

	<b>Investment Recovery Offer to Purchase Template</b>	Template Identifier	240-75978567	Rev	2
		Effective Date	01 June 2021		
		Review Date	June 2024		

**PURCHASE, COLLECTION AND REMOVAL OF USED +/- 115 000 LITRES OF TRANSFORMER OIL AT ROTTEK INDUSTRIES, ROSHERVILLE, JOHANNESBURG.**

**ENQUIRY NUMBER:** MWFS23-IR01

**CLOSING DATE:** 10H00 AM ON 20 MAY 2022

Date:  
28 April 2022

Ref:  
MWFS23-IR01

Enquiry:  
Maxi Wesi  
+27 051 404 2310  
[wesim@eskom.co.za](mailto:wesim@eskom.co.za)

**INVESTMENT RECOVERY SECTION**

**PURCHASE, COLLECTION AND REMOVAL OF USED +/- 115 000 LITRES OF TRANSFORMER OIL AT ROTTEK INDUSTRIES, ROSHERVILLE, JOHANNESBURG.**

Eskom is the owner of the +/- 115 000 Litres of used Transformer Oil located at Rotek Industries, Rosherville, Johannesburg.

You are kindly invited to submit an offer for the purchase, collect and remove used +/- 113 000 Litres of Transformer Oil located at Rotek Industries, Rosherville Johannesburg on Behalf of Transmission on required basis as detailed in the Scope of Work and attached OFFER TO PURCHASE.

**1. INSPECTION AND VIEWING**

No site inspection and viewing of the work required at site. Please contact Tsenoli Tiheli on Tel: 011 629 4121 or email [tihelit@eskom.co.za](mailto:tihelit@eskom.co.za) for any other information

**2. SUBMISSION OF THE “OFFER TO PURCHASE”**

**Your tender must be submitted in the format of the “OFFER TO PURCHASE” (last page of this document) which is also the only page that needs to be completed and returned as your tender document together with the tender returnable as described further to this document.**

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**Tenders must be submitted as follows –**

**CONFIDENTIAL: TENDER**

**ENQUIRY REF: MWFS23/IR01**




**TENDER CLOSING TIME AND DATE: 10H00 AM ON 20 MAY 2022**

**EITHER TO E-MAIL: TswelopeleTender@eskom.co.za**

**ALL OFFERS TO PURCHASE ARE TREATED AS CONFIDENTIAL!  
NO LATE OFFERS WILL BE ACCEPTED!**

### **3. STANDARD CONDITIONS OF TENDER**

- Please quote the tender enquiry number on all correspondence.
- Please take note of the STANDARD CONDITIONS OF TENDER, (July 2018) noted in this letter and any amendments that accompany the TENDER ENQUIRY **MWFS23-IR01**. The tenderer should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.

<b>STANDARD CONDITIONS OF TENDER</b>	<b>AGREEMENT 37.2</b>	<b>TST 41-61</b>
 Standard Conditions of Tender.doc	 Section 37 2 Agreement 2010 Esk	 TST 41-61 Standard.doc

### **4. TENDER RETURNABLES**

The tenderer must submit the returnable set out hereunder as part of its tender. (Mandatory returnables are indicated by a tick (✓), and if they are not included by tender deadline, the tenders will be disqualified from further evaluation).

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## LIST OF TENDER RETURNABLES:

### 4.1. Tender returnable documents.

Commercial Requirements	Mandatory for evaluation	Contract award	Points allocation
Offer to purchase form (price schedule attached and comments to price schedule)	✓		
Valid original Tax Clearance Certificate	✓		
Declaration of fair bidding/ tendering (Annexure B attached)	✓		
Declaration of interest (Annexure A attached)	✓		
Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency	✓		
CSD registration doc	✓		
Second-hand goods act certificate from SAPS/License for (for scrap dealers and recyclers)	✓		
CIPRO Registration Documents	✓		
Shareholding information			
Letter of good standing with COID or insurance body.			
<b>Technical Requirements</b> <ul style="list-style-type: none"> <li>Technical inventory list</li> <li>Method statement based on scope of work</li> </ul>			
<b>Safety Requirements</b> <ul style="list-style-type: none"> <li>Health and Safety plan</li> <li>Environmental requirements form (Annexure F attached)</li> <li>Acknowledgement form completed</li> </ul>			

## 5. EVALUATION PROCESS AND CRITERIA

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## 5.1. BASIC COMPLIANCE

### ANNEXURE A

#### 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;

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

Full Name & Capacity/ Position within tenderer (e.g. employee/ Director/member/ owner/shareholder)	ID 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

