

	Request for Proposal (RFP)	Document Identifier	240-114238630	Rev	11
		Effective Date	18 February 2022		
		Review Date	February 2027		

## ESKOM HOLDINGS SOC LTD

### REQUEST FOR PROPOSAL (RFP)

#### FOR

### THE APPOINTMENT OF A PANEL OF COAL SUPPLIERS FOR THE SUPPLY AND DELIVERY COAL TO VARIOUS ESKOM COAL-FIRED POWER STATIONS ON AN “AS AND WHEN REQUIRED” BASIS FOR A PERIOD OF 3 (THREE) YEARS

RFP number	MWP1965GX
Issue date	30 May 2023
Closing date and time	18 July 2023 at 10h00 am (South African Standard Time)
Tender validity period	60 weeks from the closing date and time
Clarification meeting	<b>14 June 2023 (Teams)</b>  Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee by the <b>09 June 2023</b> to receive an invite to the meeting.
Tenders are to be delivered to the following address on the stipulated closing date and time:	The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill Sandton  18 July 2023 at 10:00 (South African Standard Time)

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## Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *proposal* for you to be considered for appointment to a panel of coal suppliers for the supply and delivery of coal to Eskom coal-fired power stations.

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 tender/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: Susan Mabena

Tel: 013 699 7431

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

Yours faithfully




Vuyisile Ncube

**SENIOR MANAGER: FUEL SOURCING**

Date: 30/05/2023

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## SCOPE OF WORK FOR THE PANEL OF COAL SUPPLIERS

Eskom seeks to appoint a panel of coal suppliers for the supply and delivery of an estimated 8.9 million tons (Mt) of coal to Eskom coal-fired power stations on an “as and when required” basis for a period of 3 (three) years.

The process of the panel is to be carried out in 2 (two) stages:

1. The first stage will be an open market enquiry process where tenderers will be pre-qualified based on functionality and appointed to a panel of coal suppliers, and
2. The second stage will be requests for quotations issued to the panel members on an ‘as and when required’ basis, and where feasible the reverse e-auction mechanism will be utilised.

## 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 Specifications	Measurement basis
Total Moisture Content	%	<9.0	As received
Inherent Moisture Content	%	NA	Air Dried
Ash Content	%	<24.6	Air Dried
Calorific Value	MJ/kg	> 22.7	Air Dried
Volatile Matter content	%	>21.1	Air Dried
Sulphur Content	%	< 1.00	Air Dried
Abrasiveness Index (AI)	mgFe/4kg	<450	Air Dried
Ash Fusion Temperature (AFT) Initial deformation	°C	>1138	As received
Particle Size Distribution			As received
+60mm	%	0.0	
+50mm	%	<5.0 or 0.0*	
+45mm	%	<5.0*	
-3mm(cumulative)	%	<25.0	
-1mm	%	<10.0	
Hard-grove Grindability Index (HGI) ( <b>Indicative parameter</b> )	unit	>52	As received

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## Coarse Coal

Further to the above, the scope of work includes smaller tonnage of coarse coal (>6mm) to assist with coal flowability through transfer chutes, staithes, and bunkers at power stations during periods of continued rainfall. The stations of concern are Arnot, Camden, Grootvlei, Kendal and Majuba. In acquiring the coarse coal, the coal qualities as per Table 1 will be utilized, except for the particle size distribution which will comply with Table 2 and 3 below.

**Table 2 – Size fraction requirement - Majuba**

Size Fraction	Unit	Specification
+50mm	%	0.0
+45mm	%	≤5.0
-6mm	%	≤5.0

**Table 3 – Size fraction requirement – Arnot, Camden and Grootvlei**

Size Fraction	Unit	Specification
+60MM	%	0.0
+50mm	%	≤5.0
-6mm	%	≤5.0

- Parameters are measured to 1 (one) decimal place, except AI, HGI and AFT which shall be measured to the nearest integer and Sulphur Content which shall be measured to 2 (two) decimal places.
- \* The top size for the particle size distribution could be less than 5% plus 45mm, less than 5% plus 50mm or 0% plus 50mm depending on Eskom's requirement.
- The supplier shall ensure that no supplementary ultrafines 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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The following documents listed hereunder are attached to this enquiry.

