobs</li> </ul>	Supplier should provide proposal.		


### To be completed by Tenderer

Company: _____  Designation: _____  Signature: _____  Date: _____
---

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**ANNEXURE R:**

**ACKNOWLEDGEMENT FORM FOR ESKOM OHS LEGAL AND OTHER REQUIREMENTS.**

**NOTE: the supplier/contractor/tenderer must ensure that he/she understands the OHS requirements listed hereunder.**

- |   |
|---|
| <p>1. The <b>supplier/contractor/tenderer</b> is expected to comply to the following documents when working at/rendering a service to Eskom but not limited to the following:</p> <ul style="list-style-type: none"> <li>a. Eskom contractor Health and Safety requirements standards 32-136</li> <li>b. OHS specification/requirements provided.</li> <li>c. Mine Health and Safety Act 29 of 1996</li> <li>d. Occupational Health and Safety Act 85 of 1993</li> <li>e. Compensation for Occupational Diseases and Illnesses Act 130 of 1993</li> </ul> <p><b>Note: Please note that after contract award, it is your responsibility to fully align the company's processes to Eskom's OHS requirements (policies, procedures, standards etc.).</b></p>   |
| <p>2. Penalties shall be enforced on the main supplier for non-conformance/s (identified for the main supplier and/or its contractor and/or supplier) pertaining to Eskom and/or Statutory OHS requirement/s.</p>   |
| <p>3. Ensure that all employees (contractors/suppliers) undergo the relevant Eskom induction and the company's induction</p>  |
| <p>4. Management of Contractors/ Suppliers</p> <p>The main contractor/supplier:</p> <ul style="list-style-type: none"> <li>a) Has to demonstrate to Eskom the process and selection criteria applied when appointing contractors and suppliers.</li> <li>b) Has to provide notification to Eskom, prior to the appointment of contractors or suppliers for the commencement of work.</li> <li>c) Has to ensure that contractors/ suppliers have adequate resources and competencies.</li> <li>d) Is accountable for the management of its contractors/ suppliers in order to ensure that the applicable legal and Eskom requirements (that are applicable to the main supplier during contract execution) are complied with by the contractors or suppliers.</li> <li>e) The main supplier shall monitor contractors or suppliers through audits and assessments with regard to OHS compliance during the execution of the work.</li> <li>f) The grounds for the termination of work done by contractors/suppliers shall be provided by the main supplier.</li> <li>g) All non-conformances/non-compliance by the contractors/suppliers (all tiers) to the main supplier shall be dealt with directly with the main contractor/supplier in terms of performance and penalty processes.</li> <li>h) Eskom reserves the right to verify this when deemed necessary. The contractor may be instructed to provide copies of testimonials/references and the contact detail of clients (including Eskom) for whom the Company has done previous work of a similar nature.</li> </ul> |

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I, the undersigned, hereby acknowledge that I have obtained copies of the above documents and confirm that I fully understand them and the consequences of non-compliance.

Signed at ..... on ..... day of .....  
20.....

Company/Supplier Name: -----

-----  
Name of Authorised person (CEO/Director/ Managing Director)

-----  
Signature

-----  
Date

Witness 1 .....

Witness 2 .....