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

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

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## **ANNEXURE B**

### **DECLARATION OF FAIR TENDERING PRACTICES**

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

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

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

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

Item	Question	Yes/No	
		Yes	No
1.1	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, or 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) The Database of Restricted Suppliers and 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> ).		
1.2	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?		
1.2.1	Provide details.		
1.3	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		

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

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

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

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## **ANNEXURE F**

### **ENVIROMENTAL REQUIREMENTS FORM**

**SHOULD YOUR COMPANY NOT MEET THESE ENVIRONMENAL LEGAL REQUIREMENTS, YOU WILL NOT BE AUTHORIZED TO REMOVE ANY TRANSFORMER OIL, FROM SITE.**

If a transport company is going to be used only, to fetch and transport the used oil:

- ☐ Valid Waste Transport Permit,
- ☐ Fire Safety Vehicle Permit,
- ☐ Tremcards and documents available for and on vehicle for transportation of Hazardous/Dangerous materials.

If another company will be used to process the used oil:

- ☐ The recycler needs to send us a recycling certificate for the oil that was processed,
- ☐ As well as proof that they are a licensed recycling company (Registered / licenced with the Department of Environmental Affairs).

If the used oil will be disposed of:

- ☐ If the old oil is to be disposed, disposal certificates/ waste manifests from the permitted hazardous waste landfill (e.g. Holfontein) / processing plan needs to be sent to us,
- ☐ as well as the Waste Disposal Control Register needs to be completed and sent to us with the above documents.

Proof of training certificates and competency of contractor staff for the work they will do (e.g. oil spill / hazardous chemical substance training)

**THE CONTRACTOR** shall submit evidence to the satisfaction of Eskom that:

1. Its business processes and practices are registered and accredited with relevant environmental authorities and regulators applicable to the work to be undertaken in terms of the **AGREEMENT**.
2. Such business processes and practices as referred to in (1) above shall include interlia and without limitation;
  - Water usage
  - Effluent disposal
  - Emission to the air
  - Waste management and disposal
  -

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In addition to the above, **THE CONTRACTOR** shall:

- A. Submit evidence to the satisfaction of Eskom of its environmental policy together with strategies for the implementation and management thereof.
- B. Submit to **Eskom** copies of the most recent environmental audit report

The contractor must ensure:

- A procedure used to manage /dispose-of ferrous metal is submitted to Eskom prior the collection of waste.
- Items collected are recorded and report submitted to Eskom before payments.

**The requirements of the following Acts are to be adhered during the period of this contract.**

- The National Road Traffic Act (Act 93 of 1996)
- The Hazardous Substance Act (Act 15 of 1973)
- The Occupational, Health and Safety Act (Act 85 Of 1993)
- The Environment Conservation Act (Act 73 of 1989)
- The National Environmental Management Act (Act 107 of 1998)
- The National Water Act (Act 36 of 1998)

**For and on behalf of the company:** .....

**Name of signatory/signatories:** .....

**Official capacity/capacities:** .....

**Date:** ..... **Enquiry No: MWFS23-IR01**

## **ANNEXURE H**

### **HEALTH AND SAFETY REQUIREMENTS**

The tenderer shall develop and submit a health and safety plan to the satisfaction of Eskom. The health and safety plan shall contain a list of all activities that will be undertaken on Eskom sites in relation to the scope of work to be performed.

The tenderer shall comply with the Eskom Safety rules and legislation requirements relevant to the scope of work. For detailed requirement see attached detailed spec.

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## 5.2. TECHNICAL EVALUATION

Technical evaluation is going to be two phase, evaluation of paper work and site visit inspection. It will be an inherent requirement for each tenderer to demonstrate their technical capability to perform the requirement of the contract.

<b>Technical evaluation criteria (100%)</b>	<b>Weight</b>
<b>Approach and Methodology</b> <ul style="list-style-type: none"> <li>Does the contractor have necessary technical and mechanical ability, and have the acumen to manage and process the project quantities for the project?</li> <li>Does the contractor have experience of the industry and display an ethical track record in line with the Second Hand Good Act?</li> <li>Is there confidence that the contractor will be able to perform in this contract effectively, efficiently and economically?</li> </ul>	<b>100%</b>
<b>Total</b>	<b>100%</b>

The following criteria and their individual weight in % will be used for the evaluation of technical proposal.