Number	Description	Annexure	Attached (Y/N/ N/A)	Separate attachment
6.1	Acknowledgement form	Annexure A	Y	
6.2	Tenderer's particulars	Annexure B	Y	
6.3	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	
6.4	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure D	Y	
6.5	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure E	Y	
6.6	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Annexure F		Attached
6.7	Reverse e-auction process	Annexure G	Y	
6.8	Reverse e-auction user guide for prospective tenderers	Annexure H		Attached
6.9	Reverse e-auction training acknowledgement form	Annexure I	Y	
6.10	Proposed Coal Quality Specification	Annexure J	Y	
6.11	Competent Person's Report (CPR) or Technical Report Guideline	Annexure K	Y	
6.12	Coal Reserves and Resource Statement Template	Annexure L	Y	
6.13	Coal Process Flow Example	Annexure M	Y	
6.14	Guideline for Geological information	Annexure N	Y	
6.15	Geology and Mining information	Annexure O	Y	
6.16	Supplier Development & Localisation (SDL&I) Undertaking	Annexure P	Y	
6.17	Acknowledgement Form for Eskom OHS legal and other requirements	Annexure Q	Y	
6.18	Environmental Requirements Criteria	Annexure R	Y	
6.19	Quality Requirements Form A	Annexure S	Y	
6.20	Eskom standard conditions of Tender	Annexure T		Attached
6.21	Eskom Life Saving rules	Annexure U		Attached
6.22	Fixed Price Coal Supply Agreement Template (with Annexes)	Annexure V1		Attached
	Standard Terms and Conditions of the Coal Supply	Annexure V2		Attached

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- 1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **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	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:  Name: <b>Susan Mabena</b>  Tel: <b>013 699 7431</b>  E-mail: <b>mabenasu@eskom.co.za</b></p>
1.3 Enquiry documents	<p>RFP number is: <b>MWP1965GX</b></p> <p>See the contents list above for the enquiry documents.</p>
1.4 Type of RFP	This RFP is an open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>proposal</b> if</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Tenders signed by non- authorized persons</li> <li>• Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> </ul>

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	<ul style="list-style-type: none"> <li>A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations</li> <li>Any tenderer that is restricted by National Treasury</li> <li>A tenderer that sub-contracts 100% Scope of Work.</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for <b>RFP - MWP1965GX</b> submission is:</p> <p>Date: 18 July 2023</p> <p>Time: 10:00am</p> <p><b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE</b></p> <p>The Tender Office Retail Centre Megawatt Park 1 Maxwell Drive Sunninghill Sandton</p>
2.9 Copy of original tender	<p>The tenderer must submit <b>two (2) separate files</b>; i.e. one (1) <b>hard copy</b> of the tender as a complete original tender, plus one (1) <b>hard copy as a copy</b> of the original tender at tender submission deadline. A tenderer may also submit one (1) additional complete soft copy (memory stick or USB) of the original tender in electronic format.</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>the hard copies take precedence over the soft copy.</li> <li>tenderers will not be disqualified if they do not submit a soft copy.</li> </ul> <p><b>Failure to submit 2 (two) separate files of the tender (one original and one copy) at tender submission deadline will result in the tenderer being declared nonresponsive and will be disqualified, i.e. will not be evaluated further</b></p>
2.13 Tender Validity Period	The tender validity period is 60 (sixty) weeks from closing date and time
2.16 Clarification meetings	<p>A <b>non-compulsory clarification meeting</b> with representatives of the Employer will take place via Microsoft Teams as follows:</p> <p>A <b>clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: <b>14 June 2023</b></p> <p>Time: <b>10:00</b></p> <p>Venue: <b>Teams Meeting Link</b></p>

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	Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee by the <b>09 June 2023</b> to receive an invite to the meeting.
2.17 Clarification on enquiry documents	<p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 05 working days before the deadline for tender submission.</p> <p>If there are any amendments to the tender documents as well as any questions/clarifications before the tender closing date, these will be posted on Eskom tender bulletin and e-tender portal.</p> <p>It is the responsibility of the tenderer to check any posted communication related to this RFP on a regular basis.</p>
2.23 Alternative tenders	Alternative tenders are <b><i>not allowed</i></b> .
2.25 Conditions of contract	The conditions of contract will be the Coal Supply Agreement, in terms of the Master Fixed Price CSA template. The successful tenderer will conclude a Framework Agreement with Eskom.
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: Place: Tender Office, Megawatt Park Date: 18 July 2023 Time: 10:00</p>
3.5 Prices to be read out	Prices will <b><i>not be read out</i></b> .
3.9 Basic Compliance	<p>Basic compliance for this RFP are:</p> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer</li> <li>• Submission of 2 (two) separate files of the tender (one original and one copy). Failure to submit two 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>• Submit a complete original tender with commercial, financial and technical information</li> <li>• Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>• Central Supplier Database (CSD) number (MAA.....)</li> </ul>
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.
3.11 Pre-qualification criteria	Not applicable