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## ANNEXURE S

### (FORM A) TENDER & CONTRACT QUALITY REQUIREMENTS FOR 240-105658000 AND QUALITY REQUIREMENTS FOR ISO 9001 STANDARD

SECTION A (TENDERER)	ENQUIRY/ CONTRACT No:					
	ENQUIRY/ CONTRACT DESCRIPTION					
	CLAUSES OF 240-105658000 SPECIFICATION	CLAUSE DESCRIPTION				INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE
SECTION B (ESKOM)	CLAUSE 3	PRE-CONTRACT AWARD QUALITY REQUIREMENTS				X
		(*Select Only Applicable Category). NB: Not more than one category must be selected. Also indicate whether site assessment is applicable.				
		Category 1 (refer to clause 3.5.2 of 240-105658000)				-
		Category 2 (refer to clause 3.5.3 of 240-105658000)				X
		Category 3 (refer to clause 3.5.4 of 240-105658000)				-
		Category 4 (refer to clause 3.5.5 of 240-105658000)				-
		Main Supplier and Sub-supplier Capability and Capacity Assessment (refer to clause 3.6 of 240-105658000)				-
		POST-CONTRACT AWARD				
		Contract Execution (refer to clause 3.7.1 of 240-105658000)				X
		Supplier Quality Performance Monitoring Phase (refer to clause 3.7.2 of 240-105658000)				X
		STANDARD CONDITIONS				
		Eskom Rights of Access (refer to clause 3.8.1 of 240-105658000)				X
		Eskom Rights to Information (refer to clause 3.8.2 of 240-105658000)				X
		Preservation (refer to clause 3.8.3 of 240-105658000)				X
		Quality Audits Related Conditions (refer to clause 3.8.4 of 240-105658000)				X
Management of Nonconformities and Nonconforming Outputs Identified by Eskom (refer to clause 3.8.5 of 240-105658000)				X		
SPECIAL PROCESSES (REFER TO CLAUSE 3.8.6 OF 240-105658000)				X		
	CLAUSES OF ISO 9001 STANDARD	ISO 9001 STANDARD CLAUSE DESCRIPTION	INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE	QUALITY PRINCIPLES	ISO 9001 STANDARD PRINCIPLE DESCRIPTION	INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE
SECTION C (ESKOM)	CLAUSE 4	Context of the Organisation	X	PRINCIPLE 1	Customer focus	X
	CLAUSE 5	Leadership	X	PRINCIPLE 2	Leadership	X
	CLAUSE 6	Planning	X	PRINCIPLE 3	Engagement of people	X
	CLAUSE 7	Support	X	PRINCIPLE 4	Process approach	X
	CLAUSE 8	Operation	X	PRINCIPLE 5	Improvement	X
	CLAUSE 9	Performance Evaluations	X	PRINCIPLE 6	Evidence based decision making	X
	CLAUSE 10	Improvement	X	PRINCIPLE 7	Relationship Management	X

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SECTION D (ESKOM)	ESKOM'S QUALITY REPRESENTATIVE	NAME	DESIGNATION	DATE	SIGNATURE
SECTION E (TENDERER)	TENDERER'S QUALITY REPRESENTATIVE	NAME	DESIGNATION	DATE	SIGNATURE

NB: The tenderer must complete and sign this form to acknowledge and accept Eskom Supplier Quality Requirements as per 240-105658000 Specification and ISO 9001 Standard.

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## ANNEXURE T: PRICE SCHEDULE

Please complete the table below:

**Table: Price Schedule**


<b>Indicate the price schedule below (Kindly indicate the specification the price schedule is based on. If you are offering more than one specification, you are required to complete a Price Schedule for each offered specification)</b>		
<b>All prices to be exclusive of VAT</b>		
<b>Tenderer name</b>		
<b>Resource name</b>		
<b>Expected CV (MJ/kg) on an As Received Basis</b>		
<b>Coal Unit Price (excluding VAT)</b>	<b>Rand/GJ:</b>	<b>Rand/Ton:</b>
<b>Indicate road distance (in km) from resource to Grootvlei Power Station</b>		
<b>Road Transport Unit Price (Rand/ton) (excluding VAT)</b>	<b>Rand/ton/km:</b>	<b>Rand/ton:</b>
<b>Road Delivered Coal Unit Price (Rand/ton) (excluding VAT)</b>		
<b>Name and siding number of rail siding nearest to resource</b>		
<b>Indicate road distance (in km) from resource to the rail siding nearest to resource</b>		
<b>Rate for road transportation to the rail siding nearest to resource (excluding VAT)</b>	<b>Rand/ton/km:</b>	<b>Rand/ton:</b>

\*\*Eskom will request shortlisted tenderers to provide a full cost breakdown of their tendered price prior to contract award.

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**ANNEXURE U: ESKOM'S STANDARD CONDITIONS OF TENDER**

See separately attached Eskom's Standard Conditions of Tender labelled as Annexure U.

**ANNEXURE V: ESKOM LIFE SAVING RULES**

See separately attached Eskom Life Saving Rules labelled as Annexure V.

**ANNEXURE W:**

**W1: Fixed Price Coal Supply Agreement Template (with Annexes)**

**W2: Standard Terms and Conditions of Coal Supply**

See separately attached documents labelled as Annexures W1 and W2.

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