Questions – Evaluation of a Scrap Dealer

**(RATE COMPANIES 1-5, 1 – POOR, 2 – FAIR, 3 – AVERAGE, 4 – GOOD AND 5 – EXCELLENT)**

**Scrap Dealer's Name:** \_\_\_\_\_

**Location:** \_\_\_\_\_

	1	2	3	4	5
Company Documentation					
Vat / Tax Certificate					
Registration at any relevant industry					
Second Hand Act Registration for scrap or recycling.					
Safety Policy					

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Environmental Policy					
Safety File					
Coida					
Site/ Yard Cleanliness					
Oil spills Kit					
Suitable Fire Fighting Equipment					
Hazardous & Non-Hazardous separated					
PPE					
Security					
Storage facilities					
Dismantling & Demolition					
Machinery/plant					
Type of trucks					
Do they process or agent only					
Do they buy off the street					
Total					100%

Comments: \_\_\_\_\_

\_\_\_\_\_

### 5.3. FINACIAL EVALUATION

The following criteria and their individual weight in % will be used for the evaluation of price.

Price evaluation criteria (100%)	Weights
Price Schedule	80%
SD & L	20%
Total	100%

#### NOTE:

Eskom's commercial process will be followed and this process is dependent on the decisions made by the different Eskom Adjudicating authorities

### 6. SCOPE OF WORK

- The offered price includes for the Purchaser to fully comply with the OHSA and relevant Safety Health and Environmental legislation, standards and requirements

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- The transformer Oil is offered for sale and will be sold as is without Guarantees or Warranties
- **Proper care must be implemented and executed to prevent fire at all times. In the event of a fire, Eskom reserves the right to request for a proper investigation by means of a suitably qualified independent investigation entity to be appointed by Eskom on behalf of and for the account of the Purchaser which investigation entity will have the power to prosecute if necessary.**

## NOTES

- Eskom will not be responsible for any damages or losses suffered during the removal of the oil incurred while working on this project arising from theft, damage or personal injury.
- You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.
- Littering is prohibited at all times. Facilities will have to be made available on site during operations for the collection of disposal waste material. No rubble whatsoever is to be left on site.
- Additional precautions must be taken when using equipment. Portable fire fighting equipment must be available on site during all stages of the work programme.
- The oil that is sold shall become the property of successful contractor and he will be responsible for the oil spillage.
- You will be required to be put on an Eskom permit, prior to commencement of and work. After completion of the work, it is imperative that you notify the Eskom site agent, so that the job can be signed off.
- All work must comply with the OHSA Act no 85 of 1993. All Safety requirements and documentation shall be available on the site
- Any oil spills caused during the work programme will need to be rehabilitated by the successful contractor.
- This is an informal tender and all contractors that qualify may tender.
- A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract
- A bidder who has an open non-conformance will be disqualified and not awarded a new contract.
- No accommodation will be allowed on site.

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## 8. Environmental requirements

The intended activities at the Eskom Sites will have an impact on the environment and as such have to be properly management. Proper management requires that there is compliance with all the relevant pieces of legislation that impact on the development or intended activities. Therefore, the list below indicates the pieces of legislation that impact on the proposed activities. It is important that the Construction Team complies with these. Non-compliance will be unwise and may prove to be very costly for the organisation.

ACT NAME	ACT NO	NOTES/REMARKS
Constitution of the Republic of South Africa	108 of 1996	<i>States that everybody has a right to the environment that is not harmful to their health and well-being</i>
National Environmental Management Act	107 of 1998, as amended	List of activities and competent authorities identified in terms of sections 24 and 24d  Protects the rights of all citizens to a healthy and safe environment
Atmospheric Pollution Prevention Act	45 of 1965	Control all activities that pollute the air <i>Dust control during construction –Applicable during the clearing of yard-stones</i> <i>Fumes emitted by vehicles – front end loader for diesel emissions</i>
Conservation of Agricultural Resources Act	43 of 1983	Control of utilisation and protection of wetlands; soil conservation; control and prevention of veld fires; control of weeds and invader plants. <i>NB: applicable for use of weed killers</i>
Environment Conservation Act	73 of 1989	Controls for the effective protection and utilisation of the environment, littering, waste disposal, noise and various other activities, which may have a detrimental effect on the environment. <i>Waste management</i> <i>Application of waste disposal permit</i> <i>Noise control regulations</i>
Fencing Act	31 of 1963	Prohibition of damage to a property owner's gates and fences <i>Climbing or crawling over or through fences without permission</i> <i>Closing gates</i>
Hazardous Substance Act	15 of 1973	Sale of Group I,II,III and letting, use, operation, application and installation of Group III hazardous substances. <i>NB: no hazardous substances will be used during this phase of construction</i>