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3.12 Designated materials and thresholds	Not applicable
3.13 Functionality requirements	Functionality requirements are <b>applicable for the first stage and second stage</b> of the panel. Functionality will be evaluated on a total weight of 100% with a minimum threshold of 60%. The following is an overview of the functionality criteria for the first stage:

### **FUNCTIONALITY CRITERIA FOR TECHNICAL SCORING**

Functionality Criteria that will be used to score each tender:	Maximum number of points percentages
KPA1: Returnables - Completeness of Competent Person's Report (CPR) or Technical Report	5%
KPA 2: Information contained in the CPR or Technical Report	45%
KPA 3: Offered Coal Quality Specification	50%
Overall minimum threshold for functionality to proceed to the next phase	60%

- Tenderers who do not meet the threshold for technical scoring will be disqualified
- Eskom may request shortlisted tenderers to provide a full cost breakdown of their tendered price.
- Eskom reserves the right to contract coal for other power stations based on suitability, Total Cost of Ownership and operational needs.


This functionality evaluation and associated criteria will be used to evaluate suppliers' technical capability in terms of the services tendered for. Tenderers that are qualified from this process will be placed on the panel.

### **NOTES**

- Presentations will not be considered as Competent Persons Report (CPR) / Technical Report
- The information in the CPR / Technical Report returnable will be scored as per Annexure P for completeness. If the respondent scores less than the threshold of 75% the respondent will score 2.5%
- 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
- 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 grindability index will be used and for sulphur, ash, total moisture, abrasiveness index and particle size distribution the higher range values will be used). The top size for the particle size distribution could be less than 5% plus 45mm, less than 5% plus 50mm or 0% plus 50mm.
- Tenders which do not meet the overall threshold will not be evaluated further.

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Technical Criteria				SCORING CRITERIA						
No		Evaluation Parameter		Weight (%)	0	1	2	3	4	5
1		KPA 1: RETURNABLES			2.5%	5.0%				
	1.1	Completeness of Competent Person's Report or Technical Report as per the guidelines provided as per the attached Annexure P	5%	Incomplete	Submitted Complete					
		KPA 2: INFORMATION CONTAINED IN THE COMPETENT PERSON'S REPORT / TECHNICAL REPORT			0%	3%				
2	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					
				0%	18%					
	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					
				0%	4.5%	9.0%	13.5%	18.0%		
	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		

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Technical Criteria				SCORING CRITERIA					
No		Evaluation Parameter	Weight (%)	0	1	2	3	4	5
		KPA 3: COAL QUALITY SPECIFICATION OFFERED (ANNEXURE O)		0%	10%	20%	30%	40%	
3	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	
				0.0%	2.0%	4.0%	6.0%	8.0%	10.0%
	3.2	Number of other coal quality parameters offered that meet Eskom coal quality specifications (Total Moisture, Ash Fusion Temperature, Abrasiveness Index, Hard-grove Grindability Index 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
Total weight Threshold			100% 60%						

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3.15 Evaluation of price	<p>The rates will not be required in this first stage and will only be required during second stage which will be the Task Order process and will be executed by way of a request for quotation from the panel members.</p> <p>In the second stage of the panel process, inquiries will be issued to panel members where in panel members will be required to submit offers that will be evaluated.</p> <p>During the second stage the rates will be evaluated based on the terms of the Preferential Procurement Policy Framework Act (“<b>PPPFA</b>”). The evaluation process and criteria will be as follows:</p> <ul style="list-style-type: none"> <li>• The 80/20 or 90/10 scoring system will be applicable during task order process to negotiate price for execution through a competitive bidding process.</li> <li>• The price points will be calculated out of 80/90 while 20/10 points will be allocated to the B-BBEE level contribution.</li> <li>• The prices and preference points will be added together to determine the highest scoring Supplier.</li> </ul>
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 10 or 20 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 (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80/90 points for price and will score 0 points for B-BBEE level /status (out of 10/20)</p>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-</p> <ul style="list-style-type: none"> <li>• 90/10 (for estimated values above R50M inclusive of VAT) or</li> <li>• 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</li> </ul> <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest. The process of ranking will be done on stage 2 which is a Task Order Process.</p>
3.19 Contractual Requirements	<p>Contractual Requirements may include the following:</p> <ul style="list-style-type: none"> <li>▪ Health and Safety</li> <li>▪ Environmental</li> <li>▪ Quality</li> <li>▪ Financial</li> <li>▪ Supplier Development Localisation and Industrialisation (SDL&amp;I)</li> </ul> <p>See contractual requirements under Tender returnables.</p>

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	<p>Contractual requirements will not be evaluated but will become a requirement in the contract. Tenderers will therefore not be disqualified but will have to agree to the contractual requirements.</p> <p><b>Please note:-</b></p> <p><b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation of the tenders. Proof that the tenderer is able to meet the contractual requirements, must be submitted prior to contract award.</b></p> <p><b>Failure to meet “Contractual Requirements” by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b></p> <p><b>In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</b></p>
3.20 Reverse e-auction	<p>Reverse e-auction <i><b>is applicable</b></i></p> <p>Eskom reserves the right to conduct or utilise reverse e-Auctions instead of price negotiations on stage 2 which is Task Order Process.</p> <p><b>Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.</b></p> <p>Through the Task Order Process, request for quotations will be issued to get bids only from the panel members and where feasible reverse e-Auction will be utilised to negotiate prices.</p> <p><u>Reverse e-Auction Requirements</u></p> <p>See requirements under Tender returnables</p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	Not applicable

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**Please note:**

**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.**

**Please note that Eskom will procure coal from mining companies and/or mining right holders only.**

**Eskom does not procure coal from traders/intermediaries who on-sell coal.**

**Eskom will not consider value-adding companies for this RFP.**


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

Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
<b>Basic Compliance</b>	Submission of 2 (two) separate files of the tender (one original and one copy).	✓	
<b>Annexure A</b>	Acknowledgement Form	✓	
<b>Annexure B</b>	Tenderers Particulars	✓	
<b>Annexure C</b>	Integrity Pact Declaration form	✓	
<b>Annexure D</b>	SBD 1- to be submitted with the tender at tender submission deadline	✓	
<b>Annexure E</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
<b>Additional Documents required in event of JV:-</b>	Letter of intent to form a JV/consortium	✓	
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.	✓	
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)	✓	
	“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; (as may be applicable for the particular tendering entity)	✓	

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Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award
	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>*“proof of B-BBEE status level of contributor” means:-</b> <b>(a) the B-BBEE status level certificate issued by an authorised body or person; or</b> <b>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</b> <b>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</b>	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. 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.	✓	
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		✓

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<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>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>Annexure F</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>	Reverse e-auction training acknowledgement form		✓

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<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY / TECHNICAL CRITERIA</b>			
<b>Annexure J</b>	Proposed Coal Quality Specification	✓	
Competent Persons Report or Technical Report	Competent Persons Report or Technical Report as per guideline in 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 K).		✓
Geological Model	Geological Model (should include Borehole Information, Qualities, etc.) 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		✓
Mine Plan and Schedule	Mine Plan and Schedule. Supplier to demonstrate the capacity (equipment) relating to the production rate		✓
Coal Sample	<ul style="list-style-type: none"> <li>Sample for the drop tube furnace test where bulk sample is not available prior to commencement of mining</li> <li>Bulk sample for combustion test (3-5tons) for operational mines or borehole core sample of the coal offered for Drop Tube Furnace for greenfield projects.</li> </ul>		✓