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ACT NAME	ACT NO	NOTES/REMARKS
Occupational Health and Safety Act	85 of 1993	Control of health aspects of Waste disposal and water Treatment. <i>Regulates nuisances and/or odours particularly due to rubbish, night soil, sewage, or other waste</i> <i>Regulations relating to nuisances</i> <i>NB: applicable to the rented toilet facilities</i>
National Water Act	36 of 1998	Protect and regulates the use of water Manage aspects relating to pollution of surface and ground water. <i>NB: this includes all rain water channels.</i>

## 9. GUARANTEE / WARRANTY

Eskom Holdings SOC Limited gives no guarantee or warranty to the workability or condition of the equipment for sale, other than allow each tenderer to familiar themselves at the site prior to tendering in terms of the Consumer Protection Act. All equipment will be sold "Voetstoots".

## 10. OFFERS

Offers received for this tender will be deemed valid for a period of 1 month (30 days) from tender closing date.

**Eskom reserves the right not to accept the lowest or any tender / offer or withdraw any item it wishes to retain.**

**Only the successful tenderer will be notified.**

## 11. VALUE ADDED TAX (VAT)

Value Added Tax Act no 89 Of 1991 and VAT invoices will be issued on request.

### DECLARATION (BY TENDERERS) OF GOOD STANDING REGARDING TAX IT IS A CONDITION OF TENDERERS THAT:

- 11.1** It is an absolute requirement that the taxes of the successful tenderer must be in order, or that suitable arrangement is made with the Receiver of Revenue to satisfy them.
- 11.2** The tenderer must include with his tender documents a copy of a Tax Clearance Certificate (in respect of Tenders)
- 11.3** If the certificate is not included or found to be incorrect, Eskom may, in addition to any other remedy it may have:

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**11.4** Recover from the contractor all costs, losses or damage incurred or sustained by Eskom as a result of the award of the disposal agreement: and/or

**11.5** Cancel the disposal agreement and claim any damages, which Eskom may suffer by having to make less favourable arrangements after such cancellation.

**11.6** Each party to Consortium/Sub-contractor must complete a separate declaration. The onus will be on the tenderer to obtain "Tax Clearance Certificate (in respect of tenders)", from the office of the South African Revenue Services (SARS) and submit the same with their tenders.

## 12. VARIATION

No variation or modification of the proposed agreement shall be in force, unless the same is confirmed in writing.

Yours Faithfully

**Maxi Wesi**

Investment Recovery

Procurement & Supply Chain Management

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**ENQUIRY NO:** MWFS23-IR01  
**CLOSING DATE:** 10H00 AM ON 20 MAY 2022  
**CONTACT PERSON:** Maxi Wesi  
**Email:** [wesim@eskom.co.za](mailto:wesim@eskom.co.za)

Commercially required Returnable Documentation:

Your tender must be submitted strictly in accordance with the requirements stipulated in this section and 10.2, forms and/or documents on the basis that tenders out of time or incomplete tenders will not qualify for consideration and the under mentioned documents and required declarations are to accompany the "Offer to Purchase" to qualify for evaluation purposes.

**NB! A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract. A bidder who has an open non-conformance will be disqualified and not awarded a new contract**

Item	Description	Offered Price Per Litre (Excl. VAT) (Fixed, South Africa Rand)	15% VAT	Offered Price Per Litre Incl. VAT (Fixed, South Africa Rand)
1	Offer to purchase and remove used transformer oil <b>AS A LOT</b> at Rotek Industries, Rosherville • +/- 115 000 Litres			

**This tender proof the tenderer is fully aware of the condition of the tender and the price they have offered on the tender proofs their full intention and will to purchase the scrap ferrous metal "VOETSTOOTS" as is for their price as offered.**

**Please provide full and proper details according to the requirements below. Incomplete or unclear Tender Documentation can be rejected.**

**OFFER SUBMITTED BY:**

**NAME:** ..... **SIGNATURE:** .....

**Date:** ..... **CELL:** ..... **E- mail:** .....

**Who are legally authorized to provide this tender on behalf of:**

**BUSINESS NAME:** ..... **TEL.:** .....

**CSD NUMBER:** .....

### Public

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