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<b>DUE DILIGENCE - FINANCIAL EVALUATION</b>			
Financial evaluation	<p>Audited Financial Statements of the tenderer for the previous two financial years, or to the extent that such statements are not available, for the last year.</p> <p>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.</p> <p>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.</p>		✓
<b>SUPPLIER DEVELOPMENT, LOCALISATION AND INDUSTRIALISATION (SDL&amp;I)</b>			
<b>Annexure P</b>	SDL&I Undertaking to be completed by Tenderers.		✓
<b>HEALTH AND SAFETY REQUIREMENTS (OPERATIONAL MINE)</b>			
1	COIDA – Valid letter of good standing or proof of application issued by the Compensation Fund (COID) or a licenced mutual company		✓
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 or proposal - (must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements)		✓
4	Baseline Risk Assessment (BRA) of activities based on the scope or proposal - Identification, assessment and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA.		✓
5	Medical Fitness Certificate or Surveillance plan		✓
6	Signed Costing for Health and Safety management - Has the tenderer submitted detailed costing for OHS (the cost should be broken down not provided as a lump sum).		✓

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7.	SHE Legal required appointments and competencies/qualifications - Consider scope of work, risks and OHS plan. The following will be required as a minimum: <ul style="list-style-type: none"> <li>○ Chief/Senior or Safety officer</li> <li>○ Safety health and Environmental (SHE) representatives</li> <li>○ First aider</li> </ul>		✓
Annexure Q	Acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer		✓
<b>HEALTH AND SAFETY DOCUMENTS FOR NON-OPERATIONAL (GREEN FIELD) MINE OR SUPPLIER)</b>			
1.	Valid letter of Good Standing		✓
2.	Company's SHE policy		✓
3.	Health and Safety Plan based on the scope/proposal		✓
4.	Baseline Risk Assessment of activities based on the scope/proposal		✓
Annexure Q	Acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer		✓
For non-operational mine or supplier the appointments and supporting competency certificates will be required as soon as they start with the operations.			
<b>ENVIRONMENTAL REQUIREMENTS</b>			
Annexure R	Environmental Requirements Criteria and Supporting documents as per attached Annexure R		✓
<b>N.B.</b> Site visits will be conducted for shortlisted suppliers only.			
<b>QUALITY ASSURANCE REQUIREMENTS</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)		✓

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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 ( <b>Contract Quality Plan:</b> (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		✓

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## **ANNEXURE A**

### **ACKNOWLEDGEMENT FORM**

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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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

Correct as stated in the 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]:**

1. We agree to provide the cataloguing information as described in the *tender submission*. ☐
2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [***insert previous invitation/RFQ number***] ☐  
\_\_\_\_\_
3. We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder: ☐  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. I confirm that I am a Distributor/Importer/Agent and my Principal, being the Original Equipment Manufacturer (OEM) is or is not in the position to supply cataloguing information for items. See attached letter from OEM confirming his position. ☐

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Request for Proposal No: \_\_\_\_\_

Name of company/JV: \_\_\_\_\_

Country of registration: \_\_\_\_\_

Name of contact person: \_\_\_\_\_

Contact details of contact person:


Telephone (landline): \_\_\_\_\_

Cell phone: \_\_\_\_\_

e-mail address: \_\_\_\_\_

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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


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

Please complete the following:

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

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

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1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. \_\_\_\_\_
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury \_\_\_\_\_
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person from Eskom's Vendor Management department, who can assist you further with the registration on CSD].***
6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status \_\_\_\_\_
7. If you are required to be tax compliant as per SBD 1, but are not registered on CSD ( foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

YES		NO	
-----	--	----	--

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

- 8.1 Confirm if you intend sub-contracting

YES		NO	
-----	--	----	--


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

YES		NO	
-----	--	----	--

- 8.5 If yes to 8.4, please provide CSD number. \_\_\_\_\_
- 8.4 Please confirm B-BBEE level of said sub-contractor \_\_\_\_\_

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- 8.5 Which designated group does the sub-contractor belong to:-
  - a. Black people
  - b. Black people who are youth
  - c. Black people who are women
  - d. Black people with disabilities
  - e. Black people living in rural or underdeveloped areas or townships
  - f. Cooperatives which are 51% owned by Black people
  - g. Black people who are military veterans

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

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

YES		NO	
-----	--	----	--

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

YES		NO	
-----	--	----	--

#### A. Single tenderers

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


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

Designation: \_\_\_\_\_

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

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## B. Joint Ventures


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

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

*(Form to be completed and signed by supplier/tenderer as RFP returnable or as part of contract modification documentation)*

#### **1. DECLARATION OF INTEREST**

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


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

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

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

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment and attach proof to this declaration.  
\_\_\_\_\_
2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration. \_\_\_\_\_

## 2. DECLARATION OF FAIR TENDERING PRACTICES


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

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

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

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

Item	Question	Yes	No
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><i>[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].</i></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	Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) 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?		
1.3.1	Provide details.		
1.4	Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	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?		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

### **Joint Ventures**

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

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

Signature:	
Designation and capacity in which signing:	
Date:	

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

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## ANNEXURE D

SBD 1


## PART A

## INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE</b> (NAME OF DEPARTMENT/ PUBLIC ENTITY)					
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			
	<input type="checkbox"/>	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]
SIGNATURE OF BIDDER	.....	DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			


## PART B

### TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED-(NOT TO BE RE-TYPED) OR ONLINE
1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILEING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

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2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

### 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? ☐ YES ☐ NO

3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? ☐ YES ☐ NO

3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? ☐ YES ☐ NO


3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? ☐ YES ☐ NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

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

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## Annexure E

### SBD 6.1

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

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

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

### 1. GENERAL CONDITIONS

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

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

1.2

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

1.3 Points for this bid shall be awarded for:

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

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


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

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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- 1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

## 2. DEFINITIONS

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

## 3. POINTS AWARDED FOR PRICE

### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20**


**or**

**90/10**

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

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Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

Pmin = Price of lowest acceptable bid

#### 4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
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

#### 5. BID DECLARATION


- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:-

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

- 6.1 B-BBEE Status Level of Contributor: = .....(maximum of 10 or 20 points)  
(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

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## 7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(**Tick applicable box**)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

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

iv) Whether the sub-contractor is an EME or QSE

(**Tick applicable box**)


YES		NO	
-----	--	----	--

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

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

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## 8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:

.....

8.2 VAT registration number:

.....

8.3 Company registration number:

.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

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

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]


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

.....

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

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

<p>WITNESSES</p> <p>1. ....</p> <p>2. ....</p>	<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p> <p>ADDRESS .....</p> <p>.....</p> <p>.....</p>
--	--

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### **Annexure F**

See attached Tax Evaluation questionnaire labelled Annexure F.

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## **Annexure G**

### **REVERSE E-AUCTION PROCESS**

#### **WHAT IS REVERSE e-AUCTION**

Reverse e-Auction, means an electronic evaluation of Price and Preference point as outlined in the PPPFA (The Regulation) and aims to achieve the most competitive and market related prices for clearly specified items.

Reverse E-Auction is not a negotiation tool and where market related price is not achieved at close of reverse e-auction, Eskom reserves the right to negotiate market related prices with the highest ranked supplier or cancel the tender, if the tenderer scoring the highest point does not agree to market related prices, Eskom may negotiate market related prices with the 2<sup>nd</sup> ranked tenderer or cancel the tender, if the tenderer scoring the second highest points does not agree to a market-related price, Eskom may negotiate a market related price with the tenderer scoring third highest points or cancel the tender, if market related price is still not achieved after negotiating with 3 tenderers, Eskom must cancel the tender.

Notwithstanding the above, Eskom reserves the right to award an order/contract to a supplier who may not be the highest scoring or highest ranked supplier, only in accordance with Section (2)(1)(f) of the PPPFA


Each tender that obtained minimum qualifying score for functionality, will be eligible to be evaluated further in terms of Price and Preference point system (80/20) or (90/10) as prescribed by PPPFA, using reverse e-auction and will receive login details from Eskom in order to participate.

Where applicable Eskom arranges clarification meeting in order to provide reverse e-auction training/awareness to all those in attendance. Tenderers will also be provided with a reverse e-auction training link in order to self-train.

A fully completed reverse e-auction training acknowledgment form (Annexure I \_\_\_\_\_) it's a mandatory returnable before reverse e-auction login details/invitation could be provided to the Tenderer. Failure to submit Training acknowledgement form within the prescribe period will render the Tenderer non-responsive and will be disqualified from participating on the reverse e-auction.

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### **Annexure H**

See attached Reverse e-Auction User Guide for Prospective Tenderers labelled Annexure H.

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## Annexure I

### ACKNOWLEDGEMENT FORM – REVERSE E-AUCTIONING TRAINING

Enquiry no: [.....]

Business name/JV: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Tel (landline): \_\_\_\_\_

Cellphone: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Acknowledgment: [Select and complete in full applicable paragraph below]

I \_\_\_\_\_ (Tenderer's Name) acknowledge that I have attended Reverse E-auction training presented during the clarification meeting held on \_\_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_\_. I am satisfied with training provided and I can confirm that I will be able to operate the Reverse e-auction system should I be eligible for Price and Preference point system evaluation.

### OR

I \_\_\_\_\_ (Tenderer's Name) acknowledge that I have undergone self-training of the uploaded Reverse e-auction video and did not have to attend clarification meeting for me to understand. I am satisfied with my self-training and confirm that I will be able to operate the Reverse e-auction system should I be eligible for Price and Preference point system evaluation.

***This document is a Mandatory returnable prior to reverse e-auction participation. Failure to FULLY complete the form and submit it to Eskom within prescribe period will render the Tenderer non-responsive and will be disqualified from the Procurement Process.***

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

Designation: \_\_\_\_\_

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

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### **Annexure J:** Proposed Coal Quality Specification


Please provide the coal quality specification that you wish to propose to Eskom for potential supply using the table provided below.

<b>RESPONDENT NAME:</b>
Source:
Product Description (e.g. ROM, Middlings, Dump Re-wash, etc.):
Please indicate if there is slurry in the Coal, if yes state percentage (%):
Beneficiation Method:

Quality Parameters	Unit	Proposed Quality Specification	Measurement basis
Calorific Value	MJ/kg		Air Dried
Total Moisture Content	%		As Received
Inherent Moisture Content	%		Air Dried
Ash Content	%		Air Dried
Abrasiveness Index (Eskom Mining House Method)	mgFe/4kg		As Received
Hard-grove Grindability Index	unit		As Received
Sulphur Content	%		Air Dried
Volatile Matter Content	%		Air Dried
Ash Fusion Temperature (Initial deformation)	°C		As Received
Particle Size Distribution			As Received
+ 60mm	%		
+ 50mm	%		
+ 45mm	%		
-3.0mm (cumulative)	%		
0 - 1mm (cumulative)	%		

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## Annexure K

### Competent Person's Report (CPR) or Technical Report Guideline


		Score %	
No.	Information contained in Competent Person's Report and or Technical Report	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 (eg. 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>

**75% and above scores 5% under KPA1 – Returnables**

**Less than 75% scores 2.5% under KPA1 – Returnables**

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## Annexure L: Coal Reserve and Resource Statement Template

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																									
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.																													

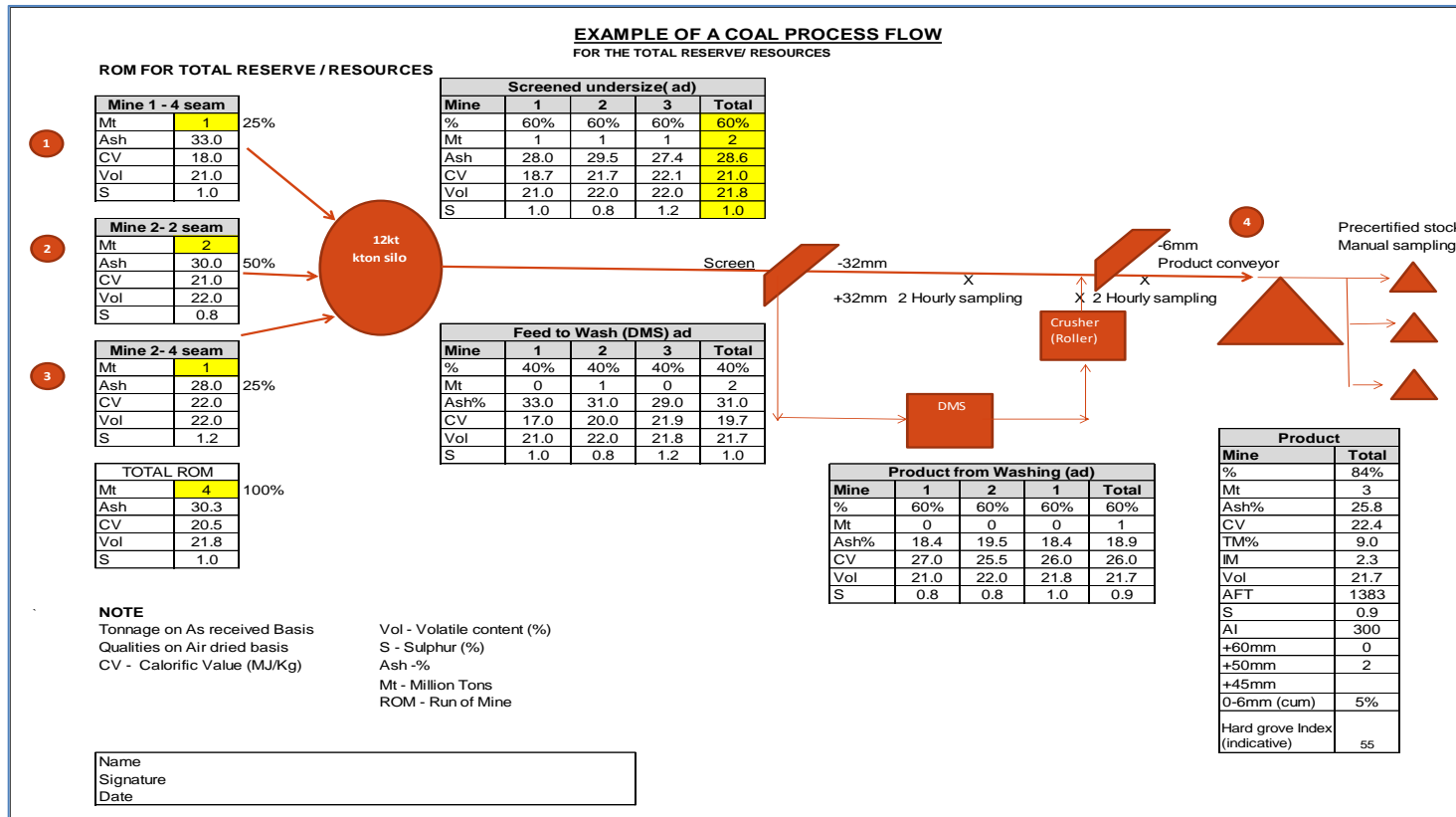
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### Annexure M: Coal Process Flow Example

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



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## **Annexure N: Guideline for Geological Information**

Information required the Geological Model (MINEX)

- 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) (*dxg 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 (*dxg, dwg*).
- Any geological structures such as dykes, faults burnt cola if known or mapped (also in the same coordinates system as others) (*dxg or dwg*)
- Mined out masks or polygons (same coordinates system as others) (*dxg 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				
		IM	TM	CV	
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				
		IM	TM	CV	
Qualities AD basis					
Qualities AR basis					

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## Annexure P

### 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: <ul style="list-style-type: none"> <li>(i) Black people</li> <li>(ii) Black people who are youth</li> <li>(iii) Black people who are women</li> <li>(iv) Black people with disabilities</li> </ul>		
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 Q


### 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</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>
<p><b>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.</b></p> <p>Signed at ..... on ..... day of ..... 20.....</p>

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Company/Supplier Name: -----

-----

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

-----

Signature

-----


Date

Witness 1 .....

Witness 2 .....

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## **Annexure R**

### **Environmental requirement for the Coal Suppliers Panel**

The tenderer is to complete and return this form as part of contracting requirements, together with the specified documents.

Please complete the applicable table, i.e. Table A or/and B. Please provide the specified documents as part of contracting requirements.

The tenderer acknowledges and accepts the following requirements:

- submission of specified documents, and
- completing the table below,


by signing and returning this annexure, together with required documents, as part of contracting requirements.

### **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.	
4. The supplier is required to ensure authorisations submitted remain valid for contract period.	

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**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).	
4. The supplier is required to ensure authorisations submitted remain valid for contract period.	

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


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

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

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

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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**

#### **Eskom's Standard Conditions of Tender**

See attached Eskom's Standard Conditions of Tender labelled as Annexure T.

### **Annexure U**

#### **Eskom Life Saving Rules**

See attached Eskom Life Saving Rules labelled as Annexure U.

### **Annexure V**

#### **V1: Fixed Price Coal Supply Agreement Template (with Annexes)**

#### **V2: Standard Terms and Conditions of Coal Supply**

See attached documents labelled as Annexures V1 and V2.

## **Controlled Disclosure**

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